

## Changes to the Right to Free Legal Advice at Police Stations

The right to see a solicitor for free when in police custody has changed. The changes were effective nationwide from 21<sup>st</sup> April 2008 .

### **Non-imprisonable offence and no interview - no right to free legal advice from your own solicitor**

If the police are not going to interview you, and you have been arrested for a non-imprisonable offence (eg obstruction of the highway, disorderly conduct or minor road traffic offences) or for breach of bail then you will not get to see or to speak on the phone to a solicitor of your choice (unless you agree to pay for the advice). Instead, you will be able to speak on the phone to a "legal adviser". This legal advisor is provided by the state through a scheme called Criminal Defence Services Direct - CDS Direct (think NHS direct). Whilst these advisers may know about the law they may not necessarily be sympathetic or understand the needs of activists in the way that your own solicitor would. After your release from custody, you will still be able to instruct your own solicitor if your case goes to court, though you may not be eligible for legal aid for a minor offence.

### **Imprisonable offence or interview for minor offence**

For more serious offences, and where an interview will take place for the minor offences mentioned above, then you will be entitled to talk on the phone or to see a solicitor of your choice, provided they can be contacted within two hours, if not you will be allocated a duty solicitor. The police will ask "Do you want legal advice?" If you say yes, they will ask "Do you want a particular solicitor?" If you can't name a solicitor or a solicitor's firm then you will be offered a duty solicitor. The police won't contact your solicitor directly but will pass your request for legal advice to the Defence Solicitor Call Centre who will then attempt to contact your solicitor (or the duty solicitor if you have opted for them). The call centre will probably only try to reach your chosen solicitor once. If your solicitor hasn't responded to a message within two hours, then you will be offered a duty solicitor instead.

### **What do the changes mean for legal support on actions?**

- When preparing for an action you will need to put the name of a particular solicitor and/or the solicitor's firm, rather than just the firm's telephone number on any bust cards that you produce. This is because the call centre has lists of solicitors and solicitors firms, and if arrestees can't provide the name, then they may be assigned a duty solicitor instead.
- Also ask people to write the firm's name as well the number on their arm/leg before they go out on the action.
- It's still worth putting the solicitor's telephone number on the bust card because people can then call them directly to get legal advice about their case after they get out of the police station.

For more briefings on legal issues relevant to grassroots activists and to find out about our workshops see our website: **[www.activistslegalproject.org.uk](http://www.activistslegalproject.org.uk)**

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