



## Police Interview – Rights of Suspects (PIRoS)

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<b>Guidance Notes</b>
<b>This form is to be completed in respect of every suspect who:</b>
1. Is arrested under Section 1 of the Criminal Justice (Scotland) Act 2016 on suspicion of having committed an offence (Not Officially Accused) and requires interview.
2. Attends voluntarily at a police station for the purpose of being questioned on suspicion of having committed an offence.
3. Is to be interviewed by police in accordance with Section 35 of the Criminal Justice (Scotland) Act 2016 (Officially Accused – Post Charge Questioning).

<b>Section 1 – Suspect Details</b>	
<b>Name</b>	
<b>Date of Birth</b>	<b>FOI Disclosure - 22-0143</b>
<b>Custody Record No.</b>	
<b>Crime Report Reference No.</b>	
<b>Arrest Authorisation Time / Date (if applicable)</b>	
<b>Suspected Offence(s)</b>	

**Section 2 – Explanation of Rights to the Suspect**

“I am now going to tell you about three rights you have about getting help from a lawyer. You can use all of these rights. Once I have explained them I will ask you if you want to use any of them. Please listen carefully.” (Delete the following as necessary).

1. “You are entitled to have a lawyer informed that you are being held by the police/have attended voluntarily at a police station (delete as necessary) to be questioned in relation to an offence and that you require their help.”

**Do you understand?** Yes  No

2. “You are also entitled to a private consultation with a lawyer at any time while you are here. This means you can speak with the lawyer and get independent legal advice without anyone else listening to the conversation.”

**Do you understand?** Yes  No

3. “As police officers wish to ask you questions regarding (insert suspected offence here), you are entitled to have a lawyer present with you while you are being interviewed.”

**Do you understand?** Yes  No

“Any lawyer contacted will be independent of the police, as will any advice they give you. You can speak to the lawyer by phone and you can ask for a lawyer to attend here. This will not cost you anything.

I have told you about your rights to a lawyer. I am now going to ask you if you want to take up these rights. It is important that you listen carefully and give me your answer to each question.

It is entirely your decision as to whether you want assistance from a lawyer and I cannot advise you whether you should take up these rights.

If you say no to taking up the offer of any of these rights, I will ask you to sign this form to confirm this.

It is important to remember that even if you choose not to take up any of these rights to a lawyer just now, **you can change your mind at any time**”

**Do you understand?** Yes  No

**Officer Notes**

**FOI Disclosure -  
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**OFFICIAL SENSITIVE: NAMED RECIPIENTS ONLY**

**Section 3 – Suspect Decisions Regarding Solicitor Access**

1. “Do you want me to contact a lawyer and inform them that you are being held by the police / have attended voluntarily at this police station to be questioned in connection with an offence?”		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If answer is <b>Yes</b>		<b>Time:</b>	hrs
“Do you want me to contact a particular lawyer or firm? If you have no preference or your named lawyer cannot be contacted, another lawyer will be contacted for you.”			
<b>Named Solicitor / Firm</b> (details) <input type="checkbox"/>			
<b>No Preference</b> (details of solicitor / firm notified) <input type="checkbox"/>			
<b>Time / Date Notified</b>			
If answer is <b>No</b>		<b>Time:</b>	hrs
<b>Rights Read Over by</b> (name)			
<b>Corroborated by</b> (name)			
<b>Suspect Signature</b>			

2. “Do you want to speak with a lawyer in private before being questioned by the police?”		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If answer is <b>Yes</b>		<b>Time:</b>	hrs
“Do you want me to contact a particular lawyer or firm? If you have no preference or your named lawyer cannot be contacted, another lawyer will be contacted for you.”			
<b>Named Solicitor / Firm</b> (details) <input type="checkbox"/>	FOI Disclosure - 22-0143		
<b>No Preference</b> (details of solicitor / firm notified) <input type="checkbox"/>			
“In the first instance you will be given the opportunity to speak with the lawyer and seek advice. When this is done, I will ask you if you would like to have a lawyer present with you while you are questioned.”			
<b>Time / Date of Initial Consultation</b>			
<b>Solicitor Providing Consultation</b>			
<b>Consultation Format</b>	Telephone <input type="checkbox"/>	Video Link <input type="checkbox"/>	In Person <input type="checkbox"/>
If answer is <b>No</b>		<b>Time:</b>	hrs
<b>Rights Read Over by</b> (name)			
<b>Corroborated by</b> (name)			
<b>Suspect Signature</b>			

**OFFICIAL SENSITIVE: NAMED RECIPIENTS ONLY**

<b>The following question is to be read to the suspect in either of the following circumstances:</b>	
a) Following the initial private consultation between the suspect and a solicitor, <b>or</b>	
b) Where the suspect has waived their right to an initial private consultation with a solicitor as per question 2 above.	

3. "Do you want to have a lawyer present with you during questioning by the police?"	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If the answer is <b>Yes</b>	Time: _____ hrs
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"Do you want me to contact a particular lawyer or firm? If you have no preference or your named lawyer cannot be contacted another lawyer will be contacted for you."

Named Solicitor / Firm (details) <input type="checkbox"/>	
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No Preference (details of solicitor / firm notified) <input type="checkbox"/>	
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Time / Date Notified	
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**Officer Notes**

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If the answer is <b>No</b>	Time: _____ hrs
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**Any reason given by suspect for waiving the right to solicitor:**

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Rights Read Over by (name)	
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Corroborated by (name)	
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Suspect Signature	
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**OFFICIAL SENSITIVE: NAMED RECIPIENTS ONLY**

If the person **waiving** this right is aged **16 or 17** and **not subject to a supervision order**, read the following statement **if** they have nominated a relevant person during reception procedures:

"You are under the age of 18. We must ask your "relevant person" before we can question you without a lawyer present. When we do this, we will tell them some information about the offence we are looking into. If we are unable to contact your relevant person or they think you should have a lawyer, we will need to get a lawyer to help you. We will tell you what your relevant person says".

<b>Statement Read by</b> (name)	
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<b>Time / Date</b>	
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**Officer Notes**

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Contact should now be made with the relevant person and their opinion on solicitor waiver sought. The outcome of this should be documented fully on PSoS form **051-030 Waiver to Solicitor**.

Did the relevant person agree with the decision to waive right to solicitor presence during interview?	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
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If waiver was agreed, officers can now move to interview. **Proceed to Section 7 of this form.**

If waiver was not agreed with the relevant person, **proceed to Section 4(4) of this form.**

If the person has not nominated a relevant person or officers have been unable to contact the relevant person, **proceed to Section 4(3) of this form.**

**Officer Notes**

**Section 4 – Persons Unable to Waive Right to Solicitor Access (tick section that applies)**

**1. Persons under 16 years of age and persons aged 16 / 17 who are subject to a compulsory supervision order.**

“You are under 16 years old/subject to a compulsory supervision order (delete as necessary). Because of this, a lawyer must be with you when a police officer questions you. We will arrange for a lawyer to be with you when you are questioned by police”

**2. Person aged 16 or over who, owing to a mental disorder appears to be unable to understand sufficiently what is happening or communicate effectively with the police.**

“We are worried that you might not be able to fully understand what is happening or be able to understand or answer the police officers’ questions. Because of this, we will arrange for a lawyer to be with you to help you.”

**3. Persons aged 16 or 17 who have declined to nominate a relevant person.**

“A person under 18 years of age must have a ‘relevant person’ agree before you can give up your right for a lawyer’s help. You have not named a ‘relevant person’/we have been unable to contact your ‘relevant person’ (delete as necessary). Because of this, we will arrange for a lawyer to be with you when you are questioned by the police”

**4. Persons aged 16 or 17 where their relevant person does not agree with decision.**

“Your relevant person does not want you to be questioned without a lawyer. Because of this, we will now arrange for a lawyer to be with you when you are questioned by the police.”

**Comments**

**FOI Disclosure -  
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**OFFICIAL SENSITIVE: NAMED RECIPIENTS ONLY**

<b>To be read thereafter to all persons affected by points 1 – 4 in Section 4:</b>	
<p>“Do you want me to contact a particular lawyer or firm, or do you have no preference?                  (If you have no preference or your named lawyer cannot be contacted, another lawyer will be contacted for you).”</p>	
<b>Named Solicitor/ Firm</b> (details) <input type="checkbox"/>	
<b>No Preference</b> (details of Solicitor/ firm notified) <input type="checkbox"/>	
<b>Rights Read Over by</b> (name)	
<b>Corroborated by</b> (name)	
<b>Time / Date Rights Read Over</b>	
<b>Time / Date Solicitor Notified</b>	
<b>Officer Notes</b>	
<div style="border: 2px solid red; padding: 10px; display: inline-block;"> <p style="color: red; font-size: 24px; margin: 0;"><b>FOI Disclosure - 22-0143</b></p> </div>	

<b>Section 5 – Authority to Proceed to Interview Without a Solicitor</b>	
This section shall only be completed in <b>exceptional circumstances</b> where under Section 32(4) of the Act, a decision has been made to proceed to interview without a solicitor present.	
<b>Authorising Officer</b> (name)	
<b>Rank</b>	
<b>Time / Date Authorised</b>	
<b>Rationale</b>	

**Section 6 – Suspect Change of Decision**

This section is only to be completed when a suspect has changed their mind in respect of any of the decisions documented earlier in this form. Use the space below to document the circumstances and action subsequently taken.

**Details**

**FOI Disclosure -  
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<b>Suspect Signature</b>	
<b>Time / Date</b>	
<b>Officer (name)</b>	
<b>Officer Signature</b>	
<b>Corroborating Officer (name)</b>	
<b>Corroborating Officer Signature</b>	

**Section 7 – Interview Outcome**

<b>Status changed from voluntary attendance to arrest under Section 1 CJ(S)A</b>	<input type="checkbox"/>		
<b>Released without charge</b>	<input type="checkbox"/>		
<b>Released on Investigative Liberation</b>	<input type="checkbox"/>		
<b>Charged with suspected offence (officially accused)</b>	<input type="checkbox"/>		
<b>Time of Status Change / Outcome</b>	hrs	<b>Date</b>	