

### Step 3

If you qualify for legal aid, an attorney assigned to the case will come to court with you.

#### Please note:

- **You may be asked to pay a part of your legal fees.**
- If you cannot afford it you will not be asked to pay.
- The Legal Aid Council will pay the fee to your attorney and will give you a voucher and direct you to any Scotia bank to make your contribution towards that fee.
- You can pay in installments.

If you have difficulty paying... you must tell this to the person who interviewed you. If you do not do so, you may not be able to get any legal assistance.

#### REMEMBER...

You must pay your portion at the time and place which you are told.

If your financial situation gets better or worse, you must tell the court and your contribution will be worked out again.

All criminal offenses qualify for legal aid in court except Money Laundering, some Drug Offences and Petty Session matters for adults.

### What is Legal Aid?

**Legal aid** is the provision of assistance to people otherwise unable to afford legal representation and access to the court system.

Legal aid is regarded as central in providing access to justice by ensuring equality before the law, the right to counsel and the right to a fair trial.

Legal aid is also granted for appeal matters. Any complaint against an attorney may be made to the General Legal Council at 78 Harbour Street, Kingston.

*For more information, contact:*

**The Legal Aid Council**  
**Air Jamaica Building**  
**72 Harbour Street**  
**Kingston**  
**Telephone: 948-6999**

**The Kingston Legal Aid Clinic**  
**131 Tower Street**  
**922-3761**

**The Montego Bay Legal Aid Clinic**  
**42B Union Street**  
**Montego Bay**

Ministry of Justice  
2 Oxford Road  
NCB (South Tower)  
Kingston 5

Telephone: 906-4923-31  
1-888-4-JUSTICE (5878423)  
Email: customerservice@moj.gov.jm



## The Ministry of Justice

*“Balancing Rights and Responsibilities”*

Legal Aid  
In  
Criminal Matters

# At the Police Station

(The Duty Counsel)



Castleton Police Station

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# Legal Aid At the Police Station

## Can I get legal aid at a police station?

Every person who is detained or remanded at a police station lockup whether charged or not, may be granted legal aid if he/she has not been put before the court.

A person charged with an excepted offence under the Money Laundering Act or sections of the Dangerous Drugs Act is also entitled to legal aid by the Duty Counsel.

## Will help at the police station be free?

Yes, persons who are represented by the Duty Counsel should not pay for this assistance.

## Who is a Duty Counsel?

A Duty Counsel is an Attorney-at-Law who is available to attend a police station when called to do so.

## What must I do to get legal assistance at a police station?

- ☛ You can ask the police to contact your own attorney or;
- ☛ You can ask the police to contact a Duty Counsel.

## What will the police do?

*The police will:*

- ☛ inform you of your right to legal aid and to representation by a Duty Counsel
- ☛ contact a Duty Counsel on your request.

## What will the Duty Counsel do?

*The Duty Counsel will:*

- ☛ attend at the place where you are being detained or remanded and give you legal advice;
- ☛ attend an identification parade where required;
- ☛ make bail application on your behalf to the police or to the courts;
- ☛ appear for you on your first appearance in court.
- ☛ represent you during your Question and Answer session by the police.

## Can the police question me before the Duty Counsel arrives?

Once you have asked the police to contact a duty counsel on your behalf, they should wait until the counsel arrives before questioning you. You do not have to answer any questions until you have spoken with the Duty Counsel if you do not wish to do so.

## What happens after my first appearance in court?

The duties of the Duty Counsel end after your first appearance at court if the matter reaches that far.

After that you must apply for legal aid if you believe that you need further assistance.

## How to get Legal Aid Three Easy Steps

### Step 1

Complete an application form at any Legal Aid Clinic, Court's Office or the Legal Aid Council. If you are in court, indicate to the judge or magistrate that you are unable to afford an attorney and request an assignment of a lawyer.

The application form requires you to give detail of your earnings, expenses and savings (Means Test).

If you are under 18 years your parent or guardian or any other adult can apply on your behalf.

### Step 2

On completion of the form :

- ☛ The Court's Office which is dealing with your case
  - ☛ The Legal Aid Clinic
  - ☛ The Registrar of the Gun Court
  - ☛ The Registrar of the Supreme Court
  - ☛ The Legal Aid Council
  - ☛ The Registrar of the Court may inform you of the things you will need:
  - ☛ Any proof of your income or savings, earnings and expenses.
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