

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

## Changes From 14th January 2008

If you are arrested and detained by the police you will still be entitled 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 you "Do you want legal advice?" And if yes, "Do you want a named solicitor?" If you can't name a solicitor or a solicitor's firm then you will be offered a duty solicitor as now. But instead of the police contacting your solicitors directly they 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 does it mean for legal support on actions?

- When preparing for an action you will need to put the name of 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 you can't provide the name, then they may assign you a duty solicitor instead.
- Also ask people to write the firm's name and 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 as soon as they see someone being arrested.

## Changes from 1st February 2008

The right to see a solicitor for free when in police custody is about to change, From 1st February 2008 the changes are being piloted in three areas, so will initially only affect those arrested in Greater Manchester, West Yorkshire and West Midlands. The changes will be effective nationwide from 21st 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.

## 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 still be entitled to see a solicitor of your choice, provided they can be contacted within two hours, if not you will be allocated a duty solicitor.

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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