



What's the process of police interviews?

I have never been involved with the police before but I have received a message advising that they want to interview me. What should I do?

Being involved in a criminal investigation is the last thing you expect to happen to you as a doctor. However the police have a duty to investigate any potential crime that is reported to them, whether this be sexual assault, gross negligence manslaughter, fraud, or anything else. One thing is for sure; you will be outside your comfort zone. You should seek help from a solicitor straightaway, but first remember to contact your defence organisation or insurer and find out whether or not this would be covered under your membership with them.

Will the police come to my home or workplace to arrest me?

It depends on the circumstances, although it would be unusual. You might be asked to attend an interview on a voluntary basis. You should still contact your defence organisation and solicitor immediately as even with a voluntary interview, the police will often give very little notice of the date and time they want to interview you. A volunteer is not arrested, and is entitled to leave police custody at any time. If the police wish to detain a volunteer, they must arrest them, but they can only do this if they have sufficient grounds and it is necessary.

What are my rights when I get to the police station?

Your rights in the police station are extensive. Some of the key rights are:

- Right to legal advice. If it is impossible to arrange for your own solicitor or defence organisation solicitor to be there, you are still entitled not to be interviewed until the duty solicitor has been called and has arrived.
- Right to have someone informed of your arrest.
- Continual review of detention.
- Right to medical advice.
- Right to basic human rights including food and drink, depending on the number of hours you are in the police station.

How long will I be kept at the police station?

If you have not been arrested, you can in theory leave at any time. However if you try to leave before they have finished interviewing you, you might prompt the police to reconsider whether arrest is necessary.

You can only be detained for a certain period of time, depending on the circumstances. The general rule is that you can be detained at the police station for up to 24 hours, and at the end of that period the police must either charge or release you (either unconditionally or on bail). For some serious offences, the period of detention can be extended.

What happens in the interview? Do I have to answer their questions?

An interview is defined as “the questioning of a person regarding his involvement in a criminal offence where there are grounds to suspect him of such an offence or offences which ... must be carried out under caution”.

The following caution will be given:

“You do not have to say anything, but 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.”

The implications of the caution are serious. If you are later charged with an offence, at the trial the magistrates or jury can be invited to draw a negative inference if you give an explanation to court which you did not give when you were first asked about it. At the same time, if you answer questions and then give a different answer at court, the jury will be made aware of what you said at the police station and so again, they might draw a negative inference from any change in your position.

An interview must be fair. You do not have to answer questions put to you and can choose not to reply, or to reply with “no comment”, but it is important to remember the caution.

Your solicitor will be able to advise you on the risks and benefits of answering questions or giving a “no comment” interview. They will want to ensure that you do not say anything, or refuse to comment on anything, in a way which makes a charge more likely, or in a way which would make a conviction at court more likely.

How long will it take the police to decide whether to charge me?

In our experience this could be anything from a few days to over a year. It is often not the police who make the decision, but the Crown Prosecution Service (CPS), who review all the papers. In a more straightforward case however, the police will not need to refer to CPS and will make the decision themselves.

Can I carry on practising in the meantime?

In theory yes you can and it is not compulsory to tell the General Medical Council (GMC) about the interview unless you have been cautioned or charged.

You are innocent until proven guilty. However the police will usually forward their papers to the GMC or your employer, who might take a different view and might list your case for a hearing to decide whether an interim order of suspension or conditions should be imposed. You can be legally represented at those hearings, and so you should contact your solicitor straightaway if you hear anything from the GMC.



FIND OUT MORE

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