

ADVISING CLIENTS AT THE POLICE STATION STAGE – WEDNESDAY 14th AUGUST
2024 – COMMENCING AT 4PM

There is always something new to learn about life at the police station, is there not. This is effectively the 16th ZOOM presentation on the subject of 'Advising clients at the police station stage'.

This 1-hour zoom presentation will take you through **25 IMPORTANT THINGS** you really ought to know about when **ADVISING CLIENTS AT THE POLICE STATION STAGE**

Quickly scan the **25 THINGS** below and see if knowing about them would assist you when looking after clients – you might consider, after scanning them, that this is a presentation that you should book on or, after the event, a recording that you should watch.

25 THINGS

1 – Issues for consideration when representing co-suspects or co-detainees at the police station stage including a consideration of where you might find yourself in conflict

2 – Everyone at the police station seems to be of the view that your client is **FIT TO BE DETAINED AND FIT TO BE INTERVIEWED** – You are not quite so convinced but no-one seems to be listening!

3 – The interviewing officers are not happy that you are continuing to advise your client during the currency of the interview – How do the **Codes of Practice** issued under **PACE** assist you in this regard?

4 – It might be a good idea for the client to accept the caution offered by the police as a disposal of the matter – **THE 6 PIECES OF ADVICE YOU NEED TO GIVE TO COVER YOUR BACK!**

5 – You are satisfied that the police have given you **SUFFICIENT AND ADEQUATE DISCLOSURE** prior to the interview but you do not consider that you have been given the full picture by any means! – The tactics to adopt when you find yourself in this situation

6 – The advice to give to your client where the police want to interview him even though he has already been charged with the offence

7 – The police are convinced that your client has been a very active burglar and wonder whether or not he wants to use this visit to the police station to, in their words, **'wipe the slate clean'** – admissions and a TIC schedule – How best to deal with this scenario

8 – Be careful that your client doesn't assist the prosecution at the interview stage in terms of getting his **BAD CHARACTER** in at trial – 3 things to look out for and the best way of managing this potential difficulty

9 – Your client arrived at the police station as a volunteer and the officer seems intent upon arresting him! – Please be familiar with the **NECESSITY CRITERIA** contained in **Section 24 (5) of PACE** and **Code G** of the **Police Station Codes of Practice** issued under **PACE**

10 – The same officer seems convinced that he can take your client's fingerprints and DNA and photograph without needing your client's consent! – remember, your client is a volunteer – What does **Schedule 2A** of **PACE** say about all of this?

11 – The officers are upset that your client is **MUTE** during the interview and take the view that he must respond in some way, even if his responses are limited to 'no comment' – What, if anything, does **Section 34** of the **Criminal Justice and Public Order Act 1994** actually say about this and what have the **Court of Appeal** said about in the **2003** case of **R v Knight**

12 – You are just not sure of the advice to give in relation to whether or not the acceptance of a caution in the matter would involve your adult client (he is 18) having to register as a sex offender – An examination of **Section 82** and **Schedule 3** of the **Sexual Offences Act 2003**

13 – I think we would all agree that most of the time a client making admissions at the police station stage would not be entitled to a lighter sentence for having done so – Having said that, we still need to be aware of the comments made by the **Lord Chief Justice** in the **2012** decision of **Caley and others**

14 – Which phone calls made by the client whilst detained at the police station may be the subject of monitoring by the police and which phone calls should not!

15 – You arrive at the police station and the police tell you that you may not see your client and will not elaborate upon the point – this has never happened to you before – What do the **Codes of Practice** said about the police being able to deny you access to your client?

16 – The client is absolutely adamant that he will not disclose his **PIN** or **FACEBOOK PASSWORD** to the police – Be familiar with **Section 49** and **Schedule 2** of the **Regulation of Investigatory Powers Act 2000**

17 – The client will not provide a sample of handwriting – What are you going to say to the client about adverse inferences?

18 – The client will not give the police authority to search his bank accounts – What are you going to say to the client about adverse inferences?

19 – You arrive at the police station only to discover that your client has had a change of heart and has gone into the interview already – How does **Code C 6.15** assist you in this area?

20 – Your 17-year-old client accepts that he had sex with a 13-year-old girl but disputes that it was against her will and was rape – is it rape?

21 – You are asked to attend upon a male sports coach where the allegation is that he was having a mutually consensual sexual relationship with a 17-year-old female – Is such activity lawful in England and Wales?

22 – In what circumstances might you, somewhat unusually, advise the client to talk to the police and to make admissions and to be co-operative and to show remorse? – It being your usual approach, where the client would simply be making admissions, to advise ‘no comment’ at this stage.

23 – The police have decided to arrest your volunteer at the police station – What does **Section 41** of **PACE** say about this?

24 – The Custody Sgt was fine about you having access to the Custody Record upon your arrival at the police station – he is not happy about you viewing the Custody Record again some 6 hours later before your departure from the police station – What do the **Codes of Practice** say about this?

25 – Your client is 17 and the officers in the case are talking to you about an extension of detention beyond 36 hours (the Superintendent having already extended the detention from 24 to 36 hours) – Are the police permitted to make an application for further detention?

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