**Police station representative accreditation scheme**

**Part 3 Standards of performance**

**Unit 4 Consult with the appropriate officers at the police station**

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| Assessment outcomes  The candidate will be able to: | Assessment criteria  The candidate can: | Knowledge, understanding and skills |
| 1. Consult with the custody officer | 1. Inform the custody officer of the solicitor's or representative's status, if not previously provided | The solicitor or representative should inform the custody officer of their identity, status and firm, and seek to ensure that their name and firm is recorded in the custody record. |
| 1. Effectively seek information about the client, the suspected offence(s) and the investigation | In seeking information from the custody officer, the solicitor or representative should:   * Consider what information they have already obtained (see Unit 1, 2.b., 2.c., and 2.d.), whether there have been any relevant changes since they obtained that information, and what further information they require in order to be able to provide effective advice and assistance to the client * Consider whether there are any issues concerning their safety when consulting with the client * Ask whether the client has been interviewed prior to their attendance and, if so, ask the authority for doing so, and to be provided with a copy of the interview record * Ask whether the officer has considered whether there are any documents or materials that are essential to challenging the lawfulness of the client’s arrest and/or detention, and to be supplied with copies of such documents or materials (Code C para 3.4(b)). |
| 1. Ask to inspect the client’s custody record, and identify and note relevant information | The solicitor or representative has a right to inspect the full custody record provided that this does not interfere with the custody officer’s duties (Code C para 2.4; Code H para 2.5).  When inspecting the custody record, the solicitor or representative should:   * Compare the information in the custody record with the information already obtained, and question the custody officer about any discrepancies * Identify information about any property found on the suspect, if recorded, and consider the implications * Identify information about any vulnerabilities of the client that have not previously been disclosed, and consider any appropriate action * Identify any unusual entries, such as late or deleted entries, and question the custody officer about them * Seek a copy of the custody record, or record all relevant information, including any responses of the custody officer. |
| 1. Seek confirmation that they are able to have a private consultation with the client, and attend any police interviews | The client has the right to consult with their solicitor or representative in private (PACE 1984, s. 58(1)).  The client, whether arrested and detained or a volunteer, has a right to have their solicitor or representative present during any police interview. |
| 1. Respond appropriately to a refusal to allow access to the custody record, a private consultation with the client, or 2. attendance during the police interview | In the event of refusal, the solicitor or representative should ask what the authority is for refusal and, if appropriate, direct the officer’s attention to the relevant provisions of the PACE 1984 or the Codes of Practice.  If the refusal persists, the solicitor or representative should consider referring the matter to a more senior officer and/or making a formal complaint.  All representations and responses should be recorded. |
| 1. Consult with the investigating officer | 1. Inform the officer of the solicitor's or representative's status, if not previously provided, and his/her intention to be present at the interview(s) | The solicitor or representative should inform the officer:   * of their identity, status and firm, and seek to ensure that make a record of that information * that they intend to be present at the interview(s) of their client. |
| 1. Effectively seek information about the case, including the evidence that the police have and whether they intend to look for other evidence | Before a suspect is interviewed, the suspect and their lawyer must be given sufficient information to enable the suspect to understand the nature of the suspected offence and why they are suspected of it, in order to allow for the effective exercise of the rights of the defence (Code C para 11.1A). this is in addition to the documents and materials referred to in 1.b. above.  The solicitor or representative should seek information concerning:   * The circumstances of the arrest and/or why the client is suspected of it * The evidence that the police have, including any evidence or information resulting from an investigative procedure, such as a search of the person or property * Any investigative procedures planned * Whether the client has made any admissions, or any significant statement or silence * Whether any other suspect has been arrested or is sought * Whether the officer has any other relevant information that has not been disclosed. |
| 1. Effectively seek information about the purpose of the interview | The solicitor or representative should seek information about:   * The purpose of the interview and what the officer intends to cover * Whether, at this stage, the officer plans to conduct more than one interview and, if so, whether the officer is using a strategy of phased disclosure * Whether the officer intends to seek the client’s comments on any documents or other investigative materials * Whether, if appropriate, the attitude of the officer to diversion from prosecution. |
| 1. Confirm (if appropriate) that the officer has considered the implications of any vulnerability of the client and/or their fitness for interview, and taken appropriate action | Where appropriate, having regard to information provided by the client, the custody officer and/or a third party, the solicitor or representative should ask the officer what arrangements have been made to deal with any vulnerability or particular needs of the client; for example, arranging for an appropriate adult or interpreter to attend the interview(s). |
| 1. Respond appropriately to any refusal to provide information, to permit the solicitor or representative’s attendance at the interview, or to take appropriate action regarding any vulnerability | The solicitor or representative should, as appropriate:   * Ask the officer to identify the legal authority for decision * Consider referring the matter to a more senior officer and/or making a formal complaint.   All representations and responses should be recorded. |