# Checklist: Advising an adult suspect before a police interview

### Speak with the informant and ask:

* When and where was the suspect arrested? Is their family aware of their arrest?
* What are the allegations and the likely charges?
* When did the offences occur? When were the allegations made?
* Who is the complainant? What is their relationship to the suspect?
* What evidence do the police have? (e.g. eye witnesses, surveillance, forensic evidence)
* Will a DNA sample, medical examination, line up or re-enactment be sought?
* Has the suspect said anything so far about the allegations?
* Are there co-offenders who have been or will be interviewed?
* Does the suspect have a criminal history and if so, for what?
* Will they be released after the interview? Ask to be contacted if they are remanded.
* Does the suspect have an intellectual disability, mental illness or any medical issues?
* Has a forensic medical officer assessed them?
* Will anyone be present during the interview – Independent Third Person, interpreter

### Speak with the person being interviewed:

* Check they can speak with you without being overheard.
* Ask about their arrest. Record any complaints about their treatment by police and injuries.
* Discuss the allegations, the police evidence and obtain instructions.
* Determine if the suspect has an intellectual disability, is mentally ill, affected by drugs or alcohol or injured? Are they fit to be interviewed? Should a FMO assess them?
* Decide what advice to give. Consider the allegations, possible defences, the suspect’s instructions and desired outcome and their ability to handle the interview process and answer questions. Will answering questions help their case?
* Explain the caution. Give advice to say ‘no comment’ or answer questions. Explain how to do this. Warn them against lying, selective answering and confirming off tape admissions.
* Provide advice about fingerprints, forensic samples, ID parades, re-enactments, if relevant.
* Explain what happens after the interview. Ask them to contact you once released to discuss further assistance. If they might be remanded, tell them about applying for bail before a Bail Justice and Magistrate and seeing a VLA duty lawyer at court.
* Tell them not to discuss the case with anyone or contact with complainant or police witnesses. Warn them about pre-text calls and that their conversations might be recorded.
* Complete a Legal Advice Record including advice given and the informant’s details.