**Police station representative accreditation scheme**

**Part 3 Standards of performance**

 **Unit 6 Advising and assisting during the interview**

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| Assessment outcomesThe candidate will be able to: | Assessment criteriaThe candidate can: | Knowledge, understanding and skills |
| 1. Seek to ensure the proper conduct of the interview
 | 1. Make an appropriate opening statement
 | The nature and extent of an opening statement by the solicitor or representative will depend upon a range of factors, including:* whether the client has previously been interviewed in connection with the current matter, or on a previous occasion
* whether the interviewing officer is known to the solicitor or representative
* whether an appropriate adult or interpreter is present, and
* whether the client has any vulnerability.

An opening statement may include some or all of the following:* an explanation of the lawyer’s role
* an indication of what information the police have given to the solicitor or representative in advance of the interview
* an indication of what the police investigator has told the solicitor or representative as regards the purpose of the interview
* whether the client intends to answer questions and/or whether a prepared statement is being submitted
* the circumstances in which the solicitor or representative may intervene.
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| 1. Seek to ensure that the police interviewer complies with the regulatory requirements governing police interviews
 | The solicitor or representative should know and understand how the PACE 1984 and the Codes of Practice regulate the matters listed below, and seek to ensure that they are complied with:* recording of the interview
* stating and (where appropriate) explaining the caution
* persons who may be, or who should be, present at the interview
* the physical conditions of the interview room
* the circumstances in which an interview should be suspended, for example, to ensure regular breaks, or a rest period.

Appropriate action should be taken where the provisions are not complied with. |
| 1. Know and understand the circumstances in which a police interview should stop
 | The solicitor or representative should know and understand the circumstances in which an interview should cease and/or when a decision regarding charge should be made.Interviewing must cease when:* the officer in charge of the investigation is satisfied that all the questions the officer considers relevant to obtaining accurate and reliable information about the suspect offence have been put to the suspect
* the officer in charge of the investigation has taken account of any other available evidence
* the officer in charge of the investigation, or in the case of a detained suspect, the custody officer, reasonably believes there is sufficient evidence to [provide a realistic prospect of conviction for the offence in respect of which the suspect is being interviewed (Code C para. 11.6).
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| 1. Advise the client during the interview
 | 1. Demonstrate a practical understanding of their role and objectives in a police interview
 | The objectives of the solicitor or representative in a police interview are:* to ensure that the police act fairly at all times and observe the requirements of the PACE 1984 and the Codes of Practice
* to ensure that the client does their best in interview, whether or not they are answering questions
* to protect the client from unnecessary or inappropriate pressure and distress and, in particular, to protect a vulnerable client
* to ensure that an accurate account is kept of the interview, and that they keep their own record.
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| 1. Advise or assist the client without stopping the interview, when appropriate
 | The solicitor or representative may advise or assist the client without stopping the interview, for example:* to remind them of a decision that they previously took, for example, not to answer questions
* to assist them to understand a question that has been put to them
* to ensure that they have answered a question clearly and, in the way, intended.
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| 1. Stop the interview in order to give the client legal advice in private, when appropriate
 | A suspect is entitled to legal advice in private at any time (PACE 1984 s58(1)). The solicitor or representative may advise that the interview be stopped or suspended, in a range of circumstances, including:* if the client is becoming distressed or confused
* if the client is having difficult in continuing with a strategy previously determined, for example, they begin to answer questions having previously decided that they would not answer questions
* if the police interviewer is acting inappropriately or unlawfully.
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| 1. Recognise and respond appropriately to police conduct that requires intervention by the solicitor or representative
 | The solicitor or representative should know and be able to recognise the circumstances in which they should intervene in a police interview, and be able to respond appropriately, particularly in respect of:* breach of relevant provisions of PACE or the Codes of Practice
* improper or unfair interview techniques or questions
* attempts to undermine a decision by the client to exercise their right to silence
* attempts to undermine or exclude the solicitor or representative.
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| 1. Make an appropriate record of the interview
 | The solicitor or representative should make a sufficient record of the interview to enable them to:* correct the interviewing officer if he or she attributes a statement to the client which he or she did not make
* to ensure that the client has said all that they wish to say
* to provide advice after the interview and, if relevant, before a subsequent interview
* to support representations regarding charge and/or bail.
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