

Single Subject Programme

www.saslawcourses.org

Police Station Interviews

EXTRACTS

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The SAS Law In Practice Course

TUTOR'S NOTES

Advanced Level 3 - POLICE

1 Welcome to our SAS Single Subject Programme, Police Station Interviews and how to protect the suspect's interests.

2 You may be aware that attendance at police stations and giving legal advice to detained clients is an increasingly specialised area of paralegal work.

3 Solicitors will predominantly only use accredited legal clerks who have been trained to provide quality advice to suspects at a police station. To become accredited can cost up to £1500.00 in fees. This programme may enable you to decide if it is a road you would like to travel down.

4 When a suspect is arrested and detained at a police station the suspect is entitled by law to free legal advice from either (a) a duty lawyer, or (b) a local firm of lawyers of their choice.

5 If a suspect obtains/receives advice from either of the above (duty lawyer or legal adviser) then his legal adviser will ensure that a suspect is made aware of their legal rights and that any interviews that take place are done in a fair and agreeable manner with the suspect's welfare and best interests in view.

6 On the Advanced Level 3 of the SAS Training Programme you will gain some understanding of what your role is when attending police stations as a legal adviser and also gain a knowledge of the powers entrusted to you by virtue of your role.

7 On the ...

8 In addition, ...

MEANINGS

Duty lawyer: A local lawyer who has agreed to go on a rota system held by the police for persons who do not have their own lawyer but nonetheless want legal advice.

9 We will now take a closer ...

BEFORE ATTENDING A POLICE STATION

ACTION

Read through page 1 of your CM-AL3

QUESTIONS

Re page 1 of your CM-AL3.

- 1 Why is it advisable for an arrested person to have legal representation at the police station?
- 2 How important is the advice you give at a police station?
- 3 What possible effect can advice given have on a suspects future?
- 4 With regard to the Custody record and the clerk's/paralegal's record; what question might be raised if the police custody record stated that the "suspect let out of cell for police interview at 10.45 am" but the clerk's notes/record stated that "the police interview commenced at 11.43 am"?
- 5 Can you see how this could lead to prosecution having some of their evidence excluded from the trial and why it is important that notes taken at police station attendances should be accurate? Explain.

Write your answers on the Answer sheet.

10 When recording your time spent...

11 After receiving the initial call from your instructing lawyer and obtaining the name, address and telephone number of the police station where the suspect is detained and before you make your way to the police station, always ...

13 We would like to stress how important it is that you spend sufficient time with your client in a private interview before any formal interviews by the police take place.

17 As mentioned in paragraph 4 your client has the right to stop the interview. This can be a great aid in reducing the pressures that could have built up within them to such an extent that they feel like blurting out something that could be detrimental to their situation. So make sure he or she is aware of this right.

ACTION

Re page 6 of your CM-AL3

Think of 6 questions. 3 should be innocent and 3 incriminating e.g. would you like a cup of water? (innocent). do you own a gun? (incriminating). Write them down.

Get a friend to ask you the 6 questions. Alternate an innocent question with an incriminating one. a/ Answer all the questions with the 'no comment' approach first and then b/ repeat the exercise this time answer innocent questions but offer a no comment to the incriminating ones.

AFTER THE INTERVIEW

ACTION

Read page 8 of your CM-AL3

QUESTIONS

Re para. 3

Situation: Mike has been arrested and charged with 'possession and intent to supply a controlled drug'. At the time of the charge, the Investigating Officer makes representations to the Custody Sergeant that, because Mike has 2 previous drug charges at other police stations (most recent one was 12 months ago), he does not want Mike to be granted bail but to be remanded in police custody.

20 Would you make a counter representation? Explain reasons.

21 To whom would you make your representation?

Write your answers on the Answer sheet.

Furthermore, unless circumstances dictate otherwise, be well groomed and look professional at all times.

END OF EXTRACT TN-AL3

The SAS Law In Practice Course

COURSE MATERIAL

Advanced Level 3-POLICE

**Attending A Police Station Interview
(non indictable offences)**

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BEFORE ATTENDING A POLICE STATION

Situation

Because of the enormous responsibility placed upon you when attending to a suspect at a police station, it is even more vital that you know what is required of you.

ARRIVAL AT THE POLICE STATION

Situation

Once you arrive at the police station, you will need to state your purpose and ask for the appropriate officer.

THE CUSTODY AREA/CHARGE AREA

Situation

You have been escorted to the Custody Area. It is also known as 'The Charge Area'.

ADVISING THE CLIENT WHAT TO SAY

Situation

You are having an interview with your client in his/her cell. It should, by law, be a private interview - no one else should be present.

THE INTERVIEW

Situation

You and your client are now in the police interview room. The interview is about to start. It will be tape recorded.

AFTER THE INTERVIEW

Situation

The police interrogation/interview has finally ended. The police will now have to decide whether to release your client or. . .

APPENDIX 1a

Custody Record

Once the police decide to detain an arrested person, a Custody Record document is opened. It will record all that happens to the arrested person while in the custody of the police. As the legal adviser of your client you should ask to see the Custody Record. When reading through look for any thing that causes you concern, such as unexplained periods unaccounted for. Seek an explanation.

APPENDIX 1b

APPENDIX 1c

Note Taking During Police Interviews

The paralegal/clerk should when note taking during the police interview write down both the question and the answer e.g.

(extract from a real interview)

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END OF CM AL3 EXTRACT