



**5 THINGS YOU NEED TO
KNOW**

about

POLICE INTERVIEWS

**GATENBY CRIMINAL
LAWYERS**

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YOU ONLY NEED TO GO WITH THE POLICE IF YOU ARE UNDER ARREST.

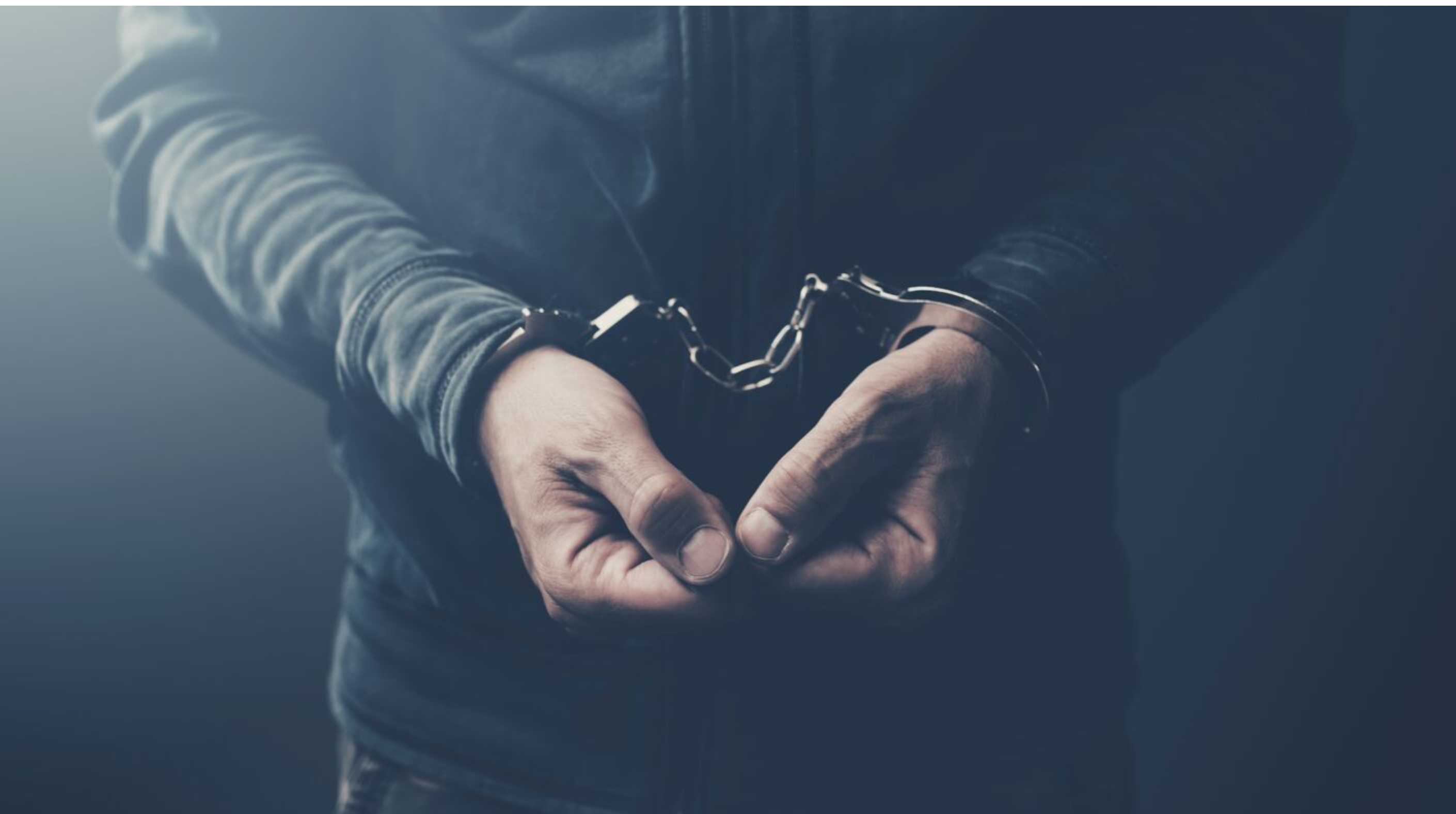
When Police investigate a crime they will try to interview anyone that they believe can assist them in their enquiries including:

1. Victims;
2. Witnesses; and
3. Suspects.

If the police suspect that you have information about an offence, they may ask you to attend a electronic record of interview. You **do not** have to attend, unless you are under arrest. Ask the police officer “*Am I under arrest?*”,

If the answer is “**no**” you do **NOT** need to go with them.

You should always be polite to the police, but that does not mean that you should go with them unless you are under arrest. Remember, if the police are asking you for an interview they consider you a suspect and are looking at charging you. They want information to help advance their case.



YOU HAVE THE RIGHT TO REMAIN SILENT

Whether you attend voluntarily or after being arrested, you will generally have a 'right to remain silent'. This means that you do **not** have to answer questions about the alleged offence, except in certain limited cases. You have the right to remain silent for three main reasons:

1. To protect you from incriminating yourself;
2. To ensure that you are treated as fairly as possible; and
3. Because the prosecution bears the burden of proof.

Where the offence is a serious, the Queensland law requires the police **must** give you a warning that you have the right to remain silent. Our general advice is that you should exercise that right and not speak with the police.

WHAT YOU MUST PROVIDE

You are required to provide the police with your name and date of birth. It is an offence to provide the police with a false name.

If you choose not to answer any questions, you should inform the police officer that you do not intend to answer any questions. Sometimes experienced police officers will continue to ask you questions in the hope that you will answer them. You should arrange for a lawyer to speak with them on your behalf.





ANYTHING YOU SAY CAN BE USED AGAINST YOU

Any answers you voluntarily give police is evidence and can later be used in Court against you. The police can apply to use what you say:

1. Even if it is obtained by the Police improperly or illegally;
2. If it will help prove your guilt; or
3. If the police can show it was a lie.

On the other hand if the answer you give to the police is helpful to you, it may not be able to be used.

Sometimes the police will ask you to give them access to your phone, tablet or computer. If there are incriminating messages or content on the device then that evidence can be used against you at your trial. There are occasions when the police can get a warrant to access your device and in those circumstances you must provide them with access or face further charges otherwise you should not hand over these items.

You may not realise that your answers to police questioning are hurting your chances of being found not guilty. Sometimes an ill thought out answer can be the difference between winning and loosing your freedom.



POLICE INTERVIEWS ARE NOT FAIR

Police interviews are not fair. Generally the police officer has already decided that they are going to charge you and is simply looking for further evidence that they can use to prosecute you. Most people have very limited contact with the police and do not understand the purpose of the interview.

There is an intentional power imbalance between you and the police officer including:

- 1. You are in the *unfamiliar* surrounds of a police station.
- 2. You are being interviewed by experienced police officers that are trained to get admissions from you.
- 3. There will be at least two police officers asking you questions.
- 4. The room is fitted with electronic recording equipment that is *unfamiliar* to you.
- 5. The interview is conducted by way of questions being asked by the police and answers being given by you.

Police interviews are designed by the police to **help them** prove their case. You should think carefully about whether you want to help them prosecute you.



YOU HAVE THE RIGHT TO A LAWYER

Because the interview process is so unfair to an accused person the Judges formed a series of rules to try and even up the balance. These rules are now part of the law of Queensland Law.

- The right to telephone or speak to a lawyer of your choice;
- To inform the lawyer where you are; and
- To arrange or attempt to arrange for the lawyer to be present during questioning.

The police also have obligations they:

- Must provide reasonable facilities to enable the person to speak privately with the lawyer; and
- Delay questioning for a reasonable time to enable a lawyer to attend.

Speaking to police without a lawyer is like trying to fight without one arm behind your back. You should make sure you get advice and give yourself a fighting chance.

OUR EXPERIENCED CRIMINAL LAWYERS CAN ENSURE ANY INTERVIEW IS CONDUCTED FAIRLY AND THAT YOU ARE PROPERLY REPRESENTED. IT IS MUCH EASIER FOR THE LAWYER TO DO THIS DURING THE INTERVIEW PROCESS THAN AT SOME LATER COURT HEARING.

AS CRIMINAL LAWYERS WE UNDERSTAND POLICE METHODS AND THE DEFENCES THAT ARE AVAILABLE. WHILE THE ARRESTING OFFICER MAY NOT BE INTERESTED IN YOUR DEFENCE, **YOUR SOLICITOR WILL ENSURE THAT YOU ARE PROTECTED.**

GATENBY CRIMINAL LAWYERS ARE AVAILABLE TO ATTEND A POLICE STATION OR PROVIDE ADVICE AFTER HOURS IF THE POLICE WANT TO INTERVIEW YOU.

FOR A CONFIDENTIAL CONSULTATION CALL OUR 24 HOUR HELP LINE ON (07)55800120

THE INFORMATION PROVIDED IS GENERAL IN NATURE AND IF YOU ARE FACING CRIMINAL CHARGES YOU SHOULD CONTACT A LAWYER TO DISCUSS YOUR PERSONAL SITUATION. THERE IS NO SUBSTITUTE FOR PERSONAL ADVICE.