



## **VIDEO RECORD OF INTERVIEW**

(ALSWA website version)

### **Aboriginal Legal Service of Western Australia (Inc)**

*Striving for justice for Aboriginal and Torres Strait Islander peoples for over thirty years*

**www.als.org.au - Freecall ALSWA within WA 1800 019 900**

#### **Points to remember**

1. You do not have to answer any questions (except your name and address) or do an interview.
2. Always contact a lawyer before agreeing to do an interview.

#### **Common questions**

##### **Do you have to answer any questions from the police?**

The only thing you have to tell the police is your name and address. If it is a traffic matter, you must also give them your driver's licence number and details of the owner of the car, and tell them if someone has been hurt or the damage is more than \$1,000. If you are in a nightclub or hotel, the police can ask you for proof of identity.

##### **Do you have to do a video interview?**

No.

##### **What should you do if police ask you to do a video record of interview?**

You should get legal advice. If you can't get legal advice for any reason, you should tell the police that you do not want to do a video record of interview.

##### **What if the police say it is your chance to tell your side of the story?**

You will always have the chance to tell your side of the story through your lawyer at Court or through doing an interview later.

##### **If you do the video interview, is there a chance the police won't charge you?**

If the police decide to charge you, they will, whether or not you have done a video interview.

##### **If you do a video interview, will it make your chances of bail any better?**

No.

**Can the police do anything if you refuse to do a video record of interview?**

No. If anything happens because you refused to do an interview, tell your lawyer.

**What if you want to do a video interview?**

This is your decision. It is best to talk to a lawyer before you make the decision, to make sure this is the best option for you.

**What happens if you do a video interview?**

- If you are under 18, you have the right to have a responsible adult (parent, relative, friend) with you during the interview. The police must take reasonable steps to find a responsible adult for you.
- If you are 18 or older, you can ask for a friend or relative to be there with you during the interview.
- Before the police ask any questions they must make sure you understand that you do not have to do the interview, and that if you do the interview anything you say can be used against you in Court.

**Can you stop answering questions during an interview if you want to?**

Yes.

**What happens to the video once it is made?**

The police will keep the original. They will send a copy to you or your lawyer if requested. If you plead not guilty to a charge, the police may use the video as evidence against you in Court. If the police did not treat you fairly before the interview, or during the interview, you or your lawyer can argue against the video being used in Court.

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The information contained in the website version of this ALSWA pamphlet is correct as at May 2008, HOWEVER the law may change at any time.

Material in this publication does not constitute legal advice, but is intended for information only.

For legal advice please contact your nearest office of the Aboriginal Legal Service of Western Australia (Inc). ALSWA'S Head Office is at 7 Aberdeen Street, Perth and other ALSWA offices are located at Albany, Broome, Bunbury, Carnarvon, Derby, Fitzroy Crossing, Geraldton, Halls Creek, Kalgoorlie, Kununurra, Laverton, Meekatharra, Newman, Northam, Roebourne, South Hedland and Warburton.



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