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Legal services

What to do if you're arrested

Hiring a lawyer as soon as you've been arrested can stop you making costly mistakes.

It can happen to anyone, and often at the most unexpected time. A uniformed officer says you're under arrest, informs you of your rights and bundles you into the back of a police car.

We're familiar with the scene from TV dramas, but what should you do if it happens to you?

"Our hard-and-fast rule is, if you're arrested, speak to a criminal lawyer as quickly as possible," Olinka Ondrik senior partner at Ondrik Larsen Lawyers in Melbourne says.

"There's no such thing as 'off the record' when speaking to police," she says. "In our experience, most people are convicted as a result of what they've said to police prior to seeking legal advice."

Partner Ashlee Larsen says fear causes many people to make mistakes when speaking with the police.



Don't try to navigate through the criminal justice system alone. Photo: Marina Neil

It pays to hire a criminal lawyer as soon as you can make a phone call.

"You're scared and alone, so it's easy to make a thoughtless admission or carelessly sign a statement, and that can be disastrous from a legal perspective," Larsen says.

"Without legal advice, you might think the police have a weak case against you, but you can't be sure. Criminal

law isn't always black and white."

A lawyer can help you to compose yourself and put things into perspective. If you're thinking with a clear head, it's easier to understand the process ahead and get the facts straight.

"We explain a client's rights, and what they can expect. We give our clients realistic advice," Ondrik says. "We don't promise you

the world and then hand you an atlas."

Selecting the right lawyer for you depends on your circumstances. It may be tempting to represent yourself. But it would be a mistake.

"Representing yourself in court might save you money, but you risk getting a criminal record which stays with you forever," Ondrik says.

Ondrik Larsen Lawyers have almost 20 years' combined experience in criminal law. "We understand that the effort we put in can make a real difference to our clients' lives, as well as that of their loved ones," Ondrik says. "The legal process can be very dehumanising, so it's important to us to make sure we bring a human touch."

"We're with our clients every step of the way," Ondrik says.

Often, if bail isn't immediately applied for, an arrested person can be remanded into custody and stay there for weeks. "We begin working on the bail process straight away," Larsen says. "We want to get our clients out of custody as quickly as possible."

Once a person has been arrested and charged, the police will prepare a brief. This is the evidence the police have compiled against you. From there, your lawyer can start working with you on your defence.

Communication is the key to a strong relationship between you and your lawyer.

"It's very important that our clients understand there's no judgment," Ondrik says. "We protect our clients' rights and interests through the entire process, guilty or innocent."

"Every person has rights, and we fight for them."

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