

The following rights and entitlements are guaranteed to you under the law in England and Wales and comply with the European Convention on Human Rights.

Remember your rights

- 1. Tell the police if you want a solicitor to help you while you are at the police station. It is free.**
- 2. Tell the police if you want someone to be told that you are at the police station. It is free.**
- 3. Tell the police if you want to look at their rules – they are called the Codes of Practice.**

Tell the police if you need medical help. It is free.

You will find more details about your rights and how you should be treated and cared for by the police inside



Please keep this information and read it as soon as possible. It will help you to make decisions while you are at the police station.

If you are asked questions about a suspected offence, you do not have to say anything. However, it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.

1. Getting a solicitor to help you

- A solicitor can help and advise you about the law.
- Asking to speak to a solicitor does not make it look like you have done anything wrong.
- The Police Custody Officer must ask you if you want legal advice. It is free.
- The police must let you talk to a solicitor at any time, day or night, when you are at a police station.
- If you have asked for a legal advice the police are usually not allowed to ask you questions until you have had the chance to talk to a solicitor. When the police ask you questions you can ask for a solicitor to be in the room with you.
- If you tell the police that you don't want legal advice but then change your mind, tell the police custody officer who will then help you to contact a solicitor.
- If a solicitor does not turn up or contact you at the police station, or you need to talk to a solicitor again, ask the police to contact them again.

FREE LEGAL ADVICE ABOUT SOME LESS SERIOUS MATTERS:

- This is limited to telephone advice from qualified advisors from the Criminal Defence Service (CDS) Direct unless limited exceptions apply when a solicitor should come to the police station, such as:
 - ~ the police want to ask you questions about an offence or carry out an eye witness identification procedure
 - ~ you need help from an "appropriate adult". See "People who need help".
 - ~ you are unable to communicate over the telephone, or
 - ~ you allege serious misconduct by the police.

WHEN FREE LEGAL ADVICE IS NOT LIMITED TO TELEPHONE ADVICE FROM CDS DIRECT:

- You can ask to speak to a solicitor you know and you won't have to pay if they do legal aid work. If you do not know a solicitor or the solicitor you know cannot be contacted, you can speak to the duty solicitor. It is free.
- The duty solicitor has nothing to do with the police.

TO ARRANGE FREE LEGAL ADVICE:

- The police will contact the Defence Solicitor Call Centre (DSCC). The DSCC will arrange for legal advice to be given, either from CDS Direct, from a solicitor you have asked for or from the Duty Solicitor.
- The DSCC and CDS Direct are independent services responsible for arranging free legal advice and have nothing to do with the police.

IF YOU WANT TO PAY FOR LEGAL ADVICE YOURSELF:

- When free legal advice is limited to telephone advice from CDS Direct you can still speak to a solicitor of your choice on the telephone if you want to but they would not be paid for by legal aid and may ask you to pay them. The DSCC will contact your own solicitor on your behalf.
- You are entitled to a private consultation with your chosen solicitor on the telephone or they may decide to come to see you at the police station.
- If a solicitor of your choice cannot be contacted, the police can still call the DSCC to arrange free legal advice from the Duty Solicitor.

2. Telling someone that you are at the police station

- You can ask the police to contact someone who needs to know that you are at the police station. It is free. They will contact someone for you as soon as they can.

3. Looking at the Codes of Practice

- The Codes of Practice are rules which will tell you what the police can and cannot do while you are at the police station.
- The police will let you read the Codes of Practice but you cannot read it for so long that it holds up the police finding out if you have broken the law.
- If you want to read the Codes of Practice, tell the Police Custody Officer.

Other things to know about being at a Police Station

Getting details of your time at the police station

- Everything that happens to you when you are at the police station is recorded. This is called the Custody Record.
- When you leave the police station, you, your solicitor or your appropriate adult can ask for a copy of the Custody Record. The police have to give you a copy of your Custody Record as soon as they can.
- You can ask the police for a copy of your Custody Record up to 12 months after you leave the police station.

How you should be treated and cared for

These are short notes about what you can expect while you are kept at the police station. To find out more, ask to see the Codes of Practice. They include a list of where to find more information about each of these things. Ask the police custody officer if you have any questions.

If you are unwell

Tell the police if you feel ill or need medicine. They will call a doctor or nurse or other healthcare professional and it is free. You may be allowed to take your own medicine but the police will have to check first. A nurse will usually see you first, but the police will send for a doctor if you need one. You can ask to see another doctor but you may have to pay for this.

Keeping in touch

As well as talking to a solicitor and having a person told about your arrest you will usually be allowed to make one phone call. Ask the police if you would like to make a phone call. You can also ask for a pen and paper. You may be able to have visitors but the custody officer can refuse to allow that.

Your Cell

If possible you should be kept in a cell on your own. It should be clean, warm and lit. Your bedding should be clean and in good order. You must be allowed to use a toilet and have a wash.

Clothes

If your own clothes are taken from you, then the police must provide you with an alternative form of clothing.

Food and drink

You must be offered 3 meals a day with drinks. You can also have drinks between meals.

Exercise

If possible you should be allowed outside each day for fresh air.

How long can you be detained?

You can normally be detained for up to 24 hours without being charged. This can be longer but only if a Police Superintendent or a court allows it to happen. After 36 hours only a court can allow the police more time to detain you without being charged. Every so often a senior police officer has to look into your case to see if you should still be kept here. This is called a review. Unless you are not in a fit state you have the right to have a say about this decision. Your solicitor also has a right to have a say about this decision on your behalf.

When the police question you

- The room should be clean, warm and lit.
- You should not have to stand up.
- The Police Officers should tell you their name and their rank.
- You should have a break at normal meal times and a break for a drink after about two hours.
- You should be allowed at least 8 hours rest in any 24 hours you are in custody.

People who need help

- If you are under 17, or you have learning difficulties or mental health problems then you should have someone with you when the police do certain things. This person is called your “appropriate adult”.
- Your appropriate adult must be with you when the police tell you about your rights and tell you why you are being kept at the police station. He or she must also be with you when the police read the police caution to you.
- Your appropriate adult can also ask for a solicitor on your behalf.
- You can speak to your solicitor without your appropriate adult in the room if you want to.

- The police might also need to do one of the things listed below while you are at the police station. Your appropriate adult must, unless there are special reasons, be with you for the whole time if the police do any of these things:
 - Interview you or ask you to sign a written statement or police notes.
 - Remove more than your outer clothes to search you.
 - Carry out anything about an eye-witness identification procedure.
- If your appropriate adult is available they should also be present when the police:
 - Review your case to see whether you should be detained further.
 - Charge you with an offence.
 - Take your fingerprints, photograph or a DNA or other sample.

Getting an interpreter to help you

If you do not speak or understand English the police will arrange for someone who speaks your language to help you.

If you are deaf or have difficulty speaking, the police will arrange for a British Sign Language English interpreter to help you.

When the police ask you questions the interpreter will make a record of the questions and your answers in your own language. You will be able to check this before you sign it as an accurate record.

If you make a statement to the police, the interpreter will make a copy of that statement in your own language for you to check and sign as correct.

People who are not British

If you are not British, you can tell the police that you want to contact your High Commission, Embassy or Consulate to tell them where you are and why you are in the police station. They can also visit you in private or arrange for a solicitor to see you.

Times when the normal rules are different

Getting a solicitor to help you

There are some special times when the police urgently need to ask you questions before you have talked to a solicitor. Information about these special times is given in the Codes of Practice. This is the book that sets out what the police can and cannot do while you are at the police station. If you want to look up the details, they are in paragraph 6.6 of Code C of the Codes of Practice.

There is one special time when the police will not let you speak to the solicitor that you have chosen. When this happens you must be allowed to choose another solicitor. If you want to look up the details, it is in Annex B of Code C of the Codes of Practice.

Telling someone that you are at the police station

There are some special times when the police will not allow you to contact anyone. Information about these special times is given in the Codes of Practice. If you want to look up the details, it is in Annex B of Code C of the Codes of Practice.

Breath tests

If you are under arrest because of a drink drive offence, you have the right to speak to a solicitor. That right does not mean you can refuse to give the police samples of breath, blood or urine even if you have not yet spoken to the solicitor.

Detention under the Mental Health Act 1983

The police can also detain people at a police station for assessment under the Mental Health Act. If you have been detained under the Mental Health Act this does not mean that you have been arrested for an offence.

It means that the police must arrange for you to be seen by a doctor and an Approved Mental Health Professional qualified to carry out the assessment. You must be assessed within 72 hours (3 days) of your arrival at the police station but the police will try to arrange this as soon as possible. During this time the police may transfer you to a more suitable location to enable the assessment to take place.

Whilst waiting for your assessment, the police may arrange for you to be seen by an Approved Healthcare Practitioner. They cannot make the assessment but they will help you with any other health concerns you may have and help explain what the assessment means.

Independent Custody Visitors

There are members of the community who are allowed access to police stations unannounced. They are known as independent custody visitors and work on a voluntary basis to make sure that detained people are being treated properly and have access to rights.

You do not have a right to see an independent custody visitor and cannot request that an independent custody visitor visit you. If an independent custody visitor does visit you while you are in custody they will be acting independently of the police to check that your welfare and rights have been protected. However, you do not have to speak to them if you do not wish to.

How to make a complaint

If you want to complain about the way you have been treated, ask to speak to a police officer who is an inspector or a higher rank. After being released, you can also make a complaint at any police station, to the Independent Police Complaints Commission (IPCC) or through a solicitor or your MP on your behalf.