

Remember your rights – Voluntary Interview

The rights in this Notice are guaranteed to you under the law in England and Wales and are compatible with [EU Directive 2012/13](#) on the right to information in criminal proceedings.

- You are not under arrest and you do not have to consent to being interviewed.
- Before the police interviewer asks you to consent, you must be told about your rights, entitlements and safeguards that that will apply to the interview.
- You are free to leave at any time unless you are arrested, or if the interviewer needs consent from you or someone else to stay, the interviewer must leave if you or the other person withdraw your consent.
- The rights, entitlements and safeguards that will apply to the interview are summarised on this page.

There is more information in paragraphs 1 to 7 below and the next pages.
Full details are in the police Code of Practice C paragraphs 3.21 to 3.22B.

1. Tell the police interviewer if you want a solicitor to help you when you are interviewed. This is free.
2. Tell the police interviewer if you want to look at their rules - they are called the Codes of Practice.
3. If you are asked questions about a suspected offence, you do not have to say anything. However, it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.
4. The police interviewer must tell you about the offence the police think you have committed and why they need to interview you.
5. If you need an interpreter, the police interviewer must get you one. You can also have certain documents translated. This is free
6. Tell the police interviewer if you are not British and you want to contact your embassy or consulate to ask them to help you. This is free.
7. If your case goes to court, you or your solicitor will have a right to see the prosecution evidence before the court hearing.

If you are not sure about any of these rights, ask the police interviewer to explain.



Home Office



Legal Aid
Agency



The Law
Society

See the pages after the summary for more information about how the police should treat and care for you.

This Notice has effect from 1 December 2018

Please keep this information and read it as soon as possible. It will help you to make decisions about the interview.

1. Getting a solicitor to help you

- A solicitor can help and advise you about the law.
- Asking to speak to a solicitor does not make it look like you have done anything wrong.
- The police interviewer must ask you if you want legal advice. This is free.
- The police interviewer must let you talk to a solicitor at any time if you want to.
- If you ask for legal advice, the police interviewer is not usually allowed to ask you questions until you have had the chance to talk to a solicitor. When the police interviewer asks you questions, you can ask for a solicitor to be with you.
- If you want to delay the interview to speak to a solicitor, tell the police interviewer.
- If you tell the police interviewer that you don't want legal advice but then change your mind, tell the interviewer who will then help you to contact a solicitor.
- If a solicitor does not turn up or contact you, or you need to talk to a solicitor again, ask the police interviewer to contact them again.
- You can ask to speak to a solicitor you know, and you won't have to pay if they do legal aid work. If you do not know a solicitor or the solicitor you know cannot be contacted, you can speak to the Duty Solicitor. It is free.
- The Duty Solicitor has nothing to do with the police.

To arrange free legal advice for your interview:

- The Defence Solicitor Call Centre (DSCC) will be contacted. The DSCC will arrange for legal advice to be given from a solicitor you have asked for or from the Duty Solicitor:
- The DSCC is an independent service responsible for arranging free legal advice and has nothing to do with the police.

If you want to pay for legal advice yourself:

- In all cases you can pay for legal advice if you want to.
- You are entitled to speak in private with your chosen solicitor on the telephone or they may decide to come to see you at the police station or the place where you are interviewed.
- If a solicitor of your choice cannot be contacted, the DSCC can still be called to arrange free legal advice from the Duty Solicitor.

2. Looking at the Codes of Practice

- The Codes of Practice are rules which will tell you what the police can and cannot do when they want to interview you. They include details of the rights summarised in this Notice and are available at all police stations.
- If you want to delay the interview to read the Codes of Practice, tell the police interviewer.

3. Right to remain silent

When you are asked questions about the suspected offence, you do not have to say anything.

However, it may harm your defence if you do not mention when questioned something which you later rely on in court.

Anything you do say may be given in evidence.

4. Knowing about the offence you are suspected of committing and knowing why you are being interviewed.

- The police interviewer must tell you about the nature of the offence the police think you have committed. This includes when and where they think it was committed.
- The police interviewer must tell you why the police think you committed the offence and why they believe they need to interview you.
- Before you are asked any questions about any offence, the police interviewer must give you and your solicitor enough information about what the police think you have done, so you can defend yourself but not at a time which would harm the police investigation.
- This applies to any other offences the police think you have committed.

5. Getting an interpreter and translations of certain documents to help you

- If you do not speak or understand English, the police interviewer will arrange for someone who speaks your language to help you. This is free.
- If you are deaf or have difficulty speaking, the police interviewer will arrange for a British Sign Language English interpreter to help you. This is free.
- If you do not speak or understand English, the police interviewer will get the interpreter to tell you why they are interviewing you.
- When the police interviewer asks you questions and doesn't make an audio recording, the interpreter will make a record of the questions and your answers in your own language. You will be able to check this before you sign it as an accurate record.
- If you want to make a written statement to the police, the interpreter will make a copy of that statement in your own language for you to check and sign as correct.
- You are also entitled to a translation of this Notice. If a translation is not available, you must be given the information through an interpreter.

6. Contacting your embassy or consulate

If you are not British, you can tell the police interviewer that you want to contact your High Commission, Embassy or Consulate to ask them to help. They can also visit you in private or arrange for a solicitor to see you.

7. Access to the evidence if your case goes to Court

- If you are charged with an offence, you or your solicitor must be allowed to see the evidence against you as well as evidence which may help your defence.
- This must be done before your trial starts. The police and the Crown Prosecution Service must arrange this and provide access to the relevant documents and materials.

Other things to know about a voluntary interview

People who need help

- If you are under 18 or are vulnerable, for example if you have learning difficulties or mental health problems, then you have a right to have someone with you for the whole time that you are interviewed. This person is called your “appropriate adult” and they will be given a copy of this Notice.
- Your appropriate adult will help you understand what’s happening and look after your interests. He or she must be with you when the police interviewer tells you about your rights and why you are being interviewed. He or she must also be with you when the police interviewer reads the police caution to you and asks if you consent to being interviewed.
- Your appropriate adult can also ask for a solicitor on your behalf.
- You can speak to your solicitor without your appropriate adult being present with you if you want to.
- If your appropriate adult is available, they must be present when the police charge or report you for an offence.

Getting details of the interview .

- Everything that happens to you when you are interviewed is recorded.
- The questions asked and your answers are recorded in the interview record.
- The interview record may be audio recorded or visually recorded with sound or in writing.
- If the interview is audio recorded or visually recorded with sound, you will be given a notice which sets out your right to have a copy of the interview record.

When the police question you

- The room or place where you are interviewed should be clean, warm and lit.
- You should not have to stand up.
- The Police Officers should tell you their name and their rank.
- You should have a break at normal meal times and a break for a drink after about two hours.

How to make a complaint

If you want to complain about the way you have been treated, ask to speak to a police officer who is an inspector or a higher rank at any police station or contact the Independent Office for Police Conduct (IOPC). You can also make a complaint through a solicitor or your MP on your behalf.