

Speaking with Police: A Guide for Prospective Witnesses

1. When asked to speak with police, it is important to remember that you are still bound by patient confidentiality. The officer's warrant is your legal authorization to disclose the patient's personal information. You are only expected to answer questions that are in the scope of the warrant. For this reason, counsel should be present with you to ensure that the questions are not too wide of scope.
2. You have one key task during the interview: listen very carefully to the question that is asked and answer that question fairly and honestly. Unless your counsel advises otherwise, there is no reason for you not to cooperate fully with police.
3. Wait for the question to be completed -- listen, pause and if you don't understand the question, say so. If you need the question repeated, say so.
4. Answer only the question that is asked, not also the ones you think are coming next. Don't volunteer answers to questions that have not been asked.
5. Don't guess or speculate. It is always better to honestly answer, "I don't remember", then to guess at an answer.
6. Be courteous and professional at all times. Remember that the officer does not have a medical background and may need some assistance in understanding certain aspects of your evidence.
7. There are three sources of knowledge from which to answer a question:
 - § what you remember;
 - § what you recorded;
 - § what you usually or always do as a matter of normal routine or practice.
8. Ask to see the hospital record, where you would find it helpful to do so. It is not a memory test!
9. Remember that just because an event or observation isn't recorded, that doesn't mean it didn't happen. Many things happen in the course of a normal working day that are not recorded in written form, but which we know we did.
10. Be firm, but don't argue.
11. Sometimes tone or wording of questions will make you feel under attack. Remember that your evidence is simply being gathered as part of the police investigation.
12. Don't give opinions that you are unqualified to give.
13. Summing it all up: Your only job is to answer each individual question honestly and to the best of your ability.

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