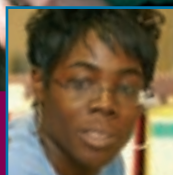


# *Criminal Defence Services at the Police Station and in Court*



legal services

COMMISSION

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## About this leaflet

This leaflet explains what rights you have to legal advice, assistance and representation if you are taken to a police station for questioning or charged with a criminal offence and required to appear in court.

## Introduction

The Legal Services Commission (LSC) provides publicly funded legal help to people facing criminal charges through the Criminal Defence Service (CDS). The CDS ensures that if you are involved in criminal proceedings you can have access to the legal advice, assistance and representation that you need in the interests of justice.

## Legal advice at the police station

### Can I get legal advice at the police station?

Yes. Everyone can get advice and assistance if they are questioned by the police, whether they have been arrested or not. Even if you tell the police you do not want to see a solicitor, you can change your mind at any time.

There are several ways that you can get this advice:

- Ask the police to contact the duty solicitor. The duty solicitor is available 24 hours a day. He or she is independent and not employed by the police.
- Ask the police for a list of local solicitors.
- Ask the police to contact your own solicitor or one you have heard of.

### Will it be free?

Yes. Everyone, whatever their income or savings, is entitled to free legal advice at the police station from a solicitor whose office has a contract with the LSC, or from a Public Defender Service office (see page 02). There is no means test for this advice. The solicitor may send a representative to see you.

### Can I be questioned without legal advice?

Once you have asked for legal advice, the police normally must not question you. You need not answer their questions until you have spoken to a solicitor.

### Can the police make me wait for legal advice?

If you ask for legal advice, the police must allow you to consult a solicitor before interviewing you. This right can only be removed by a senior police officer in exceptional circumstances.

### Will the police give me information about my rights?

The police will give you an information sheet telling you about your rights. Make sure that you read and understand it. The police also have a booklet called the 'Code of Practice', which contains more information about your rights. You can ask to see it at any time.

## Legal advice before you go to court

If you are summoned or charged by the police but not held in custody, you should see a solicitor as soon as possible. A solicitor will be able to take over and if necessary represent you in court.

If you qualify, you may be able to get this advice free under a scheme paid for by the LSC. Your solicitor will be able to advise you whether you qualify, but only a solicitors' office that has a contract with the LSC or a Public Defender Service office will be able to provide publicly funded criminal defence services. Lawyers in the Public Defender Service (PDS) are directly employed by the LSC. There are PDS offices in certain towns and cities throughout England and Wales. The PDS can provide any of the services outlined in this leaflet. Their independence is guaranteed and they have to meet the same quality standards as any contracted solicitors' office.

### How do I find a contracted solicitors' or PDS office?

A contracted solicitors' office is one that has been specially approved and has a contract with the LSC to provide publicly funded criminal defence services.

Contracted offices have been checked thoroughly to see that they meet certain standards and provide a quality service. The CDS logo shown here is a mark of quality and will be displayed in the window of contracted solicitors' offices.



Community Legal Advice provides details of contracted firms and PDS offices in your area. Call **0845 345 4 345** or log on to **www.communitylegaladvice.org.uk**.

When you find a solicitor, make sure that what you tell them about your finances and your case is accurate. There are penalties for deliberate false statements about capital and income and you may have your public funding taken away if you give a solicitor wrong information about your case.

### Other ways of finding a solicitor

Here are some other ways of finding a solicitor:

- Ask your local Citizen's Advice Bureau, law centre or advice centre.
- Look at the Law Society Directory of Solicitors and Barristers. This lists solicitors firms and tells you the kind of work they do. You can find copies of the directory in libraries, town halls and most advice centres.
- Go to a solicitor's office to find out if they offer the service you require.
- Ask a friend, relative or trade union official.

## Representation

If you have been charged with a criminal offence, you can apply to the court for representation. Whether or not the court will grant you representation depends on the outcome of the Interests of Justice (IoJ) test and means test.

The IoJ test means that the court may decide that you need representation, for example, to help you understand the proceedings, or because the charge is so serious that you face going to prison or losing your job if found guilty.

The means test is where the court will look at the details of your finances, for example your income and outgoings.

If your application passes both the IoJ test and the means test, you will qualify for free legal representation by a solicitor contracted with the LSC.

The court will let you and your solicitor know whether your application has been successful.

### What will my solicitor need to know when I apply?

Your solicitor will need to know details of the type of case you are involved in, and details of your income and outgoings, to tell you if you qualify for representation. On your first visit to the solicitor, you should try to take with you the charge sheet or summons or any other papers given to you at the police station or sent to you by the court. You should also take proof of any benefits income you get,

such as your award notification letter or a recent wage slip for each job you have (or all of these).

### Do I have to pay a contribution?

If you qualify financially, you will not have to pay a contribution for any advice and assistance you receive. If you later receive representation in court, except in a magistrates' court, the judge may ask you to make a payment at the end of the case. So you will be asked to complete a form giving your financial details and sometimes to provide more details.

For more about financial qualification, please see our leaflet 'A Practical Guide to Criminal Defence Services'. You can get this by logging on to the LSC website ([www.legalservices.gov.uk](http://www.legalservices.gov.uk)) or contacting the leaflet line (see the back of this leaflet for details).

## At the magistrates' court

### What if I do not apply for representation before I go to court?

It is much better to apply for representation before you go to court so that your solicitor has as long as possible to prepare your case. But if you have been unable to get a solicitor beforehand, you can ask to see the duty solicitor at the court. The duty solicitor will only be able to represent you if there is a risk that you could go to prison.

**Can everyone get assistance at court?**

Yes, except in minor cases where there is no risk that you could go to prison. Almost all courts have a duty solicitor who can give free advice and provide advocacy assistance (a legal representative to speak for you).

**Where will I find the duty solicitor?**

Tell the court staff you want to see the duty solicitor. There may be one in court already or one they can contact. Make sure you ask as soon as you get to court. If you are in custody but still have no solicitor, tell the staff that you want to see the court duty solicitor before your case comes up, then the duty solicitor will be able to help you.

**Will it be free?**

Yes. Except for some minor cases, everyone is entitled to free advice from the duty solicitor the first time they have to go to court for any particular offence, whatever their income and capital.

**What sort of assistance can the duty solicitor give me?**

The duty solicitor will advise you about:

- bail;
- whether you should plead guilty or not guilty;
- getting your own solicitor and applying for a representation order;
- the type of sentence you might get;

- representing you when you first go before the magistrates;
- enforcement of fines or other court orders where there is risk of imprisonment.

**What about other kinds of legal advice?**

This leaflet explains publicly funded criminal defence services at the police station and in court. For more about other kinds of criminal defence services, ask for our leaflet 'A Practical Guide to Criminal Defence Services'.

Help with problems like divorce, debt, welfare benefits or eviction may be funded through the LSC's legal aid scheme. You can read more about these services in our leaflet 'A Step-by-Step Guide to Legal Aid'. Both leaflets are available on our website or from the LSC leaflet line (see back cover for details).

Community Legal Advice provides free information, help and advice direct to the public on a range of common legal issues. You can contact an adviser by calling 0845 345 4 345 or through the website [www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk).

**Legal Services Commission Offices****Head Office**

4 Abbey Orchard Street  
London SW1P 2BS  
Tel: 0207 783 7000

**NORTH WEST REGION****Liverpool Office**

2nd Floor, Cavern Court  
8 Mathew St  
Liverpool L2 6RE  
Tel: 0151 242 5200  
Fax: 0151 242 5394

**Manchester Office**

2nd Floor, Lee House  
90 Great Bridgewater St  
Manchester M1 5JW  
Tel: 0161 244 5000  
Fax: 0161 244 5196

**Chester Processing Centre**

2nd Floor  
Pepper House  
Pepper Row  
Chester CH1 1DW  
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Fax: 01244 404 691

**NORTH EAST REGION****Newcastle Office**

2-8 Star House  
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NE1 5RU  
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Fax: 0191 244 5998

**Leeds Office**

Harcourt House  
Chancellor Court  
21 The Calls  
Leeds LS2 7EH  
Tel: 0113 390 7300  
Fax: 0113 390 7484

**MIDLANDS REGION****Nottingham Office**

1st Floor  
Fothergill House  
16 King St  
Nottingham NG1 2AS  
Tel: 01159 084 200  
Fax: 01159 084 397

**Birmingham Office**

Centre City Podium  
5 Hill St  
Birmingham B5 4UD  
Tel: 0121 665 4700  
Fax: 0121 665 4899

**Cambridge Office**

62-68 Hills Rd  
Cambridge CB2 1LA  
Tel: 01223 417 800  
Fax: 01223 417 982

**WALES****Cardiff Office**

Marland House  
Central Sq  
Cardiff CF10 1PF  
Tel: 0845 608 7070  
Fax: 02920 647 173

Welsh language service  
line: 0845 609 9989

**SOUTH & WEST REGION****Bristol Office**

33-35 Queen Sq  
Bristol BS1 4LU  
Tel: 0117 302 3000  
Fax: 0117 302 3198

**LONDON & SOUTH EAST REGION****London Office**

12th Floor  
Legal Services Commission  
Exchange Tower  
2 Harbour Exchange Sq  
London E14 9GE  
Tel: 0845 602 1400

**Brighton Office**

3rd Floor  
Invicta House  
Trafalgar Place, Cheapside  
Brighton BN1 4FR  
Tel: 01273 878 800  
Fax: 01273 878 991

**Website address**

[www.legalservices.gov.uk](http://www.legalservices.gov.uk)

Legal Services Commission  
4 Abbey Orchard Street  
London SW1P 2BS  
www.legalservices.gov.uk  
tel: 020 7783 7000

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To order copies of LSC leaflets contact the LSC Leafletline:

LSCleaflets@ecgroup.co.uk

tel: 0845 3000 343

fax: 020 8867 3225

The Legal Services Commission produces the following leaflets:

*A Step-by-Step Guide to Legal Aid*

*A Practical Guide to Criminal Defence Services*

***Criminal Defence Services at the Police Station and in Court***

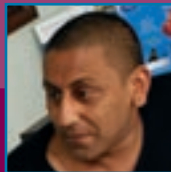
*Paying For Your Legal Aid*

*Complaints*

*Representations*

*Special Investigations Unit*

*Access to Information*



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