How to Handle a Police Interview

Note: This article is focused on the United Kingdom, but may be useful for other jurisdictions.

So, you have just been arrested and you are waiting in the holding cells at the Police Station waiting for the Police to interview you. If this is your first time getting arrested you might be a little bit scared, wondering what will happen next. Thoughts might be swirling around in your head as to what you will say in the interview. Will you confess to whatever it is they have arrested you for, throw yourself on the mercy of the Police? Or will you insist on your innocence? If the accusations against you are serious the way you conduct yourself during the upcoming interview could profoundly affect the rest of your life, and you have so little time to prepare yourself. You just want someone to tell you what to do, to make the difficult decisions for you. Will a lawyer arrive to save your ass, tell you exactly what to say? Well, unless you have a mob lawyer's business card at the ready you will have to make many of these difficult decisions yourself. So, without further delay, let's see how this situation will pan out.

Most people were brain washed from early childhood to believe that the Police are there to help them. Your parents probably told you that if you are ever lost or something bad is happening you should call the Police and they will save you. Your infant and junior school teachers probably told you the same thing. This advice is utterly wrong, and will get you into a world of trouble if you believe it now. It wasn't your parents fault that they gave you such dangerous bad advice; rather they were themselves brain washed to believe this when they were young children. The most important thing you need to do now is to adjust your mindset. The Police are your enemy. It will take you many iterations and many decades to deprogram yourself completely, but for now just keep these words in the forefront of your consciousness during your decision making at the Police station: The Police are your enemy and want to hurt you in ways that you do not yet understand.

The Police will ask you for your name, date of birth and address. This question differs from all other questions in that the Police believe that you have a duty to answer these questions,

whereas they accept that you have a right to remain silent when asked any other questions. They sometimes use language that is designed to make you more likely to answer, such as I will take your name and address rather than what is your name and address . Do you really have a duty in law to provide this information? That is a complex question beyond the scope of this article. Regardless of the Police opinion on this matter you may refuse to answer these questions, or state that you require the advice of your lawyer prior to answering this or any other questions. One other option is to give a false name and address. Whether this is a good strategy or not largely depends on whether or not the Police have some other way to verify the information you give them. If they don't then you may pass through the entire process under a phoney name and emerge with effectively no criminal record, at least not a record traceable to your real identity. If you are unable to decide how to handle these questions then I recommend just remaining completely silent.

The Police should offer to obtain a lawyer for you free of charge. If they don't offer to do so then you should demand a lawyer. You can demand because it is your right. If the thought I don't need a lawyer because I am innocent , or the other thought If I ask for a lawyer the Police will think I am guilty should enter your mind, flush it from your brain immediately. Both these thoughts are dangerously wrong. The lawyer is free, demand your right to your free lawyer, and use them, make them earn their fee. And don't give a fuck what the Police think about your guilt. They have already arrested you, they already think they can build a case against you. Make it clear to them that they will have to do so without any help from you. The Police are predators so you should not look to them like an easy target. If you already have a favorite lawyer tell the Police to call them for you. Any lawyer can be provided free of charge in the Police station, just ask for them by name. If you don't have a lawyer lined up already, and don't know any lawyers, then the Police will assign a Police station lawyer for you from their list. They are supposed to pick a lawyer from the list in sequence so that all lawyers on the list get an equal chance of getting customers this way.

The thought may occur to you that if Police station lawyers are free how can they be any good? Or, are you getting what you pay for? Well, most are bad, a very small minority are good. However, this is much the same as the entire population of lawyers at large. Lawyers provided by the Police are a representative sample of lawyers as a whole. These lawyers get a small fixed fee for representing clients at the Police station. They regard this work as a loss leader hoping to get the business of defending you all the way through trial. But, this can create a conflict of interest since a Police station lawyer will make more money if their client is charged. Since Police station lawyers deal with the same Police officers for years some like to maintain a good working relationship with Police. This can help in negotiating on your behalf, but it can also create an overly cozy relationship in which your lawyer is afraid of antagonizing Police officers they will have to work with again. Nonetheless, if you don't know the names of any lawyers to call just accept the lawyer selected for you by the Police. They will be better than nothing.

The next significant event at the Police station will be the interview. In almost all situations the best way to handle this is to make a No Comment interview. There are basically three ways to go about this: The best approach is to remain absolutely silent whenever the recorder is running. A less desirable approach from the defendant's perspective is to utter the phrase no comment as the answer to all questions. The third approach is to selectively answer some questions and not others. In all cases you will have the opportunity before the questioning begins, or at the end of the interview, to make you own free form statement independently of any questions that you may be asked. After refusing to answer a few questions you will be given a no comment warning . This is merely a repeat of the phrase it may hurt your defence if you fail to mention in questioning something you later rely on in court . Don't let this warning concern you at all; although the European Court has allowed the United Kingdom courts to make adverse inferences from a defendant's silence it is not a powerful argument at trial. It is much more likely that you will hurt your defence if you do answer a question than if you don't, and excuses can always be made a trial if needed. Remember, any advice the Police give you is for their benefit, not yours. At this point you are being interviewed under caution. You are the suspect. The sole purpose of the interview is for the Police seek evidence to convict you. The Police are not interested in truth or justice. They just want a conviction. They are not trying to determine who committed the alleged offence, or even if the crime even happened. They only want to obtain evidence to convict you. They are just as happy to convict an innocent person as a guilty person. This really is their agenda. The Police are required to give you a copy of the recording of the interview. Insist that they do; it will be a useful tool to refer to when formulating your defence. The questions they ask will give you valuable insight into what they know or don't know, and thus to their trial strategy. If you are being remanded then let your solicitor keep the copy, but make sure they understand that it is your property and you want it back eventually.

Sometimes the Police arrest and charge the victim of a crime while pandering to the true offender as if they were the victim. This situation has become remarkably common. If you are arrested, and yet you are the true victim, then you should insist on making a crime report. The Police will probably not allow you to make your crime report, because it would undermine their attempt to convict you of the crime. But get it on the record that you asked to make a crime report as the victim of the very same crime you were arrested for. They often say that you can make your report after your release by visiting any Police station and asking to make a crime report. This is of course dumb insolence on their part, and very silly, unprofessional behavior. Why should you have to wait until after you have been released from prison to file a crime report that you were the victim of the very crime for which you were imprisoned. It also demonstrates very clearly that the Police have no interest in truth or justice, but want only to optimize their chances of convicting you. Most Police forces in the United Kingdom have a published policy on counter accusations which require them to take your crime report in this situation. But they will blatantly defy their own policies and procedures to get a conviction against you. The best way to handle this situation is to use your opportunity to make a statement to put the Police on notice that you intend, at the earliest possible opportunity, to conduct a private criminal prosecution of the person they are treating as the victim, and for that reason you refuse to be interviewed in the role of offender as it might undermine your private prosecution. You will only consent to an interview in the role of victim after having filed a crime report. This not only demonstrates to the

Police and Crown Prosecution Service that they may well find themselves severely embarrassed in the future, but also gives you a perfect excuse for a no comment interview.

Some inexperienced defendants think that they should try to appease the police by confessing. Perhaps they think that will that reduce the charges made against them. Confession is never a good strategy. It only demonstrates weakness. The Police are predators and any show of weakness will only trigger a predatory response from them. Make the Police work hard for their conviction. If you have a Police station solicitor representing you they may negotiate a deal with the Police on your behalf. They often do this without your permission, but you always have the right to refuse to accept any such deal. Often the deal is for you to confess and in return you will get a caution and walk out of the Police station within the hour. If you refuse to confess you will be charged and taken before the Magistrates Court where you may get bail or you may get remanded for 3-6 months in the prison system. This of course will result in you losing your job, failing to make mortgage payments and so losing your house, then your car and eventually all your dearest possessions. Most people take this deal. It is so common it has a name: pleading to daylight . You may well find yourself so boxed in by this extortion that you have no option but to take it. But be warned, the unforeseen consequences of accepting this deal may be far worse than you envisioned.

The **only** purpose of the police interview is to obtain evidence to use against the detained person.