

Police Investigations and Interviews Under Caution Factsheet

Once crimes are reported to the police they are under a duty to investigate. This will almost always require police officers speaking to all those involved including witnesses and suspects.

If you are accused of a criminal offence, and the matter is referred to the police, the police may wish to interview you under caution. This can be done following an arrest or by way of voluntary attendance at the police station. Increasingly the police are choosing to conduct interviews under caution by way of voluntary appointments. This means that whilst at the police station you will not be detained and released on police bail, meaning you will not have to return to the police station at a specified date and time.

What is said during a police interview will have a significant impact on how the matter proceeds. If you are arrested it is important that when you are being booked in at the custody desk you confirm you wish to be represented by Thompsons Solicitors. We will then be contacted and a lawyer will attend to represent you.

Representation at the police station is free of charge and one of your fundamental rights whilst at the police station, whether you are there under arrest or attending as a volunteer. Always exercise caution when dealing with the police, it is never just a 'chat'. No matter how informal or relaxed speaking to the police may seem, always protect your position and ensure you are represented.

In the event the police contact you and ask you to attend a voluntary interview ensure you follow the steps below;

1. Ask for the officer's name, collar number and contact number;
2. Confirm you intend to instruct Thompsons Solicitors to represent you, and explain a representative will be in contact with them in order to arrange an appointment for you to attend the police station;
3. **DO NOT DISCUSS THE ALLEGATIONS OR ALLEGED OFFENCE WITH THE POLICE;**
4. Contact your union immediately and explain you require criminal law representation. You will then be contacted by a solicitor from Thompsons Solicitors and provided with legal advice and representation.



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Things you need to know

- You should not discuss any allegations with the police unless a lawyer is present.
- Requesting legal representation at the police station will not extend the amount of time you spend there, nor will it show that you are guilty or have something to hide.
- Your right to legal advice whilst attending the police station as a volunteer remains the same as those who are arrested. Any legal representation will also be provided free of charge.
- Failure to attend a voluntary interview would likely result in your arrest.
- In the event you are prosecuted after a voluntary interview it is likely you will be asked to attend the police station in order to provide fingerprint and DNA samples. The police have the power to take such samples without your consent in most cases therefore refusal to provide such samples could result in your arrest and the use of reasonable force by the police in order to take such samples.

What happens later?

Representation at the police station is of vital importance, ensuring that as much information as possible is gathered and you obtain legal advice before the interview is conducted. A lawyer will ensure the interview is conducted fairly and in accordance with the law. Following the interview, a lawyer will make representations to the police on matters such as bail and suitable ways of dealing with the matter you are being investigated for.

If the police are not in a position to make a decision as to how the matter should be dealt with, it is likely you will be told that you will remain under investigation. The amount of time a person can remain under investigation varies greatly depending on the circumstances of each case. A representative from Thompsons will remain in close contact with the police whilst you are under investigation to ensure we receive regular updates regarding the progress of the investigation.

If you are arrested and released on bail there are now time limits in place determining how long you can be placed on police bail for. In some cases the police will have to apply to the Magistrates' Court before an extension of bail can be granted. You will be entitled to be represented by a solicitor where such an application is made.