



SCOTTISH POLICE STATION INTERVIEW TRAINING (SUPRALAT inspired)

Module Two: Lawyers' Role at Police Detention Stage

This module addresses the role of the lawyer at the police detention stage. We will discuss this in detail at the face to face training but going through these materials now will introduce you to key issues and get you thinking, in advance of those sessions, about what that role is.

First, please watch the lecture presented by Professor Ed Cape (University of the West of England) on the role of the lawyer at the station. This lecture gives an essential perspective on the difficulties experienced in England and Wales when legal advisers were first permitted to attend police interviews and how this was overcome through the development of an 'active defence' approach. Scottish solicitors can learn a great deal from reflecting on these problems and changes. While watching this webinar, please think about:

1. Whether you recognise some of the practices or trends described by the speaker in your own professional practice;
2. Whether and to what extent you as a defence lawyer can agree with and/or adopt (some of) the aspects of the professional practice that are described by Professor Cape.

Professor Ed Cape is an internationally renowned researcher in the field of criminal justice, and author of a range of practitioner texts. His recent research includes two projects examining effective criminal defence in a range of European countries, and a third on effective criminal defence in Latin America. In 2014 he published the results of an empirical study on the rights of suspects in police custody in four European jurisdictions, and recently published a study of pre-trial detention decision-making in England and Wales. Ed wrote *Improving Pretrial Justice: The Roles of Lawyers and Paralegals* for the Open Society Foundations, and a handbook on early access to legal aid for the UN Office on Drugs and Crime. Publications for legal practitioners include *Defending Suspects at Police Stations*, which is currently in its 6th edition. Ed also contributes to *Blackstone's Criminal Practice* and writes case commentaries for *Criminal Law Review*.

In this module, you are also asked to consider a document entitled *Models of Legal Counselling*, which describes alternative ways that legal counsel can be offered. This is provided for you to gain a broader understanding of the various models available. Please read this.

Finally, please consider a short reflective entry on the issues that have been raised in this module.