**What to do if your client is arrested**

**A guide**

**For any person who is arrested, there are certain fundamental rules to follow:**

1. **Tell your client not to speak to the police about the incident for which they have been arrested**

**Any remarks that your client makes voluntarily after arrest can be noted by the police and may be used against them in any future proceedings. Because notes are not always accurate, and remarks can be taken out of context, the best course is not to talk about the incident at this stage.**

1. **Tell your client not to sign the police officer’s notebook**

**Police officers might ask your client during or after their arrest to read and sign the contents of their notebook. Since signing an officer’s notebook can have implications for what happens next, it is better not to do so. If your client is asked to sign a notebook they are entitled to refuse. They should do so in as few words as possible and there is no need to give a reason.**

**3. Once at the police station, apply caution when making phone calls**

**A person detained at a police station will usually have the right to make a phone call from the police station, either to contact a friend or family member to tell them where they are or to contact a solicitor. It is important to appreciate that these calls are not confidential and may be monitored or even recorded. If making a phone call from the police station it is best to keep the call short and to the point.**

**4. Ask for a solicitor**

**After arrest a person will usually be taken to the nearest police station and interviewed about the allegation they face. While the police will remind your client of their right to free and impartial legal advice, it is not uncommon for this reminder to be followed by a suggestion that speaking to a solicitor is likely to lead to lengthy delays. Even in cases where this is true, it is always better to endure the inconvenience than to go into an interview without a solicitor.**

**The solicitor can assist with the ‘three stages of an interview’:**

**1. Pre-interview disclosure**

**The solicitor can obtain information from the police about the allegation, the strength of the evidence and the progress of the police investigation.**

**2. Legal consultation**

**Having reviewed the information provided by the police the solicitor can give your client advice about the law, the evidence, and help to prepare your client for the interview.**

**3. The interview itself**

**During the interview the solicitor can interject to stop any improper questioning. He or she can also suspend the interview at any point to have a further legal consultation with your client.**

**5. Does your client need a solicitor?**

**It is a common misconception that if a person has not done anything wrong they have no need to consult a solicitor. This is not true. While a solicitor cannot prevent an innocent person being charged with a crime, he or she can help to protect your client from the misunderstandings, misconceptions and mistakes that can arise after arrest.**

**6. What are the key benefits that a solicitor provides at the police station?**

 **1. Expertise**

**The laws governing the treatment of a suspect after arrest are complex and change regularly. While the police will advise your client of certain basic rights, they are under no obligation to tell them every course of action available. A solicitor will ensure that your client’s legal rights are protected.**

 **2. Experience**

**Being detained in a police station can be particularly stressful. Having a solicitor present ensures that your client will have the information they need to go into an interview fully prepared.**

 **3. Advice**

**What was (or sometimes wasn’t) said in interview can have a fundamental impact on the outcome of the case. The solicitor can advise on the law, the procedure, and what will happen in the immediate future. A long-term strategy for how best to deal with the allegation can also be discussed.**

**7. Publicity**

**Solicitors at Kingsley Napley have expertise in press and reputational management. They will assist in the provision of general and PR services in conjunction with other teams at Kingsley Napley and external agencies. With the right approach, it is often possible to keep high profile matters out of the media.**