



Police and Prep

A collage of images related to the Heddau Police. The collage includes a large, stylized police badge in the center with the text 'HEDDAU POLICE' and 'HEDDAU' below it. Surrounding the badge are several smaller images: a police officer in uniform, a police dog, a police car with 'HEDDAU POLICE' and 'CN58' on it, and a large, stylized police badge. The collage is set against a background of a city street with buildings and a crowd of people.

Planning and Preparation

This is one of the most important phases in effective interviewing. The success of the interview and, consequently, the investigation could depend on it.

A planning session that takes account of all the available information and identifies the key issues and objectives which are required, even where it is essential that an early interview takes place.



Planning and Preparation

Before conducting any interview, Advanced interviewers will need to cover the following points in regards to the offence they are going to be interviewing for:-

- Legal definitions of offences likely to be encountered
- Points that have to be proved
- Potential defences available from statute and case law
- Powers that support and regulate the investigation process
- Relevant rules of evidence



PNLD



Planning and Preparation

What are the legal requirements for conducting an interview?

What are you required to do at the start of an interview?

What type of Interview system are you using and where in PACE would we find the guidance?

What is the procedure for taking a break during interview?

What is the caution? And what does it mean? How are you sure the subject understands it?

When do we have to give the caution?



Planning and Preparation



Police and Criminal Evidence Act 1984 (PACE) – Code C

Revised Code of Practice for the detention, treatment and questioning of persons by Police Officers

December 2023

Code C



E
F

CODE E

Revised

Code of Practice on audio recording interviews with suspects

CODE F

Revised

Code of Practice on visual recording with sound of interviews with suspects

Codes E & F

Aide Memoire

As part of the planning process we should consider the Aide memoire we are going to use in the interview. It should be bespoke to the interview you are conducting and the interview plan should form part of it.

Any item that forms part of the case maybe disclosable under CPIA

The Aide Memoire and interview plan will be a keys aspect of any interview and allows us to utilise the PEACE model for the interview.



Aide Memoire

In your groups you are going to work together and create an Aide Memoire template.

This will be the master copy for yourself going forward.

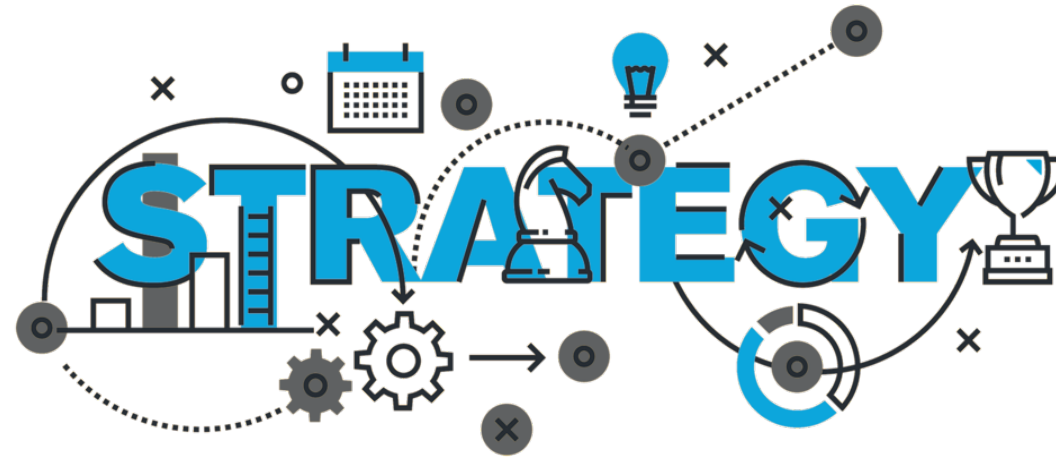
The template should contain all the requirements of PACE, legal advisors, App Adults, Interpreters from the inputs so far.

It may be worth adding notes on contingencies in case of a system failure, break in the interview or consideration of live link.

Take a note too of any relevant Annex's for your interviews.



Planning



PLAN



Planning

The interview strategy is the "higher" level plan that covers all the interviewing requirements for an investigation. Its purpose is to coordinate all aspects of interviewing, both witness and suspect with other aspects of the investigation, to ensure that there is consistency and proportionality to the approach taken.

The initial strategy will include:-



Planning

Identify: -

- resources required for interview team
- Location of the interview, custody, multiple offenders

Contribute: -

- Planned arrest strategy (interviewing officer being present)
- Forensic strategy (intimate – non-intimate samples, searches etc..)
- Identification strategy (Code D viewings, CCTV retrieval, key witness)
- Communication strategy (media appeals, witness identification)

Specify: -

- The information to be disclosed as part of the arrest/custody procedure
- The use of BWV or other evidence gathering during arrest
- The presence of suspect during any search or seizure of case material
- Any considerations for incommunicado applications and the wording for it
- How the interview will be conducted, monitored, use of live link
- The pre interview disclosure



Planning

The interview plan is the proposed methodology with all aspects of the individual(s) involved in the case.

Each plan should be **proportionate** but we should address the following:-

- Who interviews the suspect
- Knowledge of the suspect
- Creation of the interview plan (how you will manage the course and content in terms of
 - Your objectives
 - The sequence of topic coverage
 - Specific areas of questioning with topics
 - The opening questions to trigger a disclosure
- Arrest or first contact management
- Planning the pre interview disclosure
- Information disclosure during interview
- Recording and monitoring
- Practical preparations
- Evaluation and further action planning





Planning

If liaising with the interview advisor you may need to consider as part of your plan:-

- ☐ Requirements of the offence under investigation (points to prove)
- ☐ What is known (facts already established)
- ☐ What is not known (facts to be determined)
- ☐ Consistencies
- ☐ Omissions
- ☐ Conflicts
- ☐ Potential defences
- ☐ Potential mitigation
- ☐ Potential motivation
- ☐ Incriminating comments
- ☐ Previous involvement of suspect with police
- ☐ Risk assessment issues
- ☐ Forensic material e.g. DNA hit

Planning

Downstream monitoring

Suspects and their legal representatives must be made fully aware if remote monitoring of the interview is to take place. The following minimum standards apply, in accordance with Home Office Circular 50/1995. Remote Monitoring of Interviews with Suspects (as agreed between ACPO and the Law Society):

- the remote monitoring system should only be able to be operational when the recorder has been turned on
- a light, which automatically illuminates upon activation of remote monitoring, should be visible to all in the interview room
- all interview rooms with remote monitoring equipment should prominently display a notice referring to the capacity for remote monitoring and to bring attention to the fact that the warning light will illuminate to signify that remote monitoring is taking place
- at the beginning of the interview, the contents of the notice must be explained to the suspect by the interviewing officer (the explanation itself should be recorded on the recording)
- the suspect's custody record should include reference to the fact that an interview, or part of an interview, was remotely monitored.
- It should include the names of the officers monitoring the interview and the purpose of the monitoring, that is, for training or to assist with the investigation



Planning



Be aware of receiving too much information prior to interview from the interview advisor. There is a risk that when applying a staged approach, the interviewers may introduce evidence which is to be revealed later.



Planning

As part of any planning for any interview, we must have an understanding of the suspect. As explained previously there are numerous factors to consider.

They are:-

- Police sources of knowledge of the suspect (**custody record**)
- Data systems containing any contact with the Police
- Any intelligence systems we can access

Further information to consider for the suspect's biography:

- Significant life events (victim of abuse, contact with police, relationship/bereavement)
- Current environment (social support, domestic circumstances, sources of stress)
- Current physical and mental state
- Suspects frame of reference (thoughts, feelings beliefs)
- Suspects psychological make-up (learning difficulties, mental health, personality)
- Suspects past and current behaviour

Custody clock

In serious and complex crime it is important to have an understanding of the custody clock and relevant times in custody.

In groups research the following and present back the following:

Section 41 PACE: Limits on period of detention without charge.

(to include relevant times when transported from another area)

Section 42 PACE: Authorisation of continued detention.

Section 43 PACE: Warrants of further detention.

(to include the grace period for when courts can sit)

Section 44 PACE: Extension of warrants of further detention.

(to include maximum detention time)



Planning

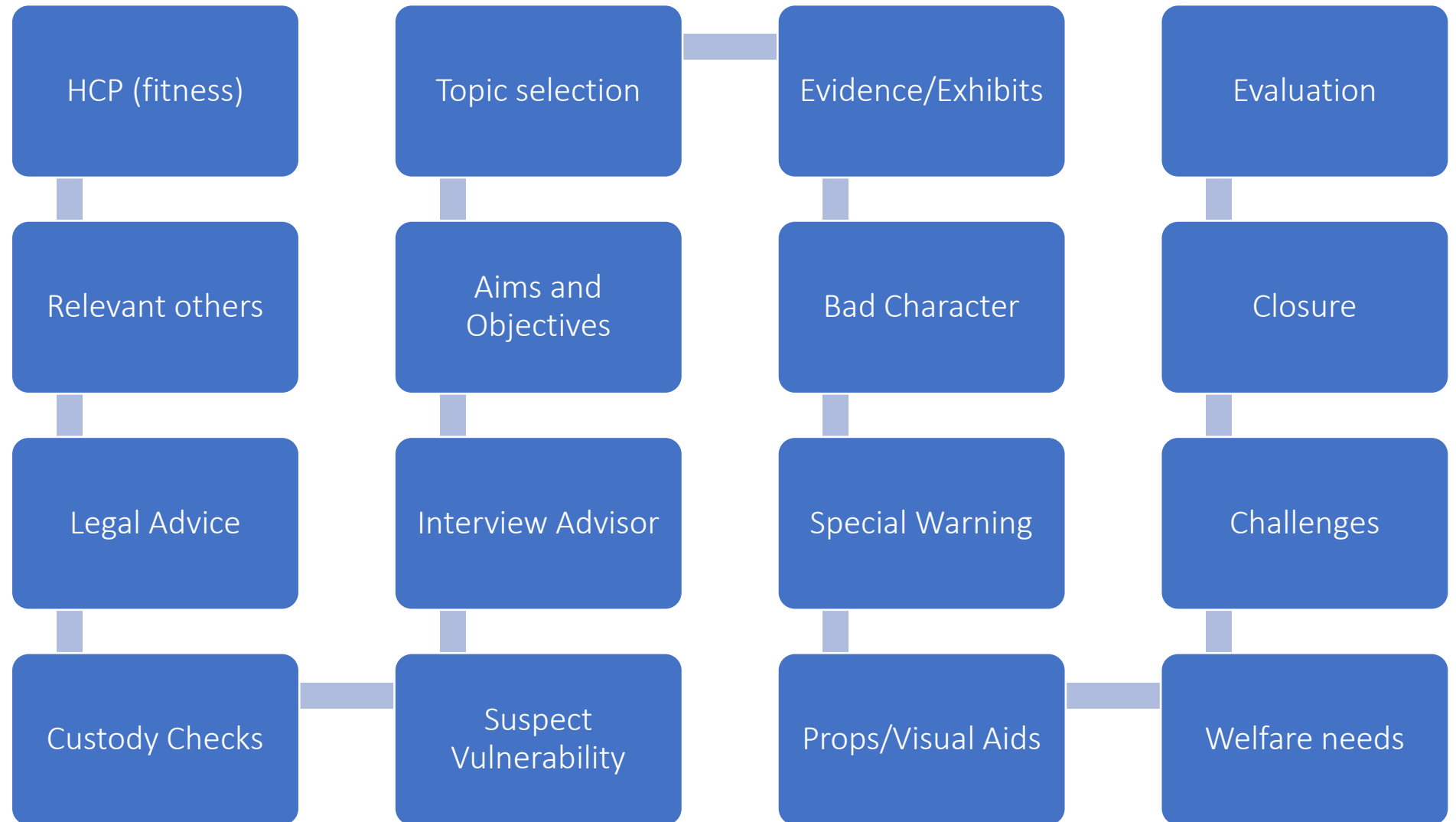
A decision will also need to be made who interviews the suspect.

- Will it require Advanced interviewers?
- Any previous issues with the subject?
- The interviewers own capabilities?
- The interviewers own current welfare and needs?
- Interviewers to attend the scene?
- Timing, length of interview and availability of the interviewers?
- Deciding the roles of the interviewers (should be two interviewers)
- Liaising with the interview advisor
- Location of the interview



"I don't care if they do help you remember which role you're supposed to be playing. Take them off!"

Planning



Planning

Planning for relevant others including relevant briefings:

- Legal Advisor
- Interpreter
- Appropriate Adult (who is Appropriate)
- HCP (fitness), psychiatrist, psychologist

This can determine the most suitable time for the interview and is crucial at the planning stage!



Planning

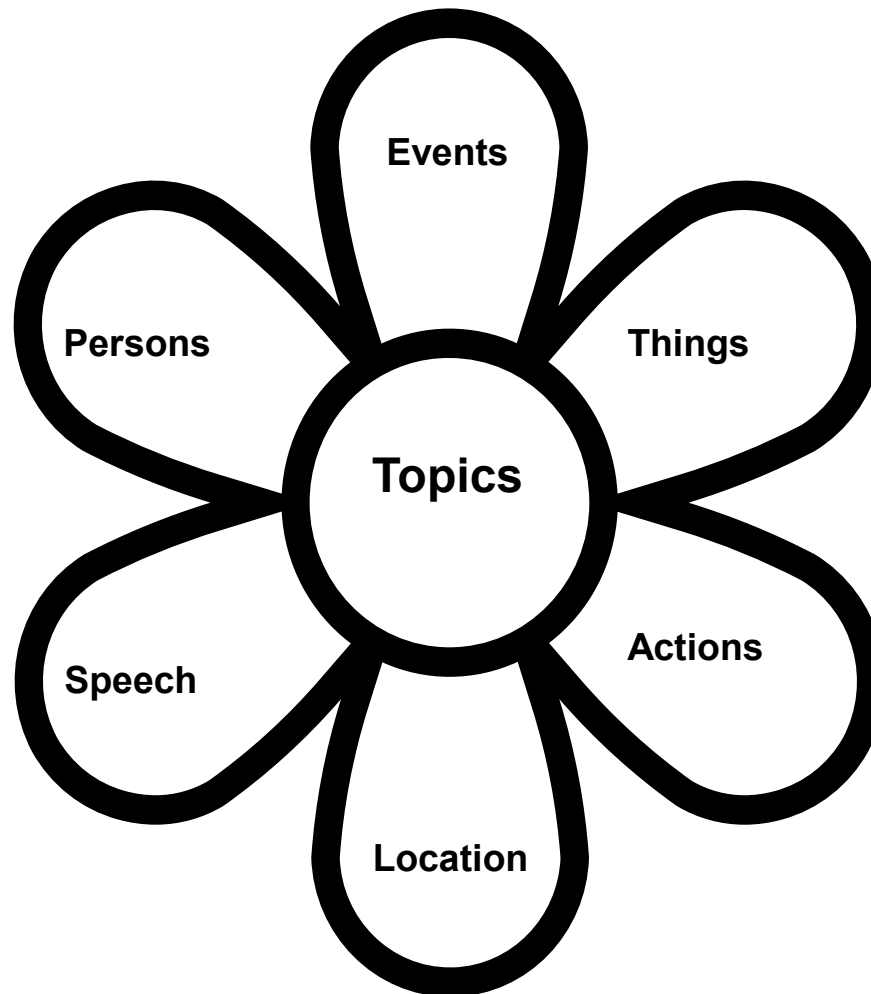
The creation of the written interview plan is essential, this will include your Aide Memoire which will help establish rapport.

- the time a suspect has been in custody (detention clock and its impact on the interview, rest periods)
- the range of topics to be covered around identified time parameters (this may vary depending on information and aims and objectives)
- the points necessary to prove the potential offence(s) under investigation – PNLD
- any points which may be a defence for committing the offence(s) under investigation – PNLD
- introduction of exhibits material which suggests the suspect may have committed the offence identified information which may assist the investigation
- any other relevant points, for example, actus reus (guilty act), mens rea (guilty mind), intention, no valid defence
- planning for a prepared statement, special warnings, bad character, adverse inference, significant comments or silences



PLAT details

During the interview it is important to cover the **Persons, Locations, Actions** and **Time** through each topic. Shepperd and Griffiths have created the **PETALS** chart below to assist:-



People

- Description, clothing, relationships, knowledge
- Relevant others, role, known etc.
- Advocate (Code D)
- 10 point description

Events

- MTF
- Sequence of events, episodes
- Precursor Events
- Whole Story

Things

- Physical objects relevant weapons, documents, forensic
- Electronic devices, attribution.
- Tangible items, Vehicles, devices
- Objects connected to forensic evidence or examination

Actions

- Own Actions, reactions, response
- Actions of other, reactions, responses
- Injuries caused or wounds, marks suffered.
- Criminal acts witnessed

Locations

- Key locations,
- Scenes, sub-locations within scenes.
- Routes to and from
- Entrances and exits,
- Sketch plans

Speech

- Key conversations
- Words forming offences (Mens rea)
- Previous accounts provided to Police or investigators

Planning

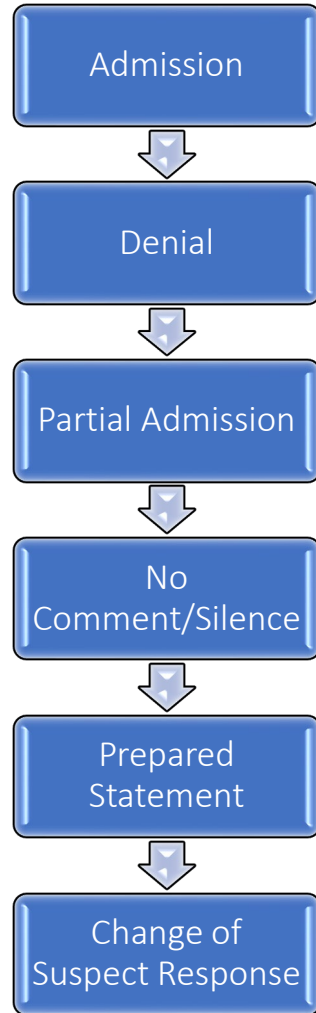
Significant statement or Silence

PACE code C 11.4 At the **beginning of an interview** the interviewer, after cautioning the suspect, see section 10, shall put to them any significant statement or silence which occurred in the presence and hearing of a police officer or other police staff before the start of the interview and which have not been put to the suspect in the course of a previous interview. The interviewer shall ask the suspect whether they confirm or deny that earlier statement or silence and if they want to add anything.

11.4A A significant statement is one which appears capable of being used in evidence against the suspect, in particular a direct admission of guilt. A significant silence is a failure or refusal to answer a question or answer satisfactorily when under caution, which might, allowing for the restriction on drawing adverse inferences from silence.



Planning



Planning

Further considerations:

- Plan between both interviewers how you will work together, for example when to summarise, not to jump in, note taking, relevant material.
- Have a detailed knowledge of the case and the relevant case material required for the interview. Have the interview material organised and in a folder ready for access in the interview.
- Have the necessary material required in the interview, pens, paper, exhibits, CCTV (check its working), BWV etc..
- The legalities around the interview and your understanding of them.
- The requirements of the interview and how you explain this to the suspect. Reasons and route map.
- Your opening question and follow up question?



Opening Question

The opening question is key to commencing a suspect interview.

Depending on the pre interview disclosure and the route map in our engage and explain part of the interview, this may dictate your opening question.

There are three ethical approaches to commencing the questioning of a suspect:-

- **A productive open-ended or non restrictive question requesting an account** i.e. disclosure of narrative detail for specified period or about a specified subject.
- **A trailer question** i.e. fact or facts followed by a productive question.
- **A closed confirmatory question concerning culpability.**





Opening Question

A productive open-ended or non restrictive question requesting an account.

This is the least risky option when requesting a suspect account. It prompts a chronological account and gives the suspect latitude over their reply.

This can have disadvantages however as it could elicit a reply with information further back than required.

An example being:-

Now you understand the reason for the interview, would you please tell me everything you remember about the incident with your flat mate Kevin Jones which meant he was taken to hospital today?

This approach may be unsuitable in cases where the allegation is well grounded in terms of detail of the Police case and in particular the information and evidence you have.



Opening Question

A trailer question

This type of question is one linked to key pieces of information (not to many) and is followed by a productive question.

This afternoon witnesses heard you and Kevin Jones arguing in your flat, you were heard leaving the flat and slamming the door. Minutes later Kevin Jones collapsed on the landing with stab wounds. You have a cut on your hand and blood on your shirt. Tell me...what happened in the flat?

This type of question is dependent on the pre interview disclosure and route map as none of the information in the question is new to the suspect. If answered it can give an indication of the stance of the suspect in interview.

You can also use any significant statements to open the question such as

When you were arrested you said to PC Smith he's a lunatic it was me or him, would you tell me about that please?

These type of questions need careful planning and we must not be accusatory or ask too many questions to create a multiple question.

Opening Question

A closed confirmatory question concerning culpability.

These type of questions get straight to the point such as:-

Are you responsible for stabbing your flat mate?

The advantage with these questions is that it gives you an early indication of the stance of the suspect.

Issues can arise though when they wish to answer but with a defence/mitigation and this type of question can impact on that.

Be wary of the type of language used for example don't use assault or GBH as this is a legal term and we wish the suspect to provide us with information.

The opening question is not a one rule for all type of question and will need to be considered at the planning stage of any interview.



Voluntary Attenders

Voluntary attendance (VA) or a voluntary interview can be used to interview a suspect who is not under arrest for the commission of a criminal offence.

A VA can be used for adults and young people. It applies to interviews conducted at or away from police buildings.

A voluntary interview is a method of dealing with suspects without arresting them. It provides convenience and flexibility for both suspects and interviewers, but can present additional risks which need to be managed appropriately.

Section 29 PACE provides that where a person voluntarily attends a police station or other place without having been arrested, for the purposes of assisting with an investigation, he shall be:

- entitled to leave at will unless he is placed under arrest
- informed at once that he is under arrest if a decision is taken by a constable to prevent him from leaving at will



Voluntary Attenders

A voluntary interview is a formal interview to gather material about an allegation of crime and as such may have significant consequences for the suspect. Where there are grounds to suspect a person of an offence they must be cautioned if either their answers or silence could be given in evidence.

A suspect in a VA interview has the same rights and entitlements as they would have in an interview conducted in police detention under arrest, the difference is that the suspect in a VA interview has the right to leave.

The suspect must also be advised of the additional rights, entitlements and safeguards set out in **para 3.21A PACE Code C** that apply to voluntary interviews.



Voluntary Attenders

When conducting a voluntary interview, the interviewing officer should plan and conduct the interview in the same way as they would an interview under arrest.

They must:

- assess the suspect's needs and capabilities
- determine fitness for interview and need for an appropriate adult
- offer legal advice at the earliest opportunity – suspects in a voluntary interview have the right to free legal advice
- inform the suspect that the purpose of the voluntary interview is to question them to obtain evidence about their involvement or suspected involvement in an offence
- inform the suspect about their right to information about the offence to enable them to understand the nature of the offence and why they are a suspect.
- make clear to the suspect the significance of the interview, consider their reaction, comprehension and any associated risks
- record the interview in accordance with PACE Code E
- record confirmation that the suspect has agreed to the interview proceeding as required by PACE Code C 3.22A



Voluntary Attenders

Fingerprints and DNA should not be taken at a voluntary interview. Fingerprints and DNA can be taken following arrest or charge in accordance with PACE. **PACE Code D para 5.19** does permit the taking of photos of suspects voluntarily at a police station. But these can only be taken with consent, force cannot be used to obtain images and the resultant photo's must be destroyed unless the suspect is charged, prosecuted or cautioned for a recordable offence, or gives informed written consent for the photograph to be retained.

As with all police interventions, voluntary interviews should explore the opportunity to address and mitigate apparent risks and/or explore opportunities to prevent further offending, examples include referral to Liaison and Diversion schemes, Common Law Police Disclosure, foreign national offender checks, and post interview risk assessment.



Exercise

A call was received by officers that a female had been kicking off with bouncers in Newport High street outside the Greyhound pub at 2340 hours.

Officers have attended the scene and spoken to the victim who states that the female had been refused entry to the premises whilst intoxicated. They state that she has become verbally and physically aggressive. She has punched him to the face twice and has had to be restrained.

Another member of security staff has attended and assisted with restraining the subject. The subject has managed to free her arm and has grabbed her lighter. She has used this lighter then to try and set fire to other security staff member.

She has been restrained and police have arrived. The female has been arrested and conveyed to Newport Central Police station. Upon booking her into custody she made the comment at the desk "I SET FIRE TO HIM". She is intoxicated and put into a rest period for interview in the AM.

There is CCTV of the incident although it would not be possible to ID anyone from it.

There were several witness who provided details to Police who had seen what happened.

In your groups consider the relevant topics and evidence



Exercise



Reference: 61_IRSF07_4985

Interviewee Surname: SKINGLEY

Interviewee Forename: LAUREN

Interviewee Forename2:

Interviewee Date of Birth: 22/10/2001

Interview Date/Time: Sun Sep 18 12:41:07 2022

Interviewing Officer 1 Collar No.: [REDACTED]

Sun Sep 18 12:41:08 2022 - Starting - 61_IRSF07_4985

Planning





Questions