



Press Release

5th July 2011

New police station duty scheme - operating effectively

A spokesperson for the Board said, “The new interim police station duty scheme is now effective and working well. In the first few calls, suspects were able to receive advice within minutes, which is a major improvement on the previous informal arrangements, where it took an average of nearly three hours (*recent ACPOS figures*) for the police to arrange a consultation (including phone advice) between a suspect and a solicitor (including a suspect’s named solicitor).

The scheme was set up because new regulations place an obligation on the Board to arrange for a solicitor to be available to provide advice to suspects in police custody.

The purpose of the new scheme is to provide timely advice to suspects held in custody at police stations. It is supported by the Scottish Government, the police and the Crown. The scheme helps support the effective operation of the justice system by ensuring that suspects

- receive timely access to advice
- and are not held in custody any longer than is necessary.

It also provides an effective way of contacting solicitors as it will save police time in trying to contact solicitors and quicker response times will lead to faster interviews and save further police resources.

We have publicised how the scheme will operate to all solicitors registered to do criminal legal aid work.

The scheme was developed following full engagement with the Law Society of Scotland and was designed to have substantial private practice involvement and as such it is disappointing that a number of local faculties have decided not to engage with the scheme. However, even in those areas, there are firms who have decided to participate. We are still being contacted by firms from different areas of the country who have indicated their willingness to now re-join the scheme or not withdraw if other firms are still on the plans.

As a result of the decision taken by many private practice solicitors, the Cabinet Secretary for Justice asked the Board to ensure suspects’ access to advice by greater use of employed solicitors and public defenders.

However, in many areas, the duty plans will be covered solely by private practice solicitors. In other areas, the duty plans will be covered by a mixture of private practice solicitors, Board employed solicitors and the Public Defence Solicitors’ Office across Scotland.

We have had to change how the scheme will operate as a result of the recent change in stance taken by the Law Society to object to the scheme and withdrawal by a number of local faculties. We will, of course, be operating the scheme in as cost effective a manner as possible, whilst fulfilling our regulatory obligations. The costs of the interim scheme will be well within the estimate of costs when Parliament considered the Bill (*included in the Financial Memorandum of the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010*). The solicitor contact line will cost around £50,000 for the first three months, which we will endeavour to meet by finding savings in our

own administrative budget to reduce the cost to the Legal Aid Fund. The cost of the advice provided will vary depending on the number of suspects who request advice.

The scheme is interim, pending the outcome of Lord Carlway's Review.

We are carefully monitoring the operation of the interim scheme and we are happy to discuss it with any interested parties."

Ends

Journalists please contact:

Mat Lopez tel (direct) 0131 240 1887.

Notes for editors:

How the plan operates:

The solicitor contact line will act as a one stop shop for the police to arrange for a solicitor to provide advice by telephone or in person for suspects who require advice.

The Police will call the solicitor contact line, which is operated by the Board, to inform them that a suspect requires advice. If the suspect has a named solicitor, the solicitor contact line will call that solicitor (whether that named solicitor is on the plan or not). If the named solicitor does not answer the telephone call, the solicitor has 25 minutes to call the solicitor contact line back to confirm that they will contact the Police and provide the advice (not to advise the suspect). (If there is no response 15 mins after the first call, the Solicitor Contact Line will call them again and allow a further 10mins - hence the 25 mins.)

If no response is received in this time, the Board will contact the police station to advise that we have been unable to contact the named solicitor, and offer telephone advice to the client or an attendance by the duty solicitor.

If the suspect does not have a named solicitor, the helpline will provide the telephone advice or arrange for the duty solicitor to attend the police station in person.

If a personal attendance by a solicitor is required at a police station and from the point they inform the Police that they will attend, it is anticipated that 1 hour is a reasonable timescale for a solicitor to attend the police station if they live in an urban area and 2 hours to attend if they live in a rural area, (although consideration will be taken of issues such as availability of modes of transport and weather conditions); or alternatively at a mutually agreed time with the investigating officer.