

Attending a Police Interview for a Road Traffic Offence

Overview

Most road traffic offences will not require a driver to attend at a Police Station for a recorded interview as they are dealt with via a summons. However, in circumstances when the Police do intend to interview a driver, it is advisable to seek expert legal advice and representation.

During the investigation stage of a driving offence, the Police will often contact the driver to ask them to provide further information or to attend the Police Station to conduct a formal Police interview under caution. Alternatively a Police Officer may attend the driver's home address or place of work to conduct a voluntary interview under caution.

Do I need a solicitor for a Police interview?

Yes, it is always advisable for a driver to have legal representation. It is important that you obtain expert legal representation as this can often mean the difference between being charged for a road traffic offence or not.

The Police Station interview can be the most important part of any case. How you conduct yourself in the interview and whether you answer questions, provide an account or say 'no comment' can be a factor which prevents you being charged by the police; or enables you to win your case at Court. In certain circumstances the Police will sometimes seek to minimise the role of the interview and, therefore, many drivers feel that they do not require the services of a solicitor at the Police Station. However, the Police Station interview is a significant part of the process and can often be the point when individuals provide evidence against themselves which severely prejudices their case at a later stage.

One of the main reasons that the Police would wish to interview a driver is when they are missing one of the fundamental points of an offence which they would need in order to prove the offence. Therefore, they would wish to interview the driver in order to gain further evidence to be able to charge the offence in question.

What is a Voluntary Interview?

A driver may be asked to attend a voluntary interview at the Police Station. This means you are under no obligation to stay and you do not have to agree to be interviewed. It is likely that you will feel under pressure to attend the Police Station merely because the Police have asked you to do so. You may not need to do so, and if you refuse the Police will be unable to arrest you and therefore unable to interview you. In order to assist you to make an informed decision as to whether or not you are prepared to speak to the Police under caution; you should seek expert legal advice.

What is an interview under caution?

The police have the power to arrest anyone suspected of a criminal offence. After arrest the suspect is usually interviewed under caution. If you are interviewed under caution, you will be told that you do not have to say anything. But you will also be warned that if you do not mention when questioned any defence or explanation that you might have it may harm your defence when you go to court. If you raise facts at court that you could have mentioned at interview, your silence may have an adverse effect on your defence.

Therefore it is very important to have expert legal representation and advice when being interviewed at a Police Station under caution. When dealing with road traffic offences it is essential to have an expert motoring solicitor on hand to give you advice and represent you throughout your interview.

Continued overleaf >



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'Keepmeontheroad' is the collective name for the Road Transport Law & Motorist Defence team at Rotheras Solicitors.

The team at Rotheras solicitors like to do things differently. Our Nottingham based legal experts offer the kind of legal expertise that really counts, and our reputation pays testament to the fact we deliver the right results for our clients.

What happens at the interview?

The interview will normally be recorded on a CD or tape. Occasionally the Police will take a handwritten note of the interview, this will normally only occur when it is a very minor offence. At the beginning of the interview the driver will be cautioned which is when the officer warns the arrested person that they do not have to say anything but it may harm their defence if they do not mention when questioned something which they later rely on in court. Anything they do say may be given in evidence. This is effectively the caution.

When will I be charged?

When the Police Officer in charge of the investigation believes there is enough evidence to provide a realistic prospect of a conviction he will bring the file to the Custody Officer who will decide whether the driver should be charged with an offence. In most cases the Custody Officer will have to liaise with the Crown Prosecution Service who will advise on what course of action should be taken by the Police. Usually the Police will contact the driver after the interview has taken place to inform them whether the prosecution against them is proceeding or not.

Why is Legal Representation Important?

If the Police want to speak to you about a road traffic offence it is very important that you are represented by someone who is knowledgeable and competent in this particular area of law at the Police Station. It is an unfamiliar environment for many drivers so it is important that you have confidence in your representative. We can arrange for you to attend a Police interview at a convenient time that suits you.

Interviews with the Police can lead to admissions being made from which prosecutions may follow. Therefore it is important to have the right legal advice from the start.

Going to Court

Even if you have decided not to be legally represented at a Police Station interview, it is advisable to have legal representation for your court appearance. It is always in a driver's best interest to obtain legal advice before going to court, in certain circumstances we may be able to write to the Court or the Prosecution on your behalf in order to deal with matters before they get to court.

It should be noted that any driver being interviewed at the Police Station is entitled to free independent legal advice from the services of a duty solicitor and this would always be beneficial as opposed to conducting an interview without the benefit of legal representation. However, the duty solicitor will not be a specialist road traffic solicitor and it is always advisable when a driver is facing a Police interview for a road traffic matter you should speak to a specialist road traffic solicitor prior to any interview taking place.

We offer advice and representation in connection with Police Station and DVSA (Driver and Vehicle Standards Agency) or HSE (Health and Safety Executive) or other enforcement agency interviews and investigations. We represent businesses and individuals facing all types of road transport or driving related investigations. To protect your rights contact us at the earliest opportunity.

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