



## Overview

The police have the power to arrest any suspect for an offence when it is considered “reasonably necessary” for them to do so. An arrest is simply a mechanism whereby the police suspend the right of an individual to exercise their right to liberty. Normally, arrests are used because the individual is a suspect in an investigation into an alleged criminal offence. It is important to remember that just because someone is arrested does not mean that they are guilty of the suspected crime. Many people are arrested on suspicion of crimes they have not committed.

## What happens during an arrest?

An arrested person is taken as soon as practicable to a police station where a custody officer will be asked to authorise their detention usually for the purpose of questioning in an interview. The police will take fingerprints and a sample of DNA using a mouth swab. Personal questions designed to assist the police understand someone's medical problems or special needs will also be asked.

## What rights do you have?

The fundamental right is to consult the Code of Practice which sets out rights and entitlements for a detained person at a police station. This includes the right for someone to be notified that you have been arrested, and most importantly the right to free and independent legal advice.

## How long can someone be kept?

The maximum period the police can detain someone without charge is 24 hours, although when investigating serious crimes and certain criteria are satisfied, they can ask a senior officer to authorise detention for a further period of up to 12 hours.

In the most exceptional circumstances the police can apply to a Magistrate to detain a suspect for up to a maximum of 72 hours.

## Are you entitled to legal advice?

Yes. The police must ask whether someone wants to have legal advice at the police station. You can choose which solicitor you want, or ask for a duty solicitor.

## How long will the process take?

This depends on the individual circumstances of the case. Sometimes straightforward investigations take just a few hours, in more complex cases it can take much longer.

## What happens after interview?

Sometimes the police decide straight away that they will take no action against a suspect. Sometimes they will ask the Crown Prosecution Service for advice. The CPS may recommend charge or no action. People are often bailed or released pending further investigation, or to enable identification procedures to take place. If someone is charged with an offence, this is simply a formal accusation, it is not a conviction. The facts of the case can be disputed by pleading “not guilty” and the case proceeding to a trial.

## What should you do?

If you ever find yourself under arrest or voluntarily interviewed by the Police, request our assistance. The service is entirely free of charge, regardless of your means and we are available 24/7, 365 days a year.

