



Police Statement Writing

Learners who have successfully completed this lesson will be able to:

1. Explain what is a witness statement
2. Describe how to structure a police statement
3. Explain ADVOKATE
4. Explain the 10 point description method used with police statements
5. Describe how to produce an exhibit within a statement

What is a Witness Statement?

Formal written document of a person (MG11)

Facts relating to a certain event or events

Used as evidence in court & a copy served on the other parties before trial

Signed by the person who makes it confirming the contents are true

QTS – what is a witness statement?

Its purpose is to:

- Record all possible information before you have time to forget it
- Provide information on which investigative decisions are made
- Explain police action should it be questioned
- Help in cross-examination at court
- Assist to refresh your memory

Writing a statement will also allow:

- the quality of evidence to be evaluated for the purposes of investigation and its



- suitability for court,
- the evidence of the witness to be recorded as soon as possible after the incident, and
- expedite the investigation of that particular incident.

It also allows the CPS to check evidence (Is there sufficient admissible evidence?) and to record the evidence in a form that can be disclosed to the defence.

Over the years stated cases, specific rules or guidelines have evolved that you must follow when describing people, exhibiting items that may become evidence in any subsequent court case or identifying suspects. These areas will be covered individually.

What can a witness say?

A person can only give evidence of what he/she has perceived through his/her own senses

Direct evidence

E.G saw an assault,
hear a loud noise



Hearsay evidence

E.G someone told
me they saw the
assault, someone
told me they heard
a loud noise



Opinion

Police Officers can
only give opinion
on drunkenness



QTS: What types of evidence can a witness give?

Direct evidence

Evidence which (if believed) directly establishes a particular fact in issue itself.

Hearsay Evidence

Second hand evidence, consists of evidence of what someone else expressly or impliedly asserted orally.

Hearsay evidence is inadmissible in criminal cases unless its admission is permitted under certain circumstances – Criminal Justice Act 2003 prescribes which circumstances hearsay is admissible.

For example: A saw B assault C in a pub. A could provide **Direct** evidence as A actually witnessed the assault.

A then tells D about the assault the following day - D now has knowledge of the assault but their evidence would be **Hearsay** evidence but did not actually witness the assault.

What you must be aware of..

The perjury clause before
statement taken

It is your words



Deal with matters within your
direct knowledge

Concise & to the point



QTS – what do you think is important when providing a statement?

Front Page

MG11
Page 1 of 6

Occurrence Number:	URN					
Statement of:						
Witness contact details:						
Work address:						
Email address:		Mobile No.:				
Home telephone No.:		Work telephone No.:				
Preferred means of contact (specify details):						
Gender:		Date of Birth:				
Ethnicity code (16+1):		Place of Birth:				
Former Name:						
DATES OF WITNESS UN-AVAILABILITY:						



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Trainer to distribute MG11s to each student

Students to look through the statement form used for police officer statements. These statements are used on BCU and is in an electronic format on NICHE.

For police officers the relevant parts of the Front page of the MG11 are the contact details. (these do not include your personal home address and telephone number, only care of the place you work)

The Unique Reference Number (URN) is generated at a later stage.

You can fill in this part of the document completely as it is not disclosed to the defence.

Declaration

MG11
Page 2 of 6

WITNESS STATEMENT	
Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B	
Occurrence Number:	URN
Statement of:	
Age if under 18:	Over 18
Occupation:	
This statement (consisting of 6 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.	
Wet Signature	
Electronic Signature:	
Tick if witness evidence is visually recorded ☐ (supply witness details on	



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Include your full name at the top of the form, with your SURNAME ONLY in CAPITALS. If you write entirely in CAPITALS then show which the SURNAME is by underlining it. This applies to all names written in a statement so that it is obvious to the reader which is the surname,

Complete the 'Age if under 18' section.

After 'Occupation' insert 'Police Constable' OR 'Police Community Support Officer' and your collar number. Do not put 'Police Officer' as this does not give your rank. Complete the 'Number of pages' section.

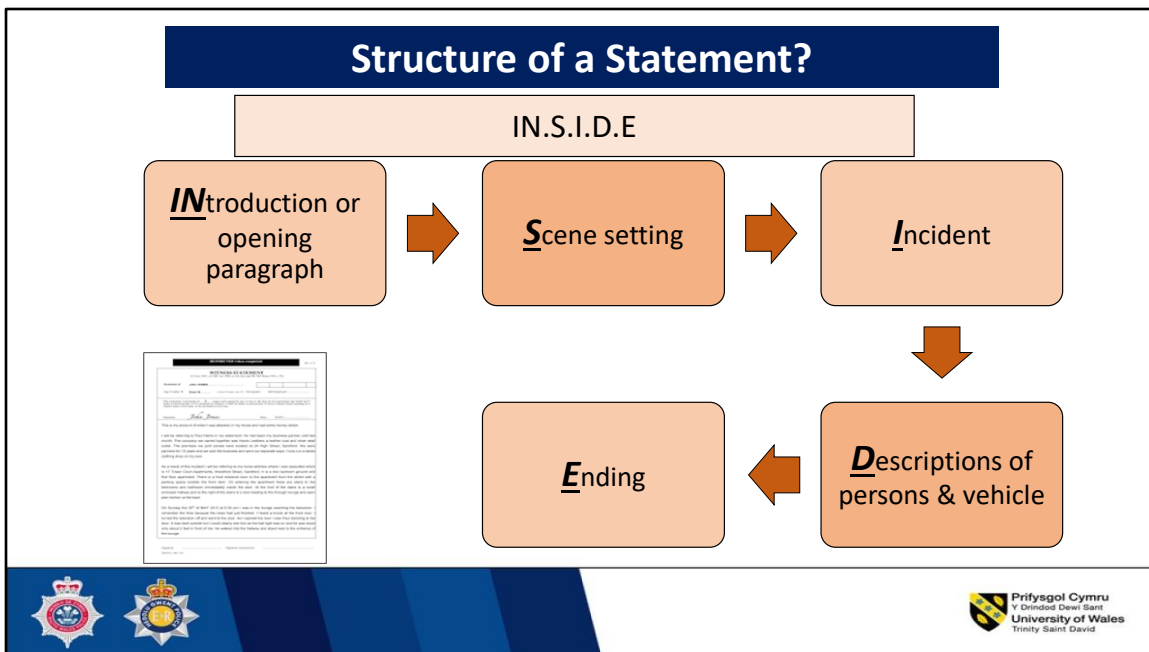
Sign the declaration and ensure that you include the date.

It is an offence to give false evidence on oath and it is also an offence to wilfully make a statement, material to the proceedings, which you know to be false or do not believe to be true. The certificate on the front of a witness statement (MG11), the declaration, is your acknowledgement that you are aware of the consequences of making a false statement.

Before beginning the statement, you should be aware of the certificate and the text

should be read.

Complete the 'Witness Evidence Visually Recorded?' box with, yes or no.



The statement should make sense and be accurate.

In general terms the resulting statement should provide a word picture of the events as they occurred.

Hand out example

Introduction

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

At 14:35hrs on Friday 9th June 2017 I was on duty, in full uniform, in the company of PC 5747 GOUGH in HIGH STREET, SANDFORD, where I witnessed a male writing on the wall of a nearby building.

RESTRICTED

Signature:

Signature witnessed by:

Sept 2011



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Police officer statements should commence with the time, day, date and outline the tour and type of duty being undertaken at the time of the incident and identify any other officers who were present.

Police officers should make their statements without consulting with other officers as this can be seen as collusion.

Officers can view body worn camera footage prior to making their statements but should not show this video footage to other witnesses, including other police officers, as this will contaminate their memory of the incident.

Acknowledgement of the footage should be recorded in the PC statement

There is no need to include details of technical processes such as attaching documents or photographs to Niche

You can use the 24-hour clock or am/pm, but you must follow the time with 'hours' or 'am/pm' as applicable.

Open the statement with the correct time, day, date (including the year) and place.

State if you were in full uniform. This is relevant for exercising certain arrest powers.

All statements must be written in the first person which means writing from your point of view or perspective using the pronouns "I," and "we."

All place names throughout the statement must be written in full and in CAPITALS, include town and county.

The ONLY time you would include the home address of the victim in the body of the statement is when it is evidentially relevant such as burglary offences, domestic violence and interfamilial child abuse.

The same will apply to telephone numbers and other features that could identify or compromise the witness.

Statement

WITNESS STATEMENT

Investigation No. **CF 33 & GP** URN **10000000000000000000**

Investigator **Sgt. DAVIES** Res. **SITTS**

Report made on **01/01/2020** at **10:00** Hours **10:00** Location **Cardiff City Centre**

Witness Details

Name **John Smith** Address **10, The Quadrant, Cardiff**

Phone **01234 567890** Email **john.smith@cardiff.gov.uk**

Occupation **Police Officer** Date of Birth **01/01/1980** Date of Statement **01/01/2020**

Witness Statement

I, the witness, being sworn, depose that I saw the following on the above date and at the above place:

1. I saw a white van with the words 'Cardiff City Council' on its side.

2. I saw a man in a blue uniform get out of the van.

3. I saw the man go to the back of the van.

4. I saw the man throw a bag of rubbish into the back of the van.

5. I saw the man get back into the van.

6. I saw the van drive away.

Witness Signature

Signature **John Smith** Date **01/01/2020**

Investigator Signature

Signature **Sgt. DAVIES** Date **01/01/2020**

To 'tell the story' in the words of the witness

To prove the offence

QTS – what information needs to go into the body of a statement?

Police officers are required to produce statements. Statements may be written immediately following an incident or some time later following the incident.

The statement has to fulfil two functions

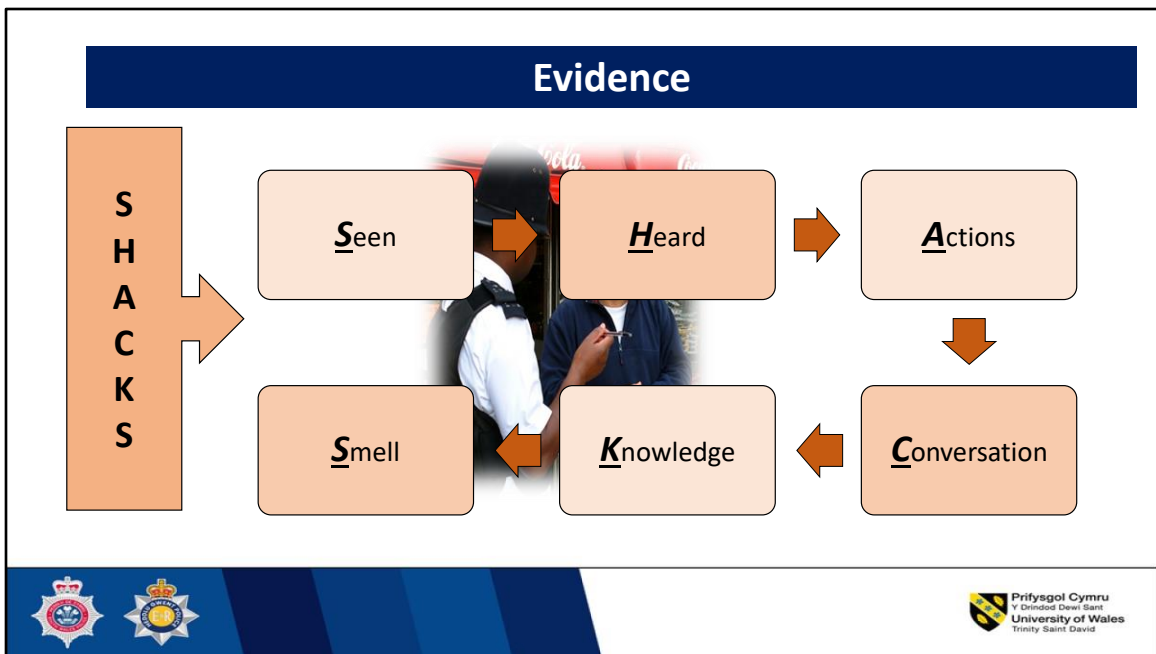
- to tell the 'story' in the words of the officer
- to prove the offence

What might be included in the statement?

- What were you doing at the location?
- What did you see, hear, smell, touch etc?
- What happened?
- What did you do/say?
- What was the result of all this?



- **WHAT YOU SAW**



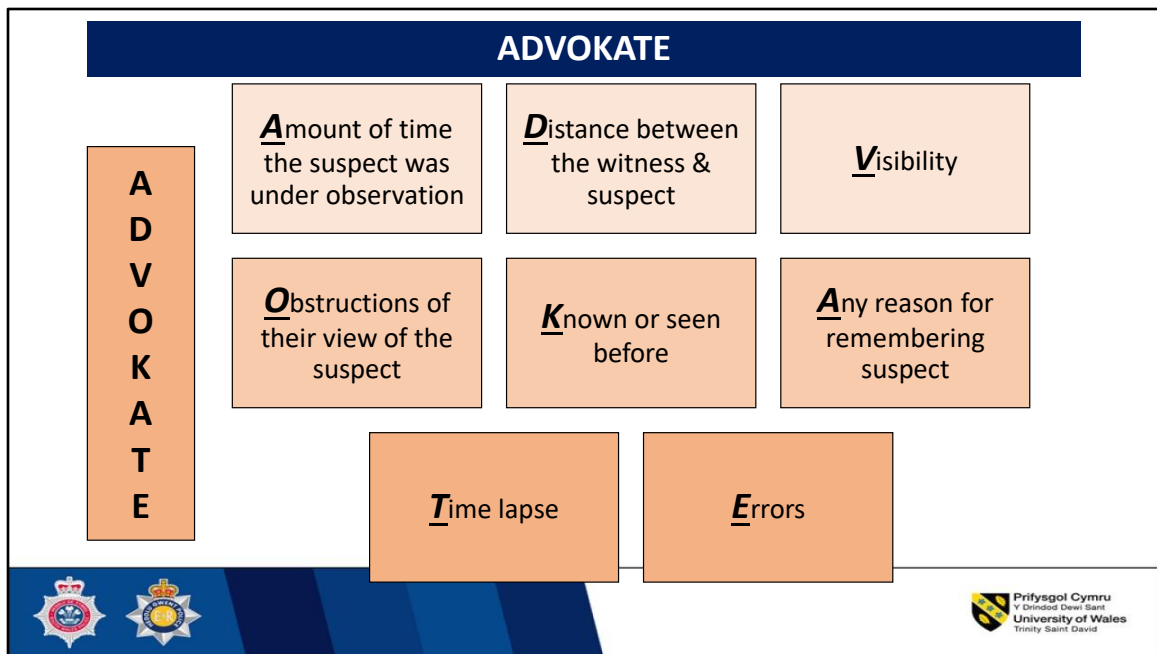
The principles of evidence suggest that a person, as a general rule, can only give evidence of what he/she has perceived through their own senses. i.e. what they : See, Hear, Touch, Smell, Feel etc

<https://www.bing.com/videos/search?q=my+cousin+vinny+cross+examination+leaves&view=detail&mid=F284C418531CD042DD54F284C418531CD042DD54&FORM=VIRE>



Trainer to click on Hyperlink to video clip of 'My cousin Vinny' which emphasises the importance of ADVOKATE.

Trainer to ask students as they are watching the clip to note down the issues of identification that are raised by Vinny during his cross examination. This can be debriefed and linked into the following ADVOKATE slide and R V Turnbull



Identification (see R v Turnbull Handout)

In 1976 the Court of Appeal considered the case of R v Turnbull and created guidelines on the subject of identification, which have been followed in subsequent cases. The points raised indicate the areas to which police officers must pay particular attention whenever they are involved in identification processes. The visual evidence from the witness's first sighting is less likely to be disputed in court if the Turnbull guidelines are followed.

ADVOKATE is a useful way to remember them:

Amount of time the suspect was under observation – the time the suspect carried out the criminal act, were there any breaks in observation? Was it frontal or rear view?

Distance from the eye witness and the suspect or incident – how far away was the witness when the incident took place? Distance can vary during the course of the observation and will be rarely one measurement

Visibility – including time of day, street lighting, weather conditions etc.

Obstructions – was there anything obstructing the view - this should be described in

as much detail as possible. Obstructions include dirty or clean glass, open or closed window or glare from the sun. Record the distance between the witness and any obstruction

Known or seen before – did the witness know or had they seen the suspect before? Consider the relationship they have or whether they work together. How long has the witness known the suspect? In what context and how well?

Any reason to remember suspect – This could be a distinguishing feature or peculiarity of the person. What makes the person memorable - their appearance, features or accent? The nature of the incident, what has stuck in the mind?

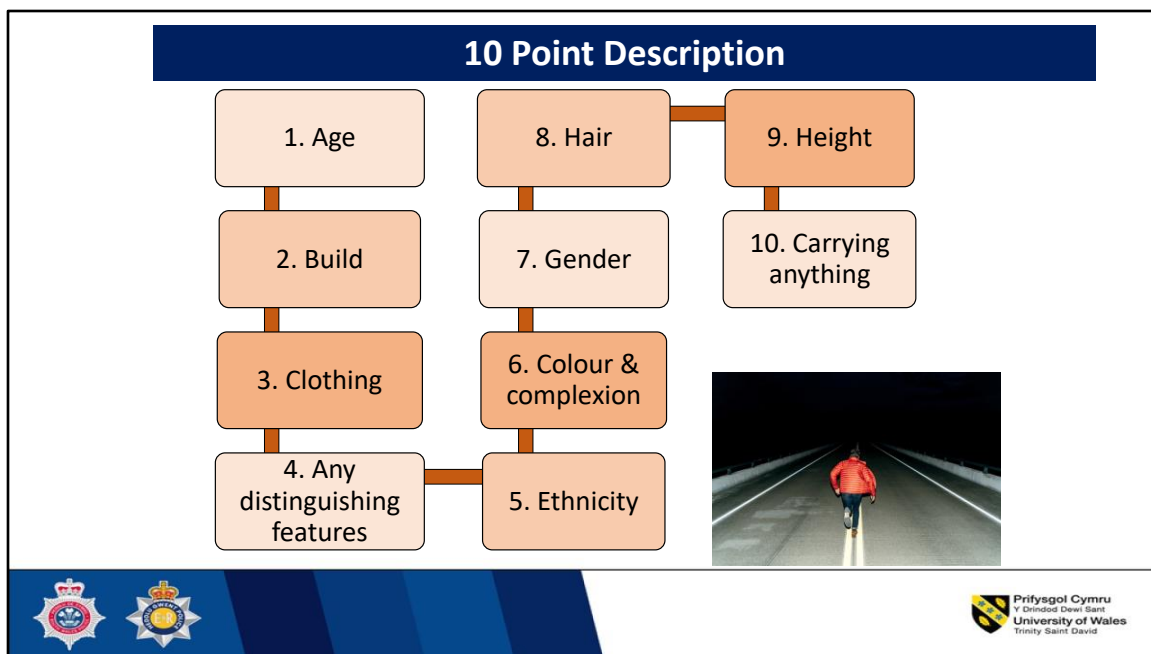
Time lapse – the time lapse between the first and any subsequent identification to the police. How much time lapsed between recording or obtaining a first description and the sighting of the suspect? How long since witness last saw suspect?

Errors – any errors between the *first recorded description* of the suspect given by the witness when first seen by them and their actual appearance.

For example - the male now has a beard.

Remember the first description must always be recorded.

Not all these points will be applicable to every statement but you need to consider each point.



QTS – what information helps describe an individual? Name 10

An offender must be described in as much detail as possible.

Most people are not trained observers. They do not consciously make detailed visual examinations of the people they meet and many people find it difficult to describe a person.

Police describe a person using a 10-point description.

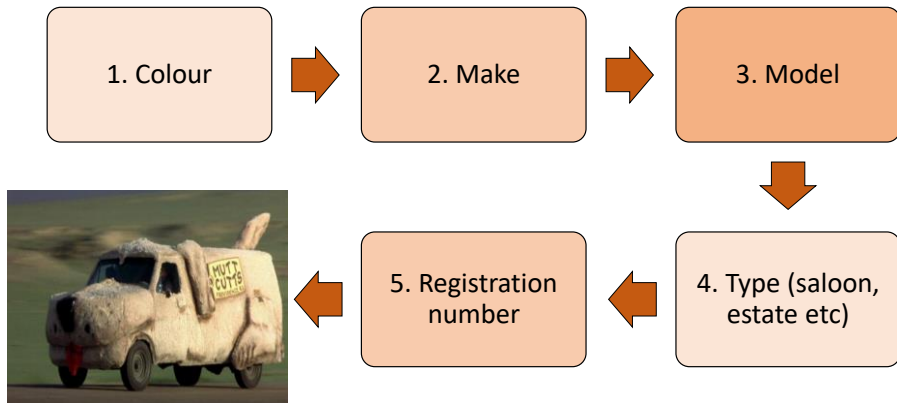
End the description paragraph with the phrase, “That is all I can tell you about that person.”

Age, build, clothing, any distinguishing marks (e.g. tattoos, scars, beard etc.), , ethnicity, colour & complexion, gender, hair (style & colour), height, if carrying anything

When describing someone’s height use between heights rather than exact or relate to a fixed object – shorter than me.

If you are not sure of a detail say so, e.g. I am not sure of the colour of the jumper.

6 Point Vehicle Description



QTS – what information helps to describe a vehicle?

Exercise

As a group and using the 10 point description please describe the two males and be prepared to discuss your description with the rest of the Class.



Show the next slide for a 10 seconds only



Show picture to the group for 10 seconds and then move on to next slide

Group led discussion with class what descriptions they have and compare to others in the group/actual picture

Then move on to discussing in the group ADVOKATE in relation to this scene.

Exhibits

TICK if witness evidence is visually recorded L3 (supply witness details on rear)

'I now produce the knife as an exhibit
(Ref marked DSR/3 (Exhibit no.))'

RESTRICTED

Signature:

Signature witnessed by:

Sept 2011



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Exhibits produced in a statement **MUST** be allocated a unique reference number and an exhibit label should be signed at that time. The unique reference number should be recorded in the statement.

If an exhibit is produced or created by the witness it will be their exhibit and it will be produced as a part of their statement.

The unique reference number will consist of the exhibitor's initials and a sequential number, i.e. the third exhibit produced by David Steven Roberts would be identified as DSR/3. The officer will write the exhibit reference in the following format:

You will see in the extra brackets 'Exhibit numbers'. These are only allocated by the court and are left blank until that time.

It is essential that accurate descriptions of property are included in the statement and should also be included on the exhibit label. Any marks or damage that the owner would be able to recognise again should be recorded and the reason why the owner can positively identify that property as theirs.

Where an exhibit is stored or who it is handed to is an important aspect in the continuity of that exhibit and must be included in the statement

A suspect cannot produce an exhibit anything taken from them or made by them during interview should be exhibited by an officer with their initials as the reference number. A prepared statement or sketch plan, for example, would be an exhibit taken and produced by the interviewing officer and given a consecutive reference number.

Remember...

Use plain English
avoiding jargon or
technical language

Write in the active
voice. E.G 'I saw this, I
did that'

Record anything you
think is relevant or may
become relevant

Also need to include
material which is in
defence's favour or
contradicts your case

Ask a colleague to
check your statement
to ensure it makes
sense



You must never include...

Subjective & prejudicial comments

Personal views which cannot be objectively tested



Sensitive issues (pre-cons)

Prejudicial (harmful to something or someone: detrimental) matters not relevant to the case



- For example 'the defendant in my view is guilty or the defendant is a criminal type.
- Personal views such as he appeared to be drunk without objective test
- Sensitive issues such as he has a previous record for robbery so I stopped him as he looked suspicious. Must not include PNC of person or points on licence as sensitive information i.e I conducted a PNC check and he is known to Police for robbery. Different if he is wanted and this information is used as evidence for your arrest. Also comes under prejudicial as forming an opinion before evidence gathered that he committed the offence.

You must avoid using...

Ambiguities, contradictions
or gaps

Irrelevant facts or
information



Hearsay, unless you have
clearly identifies it as such

Anything that might be seen
as 'expert opinion'



These are things that you should try and avoid not doing. Hearsay rules apply and in some situations it maybe applicable to include.

Irrelevant facts or information is a key aspect.

Make it relevant to the offence and think is this needed?

It maybe relevant in some situations but not in others depending on the offence and what relevance it can bring.

Think about is this evidence that proves or disproves the offence and does it make sense to another?

Provide Completing Statements Top Tips Handout

What is the statement going to rely on?



Memory



A Police Officer may be required to provide a statement days, weeks or even months after the event. Even if they provide it shortly after something has happened it is likely that they will need to rely on memory at some point.

How good generally are peoples' memories?

How good is your memory?

Who regards themselves as having a good memory?

Lets put it to the test...

All you need is a piece of paper and a pen.

"I am going to show you a list of words and will read them out.

Once the list has gone you have 30 sec to write down as many of the words as you can remember. – Ready?"

Memory

sour	nice	candy
honey	sugar	soda
bitter	chocolate	good
heart	taste	cake
tooth	tart	pie



How many think that they did well?

How many would like another chance?

Okay, we'll give you another chance with a new set of words

Memory

mad	wrath	fear
happy	hate	fight
rage	hatred	temper
mean	fury	calm
angst	emotion	enrage



Memory		
sour	nice	candy
honey	sugar	soda
bitter	chocolate	good
heart	taste	cake
tooth	tart	pie
mad	wrath	fear
happy	hate	fight
rage	hatred	temper
mean	fury	calm
angst	emotion	enrage

How many think that they did better the 2nd time around?

You knew what to expect?

Okay, lets look at the first list.....raise your hand if you got the word 'sweet' on your list?

(Trainer to raise his/her hand whilst asking the question)

Reveal first list....

Look at list No.2.....raise your hand if you got the word 'anger' or 'angry' on the list?

(Trainer again to raise his/her hand whilst asking question)

Reveal second list....

Good, excellent..... If you raised your hand either time, you have experienced a 'false memory'

Neither of those two words were on the lists

A false memory is a [fabricated or distorted recollection](#) of an event. Such memories may be entirely false and imaginary. In other cases, they may contain elements of fact that have been distorted by interfering information or other memory distortions.

Examples of this phenomenon can range from the fairly mundane, such as incorrectly recalling that you locked the front door, to the much more serious, such as falsely remembering details of an accident you witnessed. Some common elements of false memory include:

Mental experiences that people believe are accurate representations of past events
Trivial details (believing you put your keys on the table when you got home) to much more serious (believing you saw someone at the scene of a crime)

False memory differs from simple memory errors. While we are all prone to memory fallibility false memory is more than a simple mistake; it involves a level of certitude in the validity of the memory.

Everyone experiences memory failures from time to time, false memories are unique in that they represent a distinct recollection of something that did not actually happen. It is not about forgetting or mixing up details of things that we experienced; it is about remembering things that we never experienced in the first place.

What Causes False Memory?

So why do false memories happen? [Factors that can influence false memory](#) include [misinformation](#) and misattribution of the original source of the information. Existing knowledge and other memories can also interfere with the formation of a new memory, causing the recollection of an event to be mistaken or entirely false.

In other instances, [false memories can have serious implications](#). Researchers have found that false memories are one of the leading causes of false convictions, usually through the false identification of a suspect or false recollections during police interrogations.

