

# Attending a Police Interview



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## 1 Why the police interview

After police have investigated a criminal matter, the police will give you an opportunity to give your version of events. Critically, police often offer this after they have formed a view on if you should be charged or not. Overwhelmingly, all an EROI does is give the police more evidence, it is highly unlikely you will be able to “explain your way” out of the situation. Police are skilled at pulling information from you often, aside from the formalities it will feel like a friendly conversation not an interrogation.

## 2 Police prepare for the interview

The police will take you into an interview room at the police, most interview rooms have a “L” shaped table where all people sit on the same side and the interview is recorded both in audio and visual from the other. Sometimes the officers might take a moment or two to set up the recording devices. Once the recording is started, everyone in the room will be asked to identify themselves including any lawyers or support people in the room.

## 3 The Interview - Rights and Cautions

Police will ask a few general non-specific questions such as your level of education, if you can read and write, if you are under the effects of any medications or substances. Police then explain your rights and caution you about the consequences of giving an interview. The police must comply with the very strict legal protections at this stage.

## 4 Your Decision – Do you give an interview?

You are then asked if you wish to give an interview. At this point your lawyer may ask the police to give some information about what they are investigating before giving you advice about the pros and cons of giving an interview.

You then decide if you wish to give an interview and your lawyer will give you advice as to what they think is the best option for you in the situation.

If you do give an interview, the police will ask you questions about what you know, your involvement with and whereabouts connected with the matters they are investigating. It is important to remember, at this stage of the investigation the police likely have enough to charge you and the answers you give the police may just be further supporting their case.

If you do start giving an interview, you have the right not stop the interview or not answer questions the police are asking you.

## 5 After the interview or refusal

One the four things is likely to happen after the interview:

- Released without being charged.
- Charged and issued a notice to appear (a date you have to attend court).
- Charged and placed on watch house bail – where you are on bail and must attend court on the date set by the officer with conditions you must comply with.
- Charged and remanded in custody (you may wish to make an application for bail at court the following day)