

What to do in the first 24 hours after being arrested in the UK

If you're reading this because someone you love has just been arrested, here is what matters in the next few hours.

There is a clock running. The police can hold someone for 24 hours from the moment they arrive at the station, and within that window a series of decisions will be made, some by the police and some by the person being held. The most important is whether to be interviewed without legal advice. The moment to influence that decision is now, before the interview starts.

This article explains what is happening behind the custody desk, what rights the person being held actually has, and what to be thinking about while the clock runs.

If the interview has not happened yet, this is the moment a call makes the most difference.
07922 247 999 — available 24 hours.

The custody clock

The standard detention limit is 24 hours from arrival at the station. After that, the police must charge or release. There are two ways the limit can be extended:

- A superintendent or above can authorise an extension to **36 hours**. This applies only to indictable offences, and only where further detention is necessary to secure or preserve evidence, or to obtain it through questioning.
- A magistrate can grant a warrant of further detention, taking the total up to **96 hours**. That requires the police to attend court in person and persuade a magistrate that continued detention is justified.

For most arrests the case resolves within 24 hours. The 36 and 96-hour windows are reserved for serious or complex investigations.

The clock starts when someone arrives at the police station, not when they are stopped on the street. In practice the actual time in custody can run longer than the headline number, so the family waiting on the other end of the phone may have a longer wait than they expect.

The rights the police must give, and what they mean

When someone arrives in custody, the custody sergeant must read them three rights:

- The right to free and independent legal advice
- The right to have someone informed of their arrest
- The right to consult the PACE Codes of Practice, the rulebook the police themselves work to

The first one matters most. Free, independent legal advice is available 24 hours a day to anyone in police custody, through the duty solicitor scheme or a solicitor of their choice. It is free, it does not depend on income, and it does not depend on what the person has been arrested for.

What often happens is that the rights are read quickly, a sentence at a time, in a tone that suggests they are a formality. A frightened person, recently arrested, hears them but does not take them in. They sign the custody record. They are asked, almost in passing, whether they want a solicitor, and they say no, because they don't want to make a fuss, or think they don't need one, or worry that asking will make them look guilty.

It will not. Asking for a solicitor is normal and expected; declining one is the unusual choice. If your family member has not been interviewed yet, the most useful thing you can do now is make sure they request legal advice before answering any questions.

Duty solicitor, or someone you call yourself?

The duty solicitor scheme provides free, independent representation at the police station. The solicitors on the rota are qualified and regulated, and they handle police station work constantly. For many arrests — straightforward cases where the person will be released within hours — the duty solicitor is perfectly adequate, and there is no need to look further.

There are limitations worth understanding:

- The duty solicitor is allocated by rota. You don't choose who attends.
- They arrive with no prior knowledge of the case or the person.
- Their role ends at the police station. If the case goes to court, you will need separate representation for everything after that.
- They are managing other cases at the same time. The time pressure on them is real.

Instructing someone privately means you choose who attends, that person stays with the case through to court if needed, and they carry the knowledge and strategy forward from the first interview.

I attend police stations directly as a barrister. That is unusual. Most criminal barristers only come into a case after charge, when a solicitor briefs them. I do it because the decisions made in the first few hours often shape what is possible later, and because one person staying with the case from custody to trial removes the handovers where information gets lost. Whether that is the right approach for any particular case depends on the case and where it is likely to go.

If you are weighing the duty solicitor against private representation, the question is not which is better in the abstract. It is what your case needs in the next twelve hours and the months that may follow.

[Designer: insert custody timeline graphic here — 24 / 36 / 96-hour stages]

The interview is the moment legal advice matters most. Call before it happens.

07922 247 999 — available 24 hours.

The police interview: the decision that matters most

Every other decision in the first 24 hours can be revisited. You can change solicitor, apply for bail, or challenge a charging decision in court. The police interview cannot be revisited. What is said in that room is recorded, and it can be played to a jury months or years later.

So the advice here is straightforward: do not be interviewed without taking legal advice first.

That advice will not always be to say “no comment”. Sometimes it will be. Sometimes a prepared statement is the right approach. Sometimes a full account is the right call. What matters is that the decision is made by someone who has heard the disclosure from the police, understood the allegation, and discussed the options with the person being interviewed.

A person interviewed for the first time without advice is being asked to make a strategic decision while frightened, tired, and without information. Legal advice exists to correct that imbalance, and it is free. There is no good reason to skip it.

What happens at the end of the custody clock

When the 24 hours are up (or 36, or 96), the police must do one of four things.

Released with no further action. The investigation is closed and the person walks out with no charge against them. This is more common than people expect, and it is one of the reasons the interview matters: a well-handled interview, with proper advice, can move a case in this direction.

Released under investigation. The person is released without charge, but the investigation continues. There is no fixed time limit and no bail conditions. They go home and wait, sometimes for months.

Released on pre-charge bail. The person is released without charge but with conditions and a return date, such as staying away from a complainant or surrendering a passport. It is used where the police want conditions in place while the investigation continues.

Charged. The person is formally charged with an offence. They are either bailed to a court date or, in more serious cases, kept in custody for a first appearance at the next available magistrates' court. The criminal process has formally started.

What to do right now

If your family member has not been interviewed yet:

- Call the custody desk and ask whether they have been offered legal advice. The number for the custody suite is on the police force's website.
- If a solicitor is already attending, they will speak to your family member privately before the interview. Do not try to interrupt that conversation.
- If no solicitor has been arranged and you want to instruct one privately, call now. The police will not normally interview until the solicitor or barrister has had a chance to consult with the person being held.

If the interview has already happened:

- Find out what was said. The disclosure given by the interviewing officers tells you what the allegation actually is, which is often different from what the family thinks the arrest was for.
- Find out the outcome (released, released under investigation, on pre-charge bail, or charged) and whether bail conditions have been imposed.

- If the case is going further, the next decision is about representation through to court. The duty solicitor's involvement ends at the police station door, so call to talk through who handles it from here: 07922 247 999.

Questions people ask me

Can the police really hold someone for 96 hours without charging them?

Yes, but only with a magistrate's warrant, and only for indictable offences. The 96-hour limit is rare; most cases resolve well within 24. Extensions to 36 hours need a senior officer's authorisation, and anything beyond that requires the police to go to court. If your family member is approaching the 24-hour mark, the custody team will already know whether they intend to apply for an extension.

Will it look bad if my family member asks for a solicitor?

No. Requesting a solicitor is the normal response to being arrested, and it cannot be used against you. The custody sergeant has to ask whether you want one, and the right is built into the system. Asking for a solicitor is expected; declining one is what stands out.

Can I speak to my family member while they are in custody?

Usually no. The right is to have someone informed of the arrest, not to have a conversation. The police will pass a message that the person is in custody and where they are being held. Contact during the detention period is rarely permitted. If you are the person they asked the police to inform, you have done what you can. The next thing that matters is making sure they have legal advice.

What if they have been arrested in another part of the country?

The same rules apply across England and Wales. The duty solicitor scheme is national, and any solicitor or barrister instructed privately can attend any police station. Travel affects timing. If someone has further to come the interview will be delayed, though the custody clock keeps running. Where legal advice has been requested, the police will usually wait for it to arrive before interviewing.

Should they answer questions in the interview, or say no comment?

There is no general answer. It depends on the disclosure the police have given, the nature of the allegation, and the account your family member would want to give. What matters is that the decision is made with legal advice, after hearing what the police are actually alleging.

If the interview has not happened yet

If your family member has been arrested and the interview has not happened yet, the next few hours are when a call makes the most difference.

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