

Historic Allegations

Facing Police Interview

Jordans Solicitors LLP

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Overview

These days the first you may know about facing a serious allegation will be a call or message from the police asking you to contact the police, the old days of a knock on the door and facing arrest are not know how these cases usually start. However, if you have been arrested the police will give you access to a solicitor straight away either of your own choice if available or a Duty Solicitor.

Of course, you may have been accused of the allegations you are facing (whether it is a family member, former partner/children, or someone you knew in years gone by) in the past. Nonetheless that will not reduce the shock and worry you will feel from that first police contact.

It is important at this crucial moment to keep a level head and concentrate on what you need to do. In the first place it is vital to note that no matter how friendly the approach is, and the officer might be simply inviting you to come down and "chat about the allegations", this is a serious investigation and one you must take seriously.

Your absolute first step is to get advice. Of course, you will need to be represented. by a Solicitor and we will return to this issue shortly.

But that is not the only advice you need. You need support and there are many important organisations that can help you such as:

- FASO
- BFMS
- FACT (If you are a falsely accused carer and teacher)

You might also find more local support groups and the strength and support this will give you will be invaluable.

Legal Advice

As we have said representation at the interview by a Solicitor is essential and it is important that you make sure that the Solicitor you select is one who has good experience in historical allegations.

Understanding how these cases are investigated, what the police are seeking and how they will further those objectives is pivotal making your choice of representative crucially important.

So do make enquires and ensure that you get someone you can trust to protect your interests.

Guide Disclaimer

This guide is provided for information purposes only. We have done our best to ensure that the information contained in this guide is correct as of 01.09.2022. It applies only to England and Wales. However, the guide has no legal force, and the information may become inaccurate over time, due to changes in the law. Information within this guide may be over-simplified and the information contained within it does not constitute legal advice and we will not be liable should you rely on this information. Before you take any action, you should always seek legal advice from a professional with an in-date practicing certificate.

The Interview Process

The First Contact

If you have not yet arranged the interview now is the time to do so. Give yourself enough time to get your head in the right place and make arrangements for your representative to be available.

Interview Preparation

This really depends on whether you have any idea who is making the allegations but if you do then it may be helpful to think about the events that occurred that may have led to this. Sometimes writing down a chronology may help you get events in order or make some notes.

These may be shared with your Solicitor, but it is **not advisable** to take them into the police interview because if you refer to them, they may become an exhibit.

Day of the Interview

On the day of the interview, you will meet with your Solicitor and then go into the police station. If you have received advance written disclosure your solicitor will have discussed it with you in advance but if not as often happens verbal disclosure will be given to your Solicitor before the interview starts.

Important note – advance disclosure will only be given generally if you are represented which is why you should always attend one of these interviews with a Solicitor.

Once disclosure has been given you will have a private discussion with your solicitor where the allegations will be explained, and your solicitor will be able to offer advice as to your best approach to the polices questions.

Generally, this will be to answer the questions, put in a written statement (a statement of your defence followed by you not answering questions) or making no reply to the police questions.

The solicitor will advise on the best approach but very often it will be in your best interest to answer questions so you can strongly advance your defence.

You will be cautioned at the start of the interview and the caution which says:
"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."

What does a caution mean?

Firstly, you do not have to answer the polices questions, which is your right to silence. However, the second part of the caution has important implications for this.

Firstly, if you do not answer the polices questions and were then to be charged with offences then when you go to Court you may want to give your version of events – but the Court may hold against you the fact that you did not give this information at the first opportunity when the police interviewed you.

Secondly if you do give an explanation at the police station but you either don't answer some questions or miss out important information then if you seek to provide that at the court then this may again be held against you.

How would it be held against you?

The Judge at trial can make what is known as an adverse inference which basically means he or she can tell the jury what you failed to do at the police station and the jury in carefully defined circumstances may hold this against you.

In what are often finely balanced cases it is important not to offer up the possibility of such an adverse inference unless there is really no choice.

Finally, your interview will be recorded for both your protection and that of the police so that everyone knows exactly what you were asked and what you answered in your interview.

Usually that is still audio only, but some police forces now also record the interview.
on video

After the Interview

Of course, once the interview is complete if you are a volunteer, you are free to go, indeed as a volunteer you can leave the interview at any time although it is always advisable to see the process through.

Some ancillary matters may then arise. Firstly, the Police might want to access some material which they need your permission for such as your medical records or bank records. They might also if this is a more recent historic case want to check your social media records or your phone records. In some circumstances they might even want to take your phone for examination.

These requests bring complex considerations which is why you should discuss any requests with your Solicitor who would advise you as to your best course of action. There can be a risk that if you do not cooperate that the police might try to arrest you so that they have a power of seizure but even then, the position is not straight forward and that is why you would need advice.

Of course, often to support your innocence giving access to some records can be advantageous.

As a volunteer you will then be subject to a risks assessment which is a formal process where the police have to be satisfied that now you know about these allegations that this will not affect your mental health or wellbeing such that you might harm yourself. They should highlight to you available counselling or other independent services that can offer assistance and if you feel unwell after the attendance at the police station of course you should seek medical assistance.

Naturally things can seem bleak after such an interview but there is every possibility the police investigation could lead to no further action, and it is important to try to keep that in perspective particularly as the investigation may continue for quite a while.

As indicated as a volunteer you will then be free to go and will usually be released under investigation (RUI) what this means is that you are not on bail and are free to continue your life. The police will continue their investigation and will then contact you when a final decision is made or if they need to speak to you again to ask you some more questions, when again you must ensure you are represented by the same solicitor.

In the unlikely event you were arrested once the interview is concluded the investigating officers will then discuss the case with the Custody Sgt who is the officer responsible for your care at the police station. A decision will be made as to your bail and what conditions. Even in this situation the usual course of events may be release under investigation.

Sometimes you may be bailed with conditions such as a requirement not to contact certain witnesses or to live in a certain place. In some of the most serious cases you may be kept and put before the Court, but this is not very usual at all these days.

Next Steps

The most agonising aspect of this process is now waiting for the Police to progress the investigation. These sorts of cases can take many months to move forward due both to a lack of resources for the police and also the Crown Prosecution Service who must make the decision as to whether to charge or not. If there is digital evidence to consider and assess the time will be even greater and there is a considerable backlog for such cases.

There is now a lot of concern over whether RUI is an appropriate way to deal with these cases as it leads to too longer a delay both for you and also for those making the allegations.

But this is how the current investigation system operates so what next.

What are the Do's and Don'ts at this stage:

- **DO** try to get on with your life as the investigation may be lengthy
- **DO** seek medical support if you are suffering because of the investigation
- **DO** keep in regular touch with your Solicitor who will ask the Police for regular updates
- **DO NOT** try to contact the Complainant or any of the Prosecution Witnesses
- **DO NOT** place any of the information about the investigation on Social Media
- **DO NOT** expect this to be quickly completed
- **DO NOT** lose hope and make sure you
- **DO** stick with the process and the advice you will be receiving

How much will it cost?

So, I am sold on being represented but how much will the Solicitor cost?

The answer is that if you have not had advice from another Solicitor you are entitled under Legal Aid to be represented at the Police Station without charge. If you want a Solicitor who works a distance away from the Police Station to represent you (a specialist) that is your choice but there may be costs involved in that.

That Legal Aid should also cover any returns to the Police Station. If you want to discuss the evidence outside of the Police Station at length, then you may need to reach a different arrangement with the Solicitor.

Any final thoughts

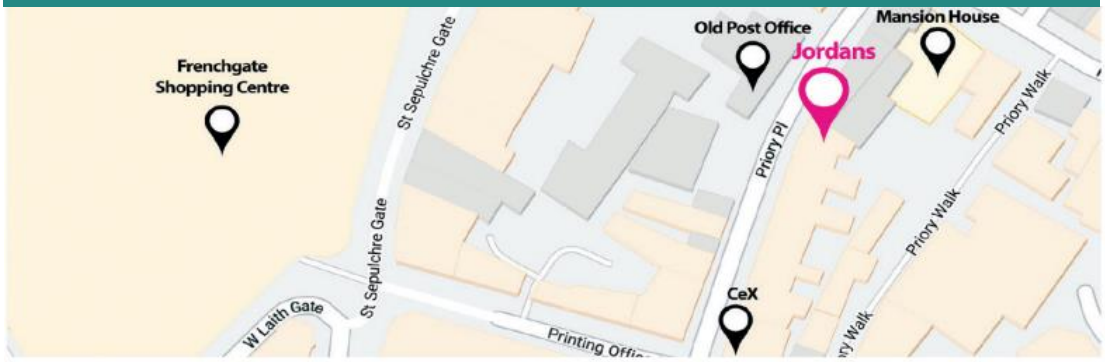
DO NOT PANIC, what you are facing is very unpleasant and stressful, but with the right advice you can successfully get through this stage. There is plenty of support out there.

It remains an important stage where you can strongly set out your defence, this is crucial for the investigation and your own emotional wellbeing.

You must get the right representation and take time to prepare yourself for the process. How you deal with the interview at the police station can make a real difference to the ultimate outcome.

Where can you find us

Doncaster



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Our key promises:

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Next steps

Take advantage of our **Free Initial Assessment** to find out what suits your needs. To get in touch, call us on **01302 365 374** or email your query to **info@jordansllp.com** to receive a response from one of our experts

By your side since 1925

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