

# POLICE STATION REPRESENTATION

## I'VE BEEN TAKEN TO THE POLICE STATION, WHAT ARE MY RIGHTS?

If the police arrest you, you have the right to the following;

- [Free legal advice](#)
- Ask the police to tell someone you have been arrested, and
- Look at the [Codes of Practice](#) which states what the police can do and how they should do it

If you are vulnerable because of your mental health you have the right to have an appropriate adult present. An appropriate adult could be a family member or friend and there are also people in police stations who work as appropriate adults.

## WHO WILL BE INVOLVED?

**Police officers** all have different ranks and each officer will wear a badge on their shoulder that gives their unique number. If the officer doesn't wear a uniform you can ask to see their warrant card for their details.

A **Custody Sergeant** is responsible for anyone in the cells at a police station. They will tell you why you have been arrested and why you are being held at the police station. They will also;

- Tell you your rights
- Decide if you are vulnerable because of your mental health
- If you need an appropriate adult

**Legal adviser** is someone who is trained to give advice at a police station, this might be a Police Station Representative, a Solicitor or a Legal Executive. If you are arrested and taken to a police station you have the right to speak to a legal adviser.

If you do not have your own legal advisor to call you can use the police station duty scheme.

You may need to see a **Health care professional (HCP)** who is a medical practitioner like a nurse or a paramedic. The police can ask an HCP to see you if you need medical care if you are injured or are suffering the effects of alcohol or drugs.

The HCP can decide if you are well enough for the police to interview you or keep you at the police station, they can also arrange a Mental Health Act assessment if they think you need one.

A golden statue of Lady Justice, blindfolded and holding a scale of justice and a sword, stands against a background of green leaves.

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## WHAT HAPPENS WHEN YOU ARRIVE AT THE POLICE STATION

The custody sergeant will meet you at reception, they will confirm your name, address and date of birth. They will also ask questions about your health and make an assessment on whether you are at risk of hurting yourself.

You will need to show them any belongings you have on your person and may need to hand over things like your mobile phone. The custody sergeant will place any items in a bag, seal it and store them in a safe place. You will have these returned to you unless they are going to be used as evidence. They may also take your fingerprints and a photo of you.

The custody sergeant should ask you if you want legal advice. Even if you say no you can change your mind and request legal advice at any time.

## CAN THEY SEARCH YOU?

The police may want to search you if they think you are hiding something. You may be asked to remove some or all of your clothing but if you co-operate a full strip search is unlikely.

If they do request a strip search there are some specific procedures that the police must follow;

- There must be at least two people with you during the search
- These people should be the same sex as you
- Your appropriate adult should be with you
- They must conduct the search with dignity and sensitivity as far as possible

## WHEN YOU CAN SEE YOUR LEGAL ADVISOR

You have the right to see your legal advisor in private and anything you discuss is confidential. Your legal advisor cannot be asked to give evidence against you. However if you tell anyone else anything, such as a HCP or your appropriate adult, they could be asked to give evidence against you.



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## WHAT HAPPENS AT A POLICE STATION INTERVIEW

The police will usually record the interview and you have the right to have your legal advisor and/or appropriate adult with you. The police will caution you again on tape and ask you to confirm you understand what this means.

The police officer will say who is in the room and ask each person to say their own name and why they are there. The police officer will ask you questions about what has happened and how you were involved and may show you evidence such as CCTV or items found at the scene of the crime.

At the end of the interview the recording is sealed and a copy may be made available to your legal advisor or they can request it later if you have to go to court.

## WHAT HAPPENS AFTER THE INTERVIEW

It is likely that you will be placed back in a police cell whilst they decide whether to charge you or not. If they do not have enough evidence they will let you go or if they need more time to get evidence they can keep you in the police station for longer.

The police should not keep you in the station for more than 24 hours without charging you but a senior officer can decide if you need to be kept for longer. A magistrates court can allow the police to hold you for up to four days for the most serious offences.

## WHAT HAPPENS AFTER YOU'VE BEEN ARRESTED

There are a few things that can happen that mean you do not need to go to court.

- No further action
- Caution or conditional caution
- Fixed penalty notice (a fine)



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## WHEN YOU MAY HAVE TO GO TO COURT

The police may feel you should be prosecuted in court and the custody sergeant will charge you with a specific crime. If you are charged you should apply for legal aid as soon as possible.

At Stephen Rimmer our criminal defence solicitors are well known throughout East Sussex as being experts in criminal defence. We are able to deal with all aspects of criminal law from minor offences to the most complex of cases.

You can contact us on 01323 644222 or if you need help in the evening or at weekends our out of hours phone number is [07724 350521](tel:07724350521).