



College of
Policing

college.police.uk

Investigation:

PIP Level 1 Conducting Police Interviews

Version 2.5

College of Policing Limited
Leamington Road
Ryton-on-Dunsmore
Coventry, CV8 3EN

© – College of Policing Limited (2016)

All rights reserved. No part of this publication may be reproduced, modified, amended, stored in any retrieval system or transmitted, in any form or by any means, without the prior written permission of the College or as expressly permitted by law.

Anyone wishing to copy or re-use all or part of this publication for purposes other than expressly permitted by law will need a licence. Licence applications can be sent to NationalPolicingCurriculumEnquiries@college.pnn.police.uk.

Where we have identified any third-party copyright material you will need permission from the copyright holders concerned. This publication may contain public sector information licensed under the Open Government Licence v3.0 at www.nationalarchives.gov.uk/doc/open-government-licence/version/3/

Any other enquiries regarding this publication please contact us at NationalPolicingCurriculumEnquiries@college.pnn.police.uk.

The College of Policing is committed to providing fair access to learning and development for all its learners and staff. To support this commitment, this document can be provided in alternative formats by contacting NationalPolicingCurriculumEnquiries@college.pnn.police.uk.

Contents

1. Introduction to the Interviewing Process	8
1.1 Primary and Secondary Evidence.....	11
1.2 Circumstantial Evidence	11
1.3 Evidential Notes	11
2. Using the PEACE Framework to Conduct an Interview.....	12
2.1 Movement between Phases of the Interview.....	13
2.2 Core Skills of Investigative Interviewing	14
2.3 The Principles of Interviewing	15
2.4 Principle 1: Aim	15
2.5 Principle 2 - Fairness.....	15
2.6 Principle 3 - Investigative Mindset	16
2.7 Principle 4 - Questioning.....	16
2.8 Principle 5 - Early Admission	16
2.9 Principle 6 - Duty and Truth	17
2.10 Principle 7 - Right to Silence.....	17
3. Planning and Preparation.....	17
3.1 Urgent Interviews - Suspects.....	19
3.2 Timing of Interviews with Witnesses	20
3.3 Using Appointments with Witnesses.....	20
3.4 Fast Track Interviews - Witnesses	20
3.5 Environmental Factors which might affect an Interview	21
3.6 Locations used for Suspect Interviews.....	22
3.7 Home.....	22
3.8 Vehicle	23
3.9 Workplace/Place of Education.....	23
3.10 Interviewing in a Public Place	24
3.11 Interviewing Witnesses in Police Premises.....	25

3.12 Interviewing Suspects in Police Premises.....	25
3.13 Gathering Information and Evidence Prior to Interview	26
3.14 Points to Prove	28
4. Making a Written Interview Plan.....	30
4.1 Planning Sheet (examples of Identified Topics)	32
4.2 Individuals who should be Consulted Prior to an Interview	33
4.3 Interpreters	33
4.4 Medical Advisors	34
4.5 Legal Representatives	34
4.6 Appropriate Adults	34
4.7 Custody Officer.....	36
4.8 Officers Required For Legal Authorities	36
4.9 Witness Supporters	37
4.10 Interview Supporter	37
4.11 The Role of the Second Interviewer.....	38
4.12 Other Relevant Personnel	39
4.13 Assessing an Individual's Fitness to be Interviewed	39
4.14 Witness Assessments.....	41
4.15 What to Take to an Interview	43
5. Essential Communication Skills	44
5.1 First Contact.....	45
5.2 Addressing an Interviewee	45
5.3 Stage One - Concentrate.....	49
5.4 Stage Two - Comprehend.....	49
5.5 Stage Three - Sustain.....	50
5.6 Stage Four - Summarise.....	50
5.7 Questioning	50
5.8 Open-ended	50

5.9 Specific.....	51
5.10 Forced Choice	52
5.11 Compound Questions.....	53
5.12 Leading Questions.....	53
5.13 Frames of Reference	54
6. Interview Models	56
6.1 The ‘No comment’ Response	59
6.2 Clarification.....	60
6.3 Challenging an Account Given by a Witness	60
6.4 The Process of Challenge in the PEACE Model	61
7. The Interview Process with Suspects.....	65
7.1 Recording Interviews with Suspects	65
7.2 The Pre-interview Legal Briefing.....	66
7.3 Introducing Offences Taking Into Consideration (TICs) into the Pre-interview Legal Briefing	67
7.4 Taking a Suspect for Interview.....	68
7.5 The Process for Conducting an Interview with a Suspect	69
7.6 Introduction on Commencement or Re-Commencement of an Interview	70
7.7 Explaining a Suspect’s Right to Legal Advice	71
7.8 Beginning the Interview	73
7.9 Concluding the Interview	73
7.10 Opening the Interview (Persons attending a police station voluntarily).....	74
7.11 Introducing “Bad Character” during the Challenge Phase	83
7.12 Substantial Probative Value (The enhanced relevance test).....	85
7.13 Attacks on Another Person’s Character	85
7.14 Special Warnings.....	87
7.15 Inference	87
7.16 Considerations before issuing a Section 36 Special Warning Criminal Justice and Public Order Act 1994	88

7.17 Considerations before issuing a Section 37 Special Warning Criminal Justice and Public Order Act 1994	89
7.18 Post Interview	91
7.19 Charging and Listing TICs	92
8. Issues with Completion of Forms	93
8.1 Information to Suspects at Interview Closure	93
8.2 Dealing with Complaints by Suspects	97
9. Requirements when Interviewing a Witness	97
9.1 How to Record Witness Interviews	97
9.2 Speculative Interviews	98
10. Reluctant Witnesses	99
10.1 ADVOKATE	102
10.2 Use of Exhibits	102
10.3 When a Challenge is Required	103
11. Completing a Form MG11 Witness Statement	104
11.1 When to Start Writing the Statement.....	105
12. Guide to Completing the MG11	105
12.1 Check List.....	106
12.2 The Five Part Statement Structure	111
13. Compensation	113
14. Police Obligation to the Witness.....	113
14.1 Information to Witnesses and Victims	114
15. Revision Questions.....	116
16. Key Legislation.....	117
17. E-Learning	117

Authorised Professional Practice

These notes are aimed at learners completing their Initial training to meet the learning outcomes specified on the National Policing Curriculum. The primary source of content is the Authorised Professional Practice (APP) and the supporting evidence based research of “what works” in policing.

APP can be found at: <http://www.app.college.police.uk/>

1. Introduction to the Interviewing Process

These notes are for the use of **Police Officers and PCSOs**. You should consider how the content applies in relation to PCSO powers, 'any person' powers of arrest under Section 24A of the Police and Criminal Evidence Act 1984 (PACE) and local force policy.

The notes are designed to provide you with an understanding of the actions you should take when planning and conducting interviews with witnesses and suspects.

The following topics are covered:

- The importance of conducting interviews to a high professional and ethical standard
- The key features of police interviews
- The PEACE model
- Preparing for interviews
- Special warnings
- Conducting a witness interview
- Conducting a suspect interview
- Recording an interview
- Closing and evaluating an interview.

These notes will help you to understand why it is important to follow a structured process for planning and conducting interviews and the knowledge and skills you will need to develop to be an effective interviewer.

The notes also highlight the requirement for an investigator to behave in a calm, professional and ethical manner when interviewing victims, witnesses and suspects.

What constitutes an interview?

The term 'interviewing' has largely taken over from 'interrogation' to describe the task of obtaining information from witnesses, victims or suspects.

Interviews with suspects are defined in Paragraph 11.1A of the Police and Criminal Evidence Act 1984 Code C:

“An interview is the questioning of a person regarding their involvement or suspected involvement in a criminal offence or offences which, under

paragraph 10.1, must be carried out under caution. Whenever a person is interviewed they must be informed of the nature of the offence, or further offence.”

An interview may be used for purposes other than obtaining information. For example, it may provide witnesses, victims and suspects with information concerning court procedures. The interview offers the opportunity to encourage a two-way process which may result, for example, in an interviewee becoming a useful informer.

For the investigative interviewer, obtaining information, gathering evidence and seeking the truth are the primary goals of an interview. Interviews can provide the information, intelligence and evidence to investigators which enable offenders to be brought to justice.

Definition of a victim

A ‘victim’ in the Black’s Law Dictionary Ninth Edition (2009) is defined as:

“a person harmed by a crime, tort or other wrong.”

Definition of a witness

A ‘witness’ is defined in Black’s Law Dictionary as:

“One who sees, knows or vouches for something. One who gives testimony under oath or affirmation, in person, by oral or written deposition or by affidavit. A witness must be legally competent to testify.”

Definition of a significant witness

Significant witnesses are also sometimes called key witnesses. They are described in the “Ministry of Justice (2011) Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures” as those who:

“Have or claim to have witnessed, visually or otherwise, an indictable offence, part of such an offence or events closely connected with it (including any incriminating comments made by the suspected offender either before or after the offence); and/or have a particular relationship to the victim or have a central position in an investigation into an indictable offence. While significant witnesses are usually defined with reference to indictable-only offences, investigating officers may identify witnesses as significant in any other serious case where it might be helpful.”

If an officer has witnessed any of the above offences, then they should also be considered to be a significant witness.

For example, you are called to an incident outside a pub where a young boy has been attacked. He has been badly beaten, appears to have serious injuries, and an ambulance has been called. One of the bar staff from the pub approaches you and tells you he saw the event and states that the attack was unprovoked. Due to the serious nature of the assault, and the information which the witness is able to give about the event, you should treat him as a key witness.

If you believe that a witness may be a significant witness, any interview should be video recorded or audio recorded, if the witness is unwilling to be video recorded. For this reason, if you believe you have a key witness, it is advisable to check with your sergeant as to how to proceed.

Despite the differences in definition, all victims are potential witnesses. For the purpose of these notes all references to witnesses include victims, unless it is specifically stated to the contrary.

It is the information provided by witnesses and victims that may enable you to validate or challenge a suspect's version of events. Therefore, you should investigate fully the accounts given by witnesses or victims before interviewing any suspect.

Definition of a suspect

A suspect is defined in PACE as: someone who the police would have to caution under paragraph 10, Code of Practice C if they wanted to interview them. This definition requires that:

‘There must be some reasonable, objective grounds for the suspicion, based on known facts or information which are relevant to the likelihood the offence has been committed and the person to be questioned committed it.’

(Note 10A of PACE Code of Practice C)

An interview may take place under arrest or it may be a voluntary interview, where the individual agrees to attend a police station or other non-designated station of their own free will.

1.1 Primary and Secondary Evidence

Your role during any interview will be to identify evidence which either points towards or away from a suspect. Best evidence derives from a 1745 judgment where the court held that it is the 'best [evidence] that the nature of the case will admit' (*Omychund v Barker* (1745) 26 ER 15). It has come to mean primary evidence or 'first hand evidence' (eye witnesses or the original document).

Secondary evidence might be, for example, hearsay about an individual and their actions at the scene of a crime. For example, a witness may tell you that they have heard a person boasting about stealing some items from a shop and selling them on. Secondary evidence will also be admitted under certain conditions.

1.2 Circumstantial Evidence

This evidence can be defined as evidence of the circumstances surrounding the offence or event from which a fact may be inferred.

Examples of situations when circumstantial evidence may be relevant:

- Where a person is found in possession of recently stolen goods and offers no explanation or offers one that is deemed to be false, then the jury may infer that he or she stole or dishonestly handled the goods, depending on the circumstances.
- When fingerprints are found at the scene of a crime, without an innocent explanation, the jury may infer the identity of the offender.
- Where a person has not given an explanation for their actions following a caution and inferences from silence are sought in terms of Section 34 of the Criminal Justice and Public Order Act 1994.

1.3 Evidential Notes

The term evidential notes refer to records of information that may be used as evidence in any subsequent legal proceedings, whether it is in the criminal courts or the civil courts.

For example:

- Records of any interview conducted at the scene (a contemporaneous notes interview) with questions and answers recorded in direct speech

- Times of cautions given and record of any replies given (in direct speech)
- Descriptions of suspects
- Details of property stolen including a value and description
- Details of property damaged including value and description of the damage
- Names, addresses and telephone numbers of any persons injured together with details of injuries sustained
- Vehicle descriptions including registration numbers
- Damage caused to vehicles
- Road and weather conditions.

The notes must be original notes made at the time. If they are not, then you will not be permitted to refer to them whilst giving evidence. The consequence of this is that a case might be lost because of your inability to accurately recall the incident.

2. Using the PEACE Framework to Conduct an Interview

The PEACE model provides a structure for both witness and suspect interviews.

The mnemonic PEACE stands for:

Planning and Preparation

During this phase, you should plan and prepare the interview.

Engage and Explain

this refers to the initial stage of an interview and is concerned with how to get an interview going and how to establish the 'ground rules'.

Account, Clarification and Challenge

This deals with the central issue of obtaining the interviewee's account, clarifying this and where necessary, challenging it.

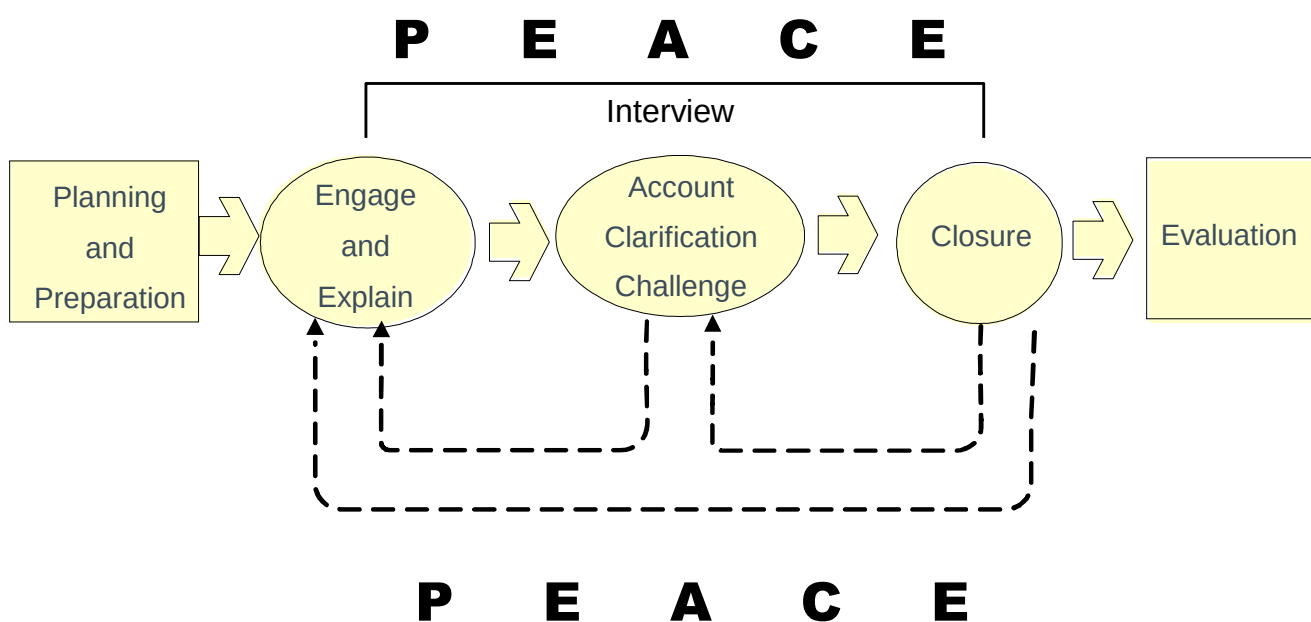
Closure

During this stage you check that all aspects of the incident or matter to be discussed have been sufficiently covered, in terms of what you wanted to ask and what the interviewee wanted to tell you, and you explain what will happen next.

Evaluation

During this stage you review what was achieved during the interview and how this fits into the whole investigation.

The PEACE model is illustrated in the diagram below



2.1 Movement between Phases of the Interview

The 'PEACE framework' diagram shows lines linking the three phases of the interview. The arrows indicate that there is a natural forward movement from one phase to the next. The framework highlights the need to sustain a working relationship throughout the interview.

Explaining the purpose of an interview is a task that may require repetition and redefinition throughout the interview. It is important to remember that there are no rigid boundaries between the phases and flexibility is required throughout. For example, **Closure** is linked back to **Account, Clarification and Challenge** with a dotted line. This indicates that you might need to reopen discussion of the interviewee's account during the Closure phase. The interviewee may recall some new information or may wish to test your memory of what they

have previously said. When this happens you will naturally return to the Account, **Clarification and Challenge** stage.

2.2 Core Skills of Investigative Interviewing

Investigative interviewing requires a range of skills which together lay the foundations for becoming a competent investigative interviewer.

These core skills are:

- **Planning and preparation:** Planning and preparation ensure that you are ready to conduct an effective and ethical interview. It is crucial to be methodical in your approach in order to obtain the interviewee's account and cover all points needed to help prove an offence.
- **Establishing a rapport:** As the interviewer, you assume responsibility for initiating and maintaining conversation with an interviewee during the interview. An assured personal style may make it easier for the interviewee to speak about matters which cause embarrassment or anxiety. Coupled with this is the need to establish trust because interviewees may fear the consequences of providing information. You can help establish a rapport by:
 - How you address the interviewee
 - Keeping the interviewee informed of what is happening - for example when the interview will take place and how long your preparations will take
 - Establishing their immediate needs and concerns - for example, whether they need refreshments or if there are any domestic issues which the interviewee may be worried about, such as collecting children from school
 - Showing an interest in them and their individual circumstances - if they have been arrested, ensure that someone has been informed of their arrest (within the constraints of the investigation)
 - Showing empathy as appropriate.
- **Listening skills:** Active listening allows you to establish and maintain rapport, helping you to:
 - identify topics during the interview and therefore manage the conversation

- communicate your interest in the interviewee and their account
- identify important evidential information.
- Questioning skills: the use of the “5WH:” who, where, what, when, why and how and open and closed questions.

2.3 The Principles of Interviewing

There are seven core principles of interviewing. These principles and materials related to them are also available in APP: Investigation.

2.4 Principle 1: Aim

The aim of investigative interviewing is to obtain accurate and reliable accounts from victims, witnesses or suspects about matters under police investigation.

To be accurate, information should be as complete as possible without omission or distortion, in order to discover the truth about matters under investigation. The information also needs to be reliable: i.e. information has been given truthfully and will stand up to subsequent scrutiny. This information may be used to further the investigation, open up other lines of enquiry and act as a basis for questioning others.

2.5 Principle 2 - Fairness

Investigators must act fairly when questioning victims, witnesses or suspects. They must ensure they comply with all the provisions and duties under the Equality Act 2010 and the Human Rights Act 1998. Vulnerable or intimidated people must be treated with particular consideration at all times.

Acting fairly means that the interviewer should not approach an interview with prejudice. The interviewer should be prepared to believe the account that they are given, and use common sense and judgement rather than personal beliefs to assess the accuracy of what is being said. In some cases, an individual may be too shocked or frightened to give a reliable and accurate account. In such cases you must consider whether it may be more reasonable to wait to ask more questions about an offence once any questions that need answering immediately have been addressed, such as a description of a suspect who has fled the scene of a crime.

2.6 Principle 3 - Investigative Mindset

Investigative interviewing should be approached with an investigative mindset. Accounts obtained from the person who is being interviewed should always be tested against what the interviewer already knows or what can reasonably be established.

The main purpose of obtaining information in an interview is to further the enquiry by establishing facts.

Interviewers should think about what they want to achieve by interviewing the victim, witness or suspect and set objectives which will help to corroborate or disprove information already known.

2.7 Principle 4 - Questioning

When conducting an interview, investigators are free to ask a wide range of questions in order to obtain material which may assist an investigation.

This principle reminds you that an investigation to discover the truth is not the same as proving an argument in court. It is not subject to the same rules: you can ask those questions that need to be asked in order to establish the truth. However, your questioning must be professionally acceptable and conducted according to the Police and Criminal Evidence Act (1984) and the PACE Codes of Practice.

2.8 Principle 5 - Early Admission

Investigators should recognise the positive impact of an early admission in the context of the criminal justice system.

An admission from a suspect may go some way to supporting a subsequent prosecution and conviction but should not be solely relied on to guarantee it. If a suspect admits to an offence, you should seek further details to help confirm the account and not take the accuracy of what is said for granted. The benefits of an early admission include the following:

- The court has a fuller picture of the offending pattern of the individual and can sentence more appropriately
- The victim can claim compensation for an offence that has been admitted by the defendant, detected and acknowledged by the criminal justice system

- The police gain intelligence and can increase crime detection rates.

2.9 Principle 6 - Duty and Truth

Investigators are not bound to accept the first answer given. Questioning is not unfair merely because it is persistent.

Officers should seek the truth and are entitled to be sceptical if scepticism is justified.

Witnesses, victims and suspects may be economical with the truth or even dishonest. Where there is good reason for suspicion, it is right to be persistent on these grounds alone.

Equally, officers may be persistent because they feel there is more information that could be provided. Careful and continued questioning (which is not unfair or oppressive) may ensure all the relevant information is provided.

2.10 Principle 7 - Right to Silence

Even when the right of silence is exercised by a suspect, investigators have a responsibility to put questions to them. This principle extends the right of an investigator to put questions to those they believe can help them to establish the truth of a matter under investigation.

Suspects have the right to remain silent, but they are warned during the police caution or during special cautions of possible adverse inferences being drawn should they choose to exercise that right.

For more information, The Principles are covered in APP: Investigation under the section called Principles and Ethics.

You will now look at the PEACE mnemonic in more detail.

3. Planning and Preparation

During the course of an investigation it may be necessary for you to conduct a number of interviews. In some situations, you may only have one suspect or witness, in others, several people will be involved and you will need to decide the order in which interviews are conducted, with a view to maximising their effectiveness.

The planning and preparation stage gives you an opportunity to:

- Review the investigation
- Establish what material is already available

- Decide what the aims and objectives of the interview are.

The timing of interviews within an investigation needs to be carefully managed and the objectives of any particular interview clearly defined. You need to plan what the objectives of the interview are in order to decide whether or not an interview with a particular person is necessary now, or whether there are more important priorities to attend to at this time in the investigation.

When should an interview take place?

The timing of an interview will depend on a number of factors including:

- operational priorities
- shift times
- the physical and mental condition of the individual
- whether you have collected all the evidence you need prior to interviewing.

A witness or suspect may be under considerable stress when information is required. They may be traumatised or physically injured or may have a genuine fear of giving evidence. In some circumstances this may mean that people are incapable of providing a reliable and accurate account of the incident under investigation. However, information may be far more valuable if obtained at an early stage. A balance needs to be made between the requirement to gather the information, the factors affecting the quality of the information, and the rights and welfare of the witness or suspect. It is useful to remember that:

- Information is usually more reliable if obtained immediately following an event rather than some time later.
- Information also tends to be more reliable before the individual has had time to discuss it with others.

In dramatic incidents, there is also the possibility that, with time, an individual will rationalise what they have seen so that they have a better understanding of it.

Timing of Interviews with Suspects

If the suspect has been arrested you will need to consider the amount of time left in the suspect's detention when deciding the appropriate time to interview a suspect.

Subject to certain provisions of sections 41, 42 and 43 of PACE 1984 a person shall not be kept in police detention for more than 24 hours without being charged.

Detention without charge can however be extended up to a maximum of 36 hours in certain circumstances if authorised by a superintendent. The person must be under arrest for an indictable offence and further detention is necessary to secure or preserve evidence, for example, where a person is under arrest on suspicion of murder. A warrant of further detention without charge may also then be applied for and issued by a Magistrates' Court under section 43 PACE to extend the duration of the detention further.

The time from which the period of detention of a person is to be calculated is the time at which that person arrives at the relevant police station, or, the time 24 hours after the time of that person's arrest whichever is the earlier. In the case of a person who attends voluntarily at a police station or accompanies a constable to a police station without having been arrested (and is arrested at the police station) it is the time of their arrest.

Any period during which a person is released on bail does not count towards the maximum period of detention without charge allowed under PACE, sections 41 to 44.

The detainee must be allowed a continuous period of at least eight hours free from questioning, travel or any interruption in connection with the investigation concerned. This period should be at night or other appropriate time, according to when the suspect last rested or slept. This period may be interrupted if an urgent interview is necessary, or, at the request of the suspect, their appropriate adult or legal representative. In some circumstances medical advice might influence the timing of the interview.

3.1 Urgent Interviews - Suspects

An urgent interview with a suspect might be considered necessary if there are reasonable grounds for believing that the subsequent delay might lead to:

- interference with, or harm to, evidence connected with an offence
- interference with or physical harm to other people
- serious loss of, or damage to property
- other people who are suspected of having committed an offence but not yet arrested for it being alerted
- the recovery of property obtained in consequence of the commission of an offence may be hindered.

An urgent interview may take place without the presence of a legal representative and, in the case of a vulnerable suspect, an appropriate adult. It does not need to take place in a police station or authorised place of detention. An urgent interview can only take place with the permission of an officer who is at superintendent level or above.

Once any risks relating to delaying an interview have been averted or addressed, the interview should cease.

3.2 Timing of Interviews with Witnesses

The timing of an interview with a witness is an important factor to consider, especially if you are expecting to obtain ‘best evidence’ from that witness. What follows are some of the other elements that you may wish to consider when planning your interview.

3.3 Using Appointments with Witnesses

If you intend to interview a witness at a particular time, other work demands may prevent you keeping an appointment, so build in some flexibility when making an appointment. For example:

“I will try to get there between 7pm and 8pm but I may have to cancel if I am despatched to an urgent incident.”

If you are unable to attend an appointment, you should inform the interviewee. Keep a note of the witness’s contact number to hand, so that if you have to cancel at short notice you can ask your communications or control room to ring and explain the reason.

It may take a great deal of effort for a witness to prepare for an interview. A witness may dread the prospect of providing a statement, because it requires them to relive a trauma or see through a difficult decision to provide evidence that may have adverse repercussions. In some circumstances you may be able to arrange cover or obtain permission from a supervisor to be non-deployable in order to ensure an interview takes place.

3.4 Fast Track Interviews - Witnesses

There may be occasions when it is necessary to conduct a fast track interview with a witness who possesses information which is likely to take the investigation forward rapidly. This may result in:

- The early identification or arrest of a suspect

- The recovery of material connected with the offence
- Preventing the imminent disposal or destruction of material connected with the investigation
- Preventing the commission of other offences.

You should consider the immediate needs of the witness, who may require medical attention or the presence of a suitable adult. The interview should be limited to obtaining enough information to continue with the enquiry. The circumstances of the fast track interview should be recorded and permission obtained from medical staff if the witness is receiving non-urgent attention.

3.5 Environmental Factors which might affect an Interview

When interviewing an individual, the location of the interview is important because it affects the relationship that is established between those involved. This means that the physical setting can make the use of a personal style more or less effective. For example, the physical settings of police stations and designated interviewing rooms will differ in how much they encourage interviewees to relax and talk freely. The location can affect the ease with which interviewers establish a relationship which is conducive to spontaneous conversation. If this is the case, it may be necessary to make a special effort to overcome the drawbacks of particular settings.

The requirements about the location of an interview differ, depending on whether the interviewee is a suspect or a witness. In all circumstances, there are a number of factors to consider when choosing a location:

- Health and Safety of all concerned.
- What environment will be conducive to providing the best evidence?
- What is best for the interviewee? (E.g. taking into account domestic or work responsibilities.)
- What is best for the interviewer?
- Is an interview room available (if required) at the time needed?
- How long is the interview likely to last - will the location be available throughout the time required?

- Number of people who will attend the interview.

An interview location should be risk assessed before commencing an interview. Once you have completed a risk assessment of the location and minimised or removed all risks you can, you must continue to carry out a dynamic risk assessment in the interview. This may mean in some circumstances that you have to change the location of the interview.

A suitable location will take into account all these factors. Each situation will be different.

3.6 Locations used for Suspect Interviews

PACE Code C paragraph 11.1 states that following a decision to arrest a suspect, they must not be interviewed about the relevant offence except at a police station or other authorised place of detention unless the consequent delay would be likely to:

- a. lead to interference with, or harm to, evidence connected with an offence; interference with, or physical harm to, other people; or serious loss of, or damage to, property
- b. lead to alerting other people suspected of committing an offence but not yet arrested for it; or
- c. hinder the recovery of property obtained in consequence of the commission of an offence.

However, in many cases, an arrest will not be necessary and an interview may take place at the location of the offence for example in cases of speeding you may interview the suspect at the roadside.

In all circumstances, an accurate record should be made of what happened. If the interview takes place away from a police station and recording equipment is not available, a verbatim and contemporaneous record of what both you and the suspect being interviewed have said should be made. In the case of a witness, a witness statement should be taken.

You should consider the following issues when conducting a witness or suspect interview away from a police station or other authorised place of detention.

3.7 Home

In some instances the most appropriate place to obtain a statement may be at the person's home. A person may be relaxed and comfortable in their own surroundings. This may not be suitable or appropriate if:

- their home was the scene of the offence such as in the case of domestic abuse or burglary
- other persons are present who are witnesses and there is the possibility of contaminating evidence by allowing the parties concerned to hear others' versions of events
- distractions: loud televisions/radios, children, telephones can all serve as distractions and reduce the flow of an interview and quality of evidence obtained.

In these circumstances, arrangements could be made to interview the individual at the home of a friend, neighbour or relative. It may be that you will need to request privacy in order to carry out the interview and this should be addressed when making arrangements.

Remember that if an individual is not under arrest and they ask you to leave their home address because the person does not want you there or does not wish to answer questions about an incident, you must leave. Failure to leave when asked (apart from any other powers you may have) would make you a trespasser and you would not be in the lawful execution of your duty if you remained on their premises.

3.8 Vehicle

An interview can take place at the scene of an incident. A witness or suspect statement may be obtained whilst seated in a police vehicle at the scene of a road traffic collision. This may suit all parties concerned and provide the best evidence, as it occurs immediately after the event. If the interviewee is in shock or upset by the incident, an alternative time may be more appropriate. If however, the location is on a very busy road, you should assess whether it is safe to interview a person or whether it may be advisable to move location to avoid risk of personal injury to you or them. Where there are a number of witnesses, you may only have time to make short notes. You should take the witness's name and contact details and record verbatim any significant statement. You may contact them again to get more information if required. All notes must be retained and must be disclosable.

3.9 Workplace/Place of Education

When obtaining evidence, a place of work can, in some circumstances, be the most appropriate place, particularly if the offence was connected with the work/place of education of the witness or suspect. There may be other issues to consider such as:

- **Confidentiality;** the interviewee may not wish others to know that they are supplying information to the police or they may wish to keep the matter private

- **Employer**; the employer may not agree to the police attending premises and conducting enquiries with staff in working hours
- **Juveniles** (i.e. individuals who are 17 or under) may only be interviewed at their places of education in exceptional circumstances and then only when the principal or nominee agrees.

3.10 Interviewing in a Public Place

If an interview takes place in a public place, a member of the public who is seen talking to an officer may be subjected to curiosity, speculation and suspicion by others. It can also act as a block to their memory and recall. A crowd may gather from curiosity but, as the encounter progresses, it may take sides. As a result you may find you have a public order situation to deal with. Where you do not have the option to interview elsewhere and a crowd gathers, you will need to decide whether to disperse the crowd or ignore them. Your decision will depend on whether you believe they are likely to interfere or aggravate the situation; whilst many audiences will not react violently against members of the police service, you must be aware of the possibility.

Example

When attending a report of an assault in a nightclub, choosing to speak to the witness in a private area of the premises or asking them to leave the premises and go to a safe area, may not only serve to minimise the risk but provide a better location for communication.

When interviews are conducted away from the custody area or police station, you must assess the suitability of location and circumstances for risks to health and safety. Bear in mind that as information is gathered in relation to an incident, a victim or witness may become a suspect. There is always the potential for any witness or suspect to become violent, abusive or aggressive. The environment is going to be less controlled, so you will need to anticipate and address potential danger in order to ensure the safety of everybody present at an interview. Suspects who are interviewed away from a police station have the same rights as those interviewed at a police station.

If you are unsure about the suitability of a place or location for an interview in a place other than a police station, you should consult an officer of the rank of sergeant or above for advice.

3.11 Interviewing Witnesses in Police Premises

The witness may agree to attend police premises for the purpose of supplying a witness statement. It may suit you as the interviewer to invite the witness to police premises for interviewing. This will enable you to have all your materials to hand. However, whilst in many cases this is suitable and acceptable, it may not be the ideal setting for putting a victim or witness at ease.

3.12 Interviewing Suspects in Police Premises

Interview rooms in custody suites are usually maintained in a way that reduces risk. Nevertheless, you should examine and conduct a risk assessment of the location before taking the suspect there. This will give you the opportunity to remove any articles that have been left by persons who have used the room previously. For example, a pen can become a weapon; a spare chair can become a missile.

Some items of furniture in interview rooms may be fixed and the layout in some places may be less flexible than others, but you should always check. If there is a high potential for aggression or allegations from an interviewee, consideration could be given to a second officer being present during the interview and supporting procedure. You should also consider other means of summoning assistance and maintaining safety, including:

- availability of your personal safety equipment
- establishing the location and availability of other staff.

When preparing an interview room, chairs should be positioned to accommodate all persons who are to be present and the items required for the interview should be ready and in a safe place prior to the interview starting. You may wish to position yourself between the suspect and the door so as to prevent a suspect walking out of an interview room into the custody area, leaving you with the recording device still on. The PACE Codes of Practice state that suspects must not be made to stand when interviewed.

You should ensure that all the recording equipment appears to be working and that there is power. The room should be adequately heated, ventilated and lighted.

In some cases, a suspect may refuse to go into an interview room. PACE Code C12.5 relates to those circumstances. A suspect whose detention without charge has been authorised under PACE because the detention is necessary for an interview to obtain evidence of the offence for which they have been arrested may choose not to answer

questions but police do not require the suspect's consent or agreement to interview them for this purpose.

If a suspect takes steps to prevent themselves being questioned or further questioned, e.g. by refusing to leave their cell to go to a suitable interview room or by trying to leave the interview room, they shall be advised their consent or agreement to interview is not required. The suspect shall be cautioned and informed if they fail or refuse to cooperate, the interview may take place in the cell and that their failure or refusal to cooperate may be given in evidence. The suspect shall then be invited to cooperate and go into the interview room.

3.13 Gathering Information and Evidence Prior to Interview

To interview effectively you will need to ensure you have the necessary background knowledge about the interviewee. The more information you gather prior to the interview, the better an understanding you will have of the investigation and the suspect or witness.

You should consider finding information about the following:

Age - Knowing their age may help determine the most appropriate time for the interview and whether an appropriate adult will be needed.

Sex - In certain types of crime, for example sexual offences or domestic abuse it will be important to consider the sex of the interviewee and whether you are the most appropriate person to conduct the interview.

Domestic circumstances - Knowledge of an interviewee's domestic circumstances may indicate to the interviewee that you have done your research. Consider speaking to members of the family, relatives if appropriate, associates, colleagues and neighbours.

Cultural background - This can affect the way a person prefers to be addressed. Consider how formal your approach needs to be.

Does the interviewee have a strong regional dialect and will you be able to understand them? Does the interviewee understand or speak English? Consider the use of an interpreter.

Educational background and intellectual ability - Knowing something of a person's educational background and achievement can provide an indication of a potential vulnerability. Interviewees who are disadvantaged because of an intellectual disability may not understand the caution, the significance of your questions nor the implications of their answers.

Physical and mental ill health - Some interviewees may be vulnerable because of their condition or their physical health, or they may be experiencing mental ill health. You should be alert to signs and behaviours of health problems during your planning and preparation.

If you do not feel able to make an informed decision, consider getting advice from a suitably qualified person.

In the case of a suspect in custody or at a police station, this should be brought to the attention of the custody officer as soon as possible to ensure appropriate adults, interpreters or persons responsible for welfare can be contacted.

Previous contact with police - Information about an interviewee's behaviour when interviewed or arrested previously may be a guide to an interviewee's general behaviour and attitude towards the police and may suggest whether the safety of the interviewers could be put at risk in an interview situation. However, it should be noted their behaviour and attitude may have been in response to the situation at that particular time.

A person with no previous police contact as a suspect may require more explanation in relation to procedure than a person who has had previous contact with the police.

Previous offences - Background checks may reveal patterns in the types of offences committed by a suspect and the methods used. Liaise with interviewers who have previous knowledge of the interviewee. Check recent crime reports, the PNC and local intelligence. Review interviews with co-accused. Information about previous offences may identify a modus operandi (MO) which could be relevant to the incident in question and may need exploring during the interview.

Examples

A burglary suspect may have stolen vehicles on previous occasions in order to commit burglaries. It may be worthwhile carrying out a search of an area for stolen vehicles. There would be merit in thoroughly probing how the person got to the area.

Intelligence may suggest that the suspect was intending to commit offences with an accomplice. There may be avenues of investigation with regards to this other person in terms of locating them and raising friends and associates as a 'police topic' in interview.

Information from other officers may indicate that a witness has a history of making false allegations which cannot be proven.

Report of incident - If you know the details of the reported incident you may be able to assess whether the interviewee is likely to be cooperative or hostile.

Consider checking the incident message, recent crime reports and local intelligence. Also check with the local beat officer and any other specialist.

Traumatic experience - Consider not only the background and personal characteristics of the interviewee, but also the experiences they have recently undergone, as a witness, victim or suspect. This may affect the timing of interviews, because of the interviewee's need for treatment, counselling or social support.

Consider your own mental and physical state after witnessing an incident. You need to consider whether you are fit to conduct an interview.

Knowledge of the location of the crime - Visit the scene of the offence or incident - particularly if you have no previous knowledge of the location. Search the premises: this might include getting photographs or a recording of the scene. If not practicable then make or obtain a sketch plan of the scene. This may provide you with information which may be needed to conduct an effective challenge to an interviewee's account.

All this information will contribute to being effectively prepared for any interview. It is essential that you do not prejudge an individual on the basis of this information. However, it may give an insight into them and their circumstances.

3.14 Points to Prove

Prior to interview, you must clearly identify all the possible offences you are investigating and anticipate any defences that might be offered. It is important in all interviews that you know the points necessary to prove the offence, or possible offences, in question. You will need to plan your interview so that these points do not dominate the interview by controlling the flow of information. Nor should they artificially constrain or distort the account of events given by an interviewee.

The main areas to consider are:

The intent (**mens rea**)

What was in the suspect's mind at the time?

Why did they commit the crime?

The action (**actus reus**)

What did the suspect do?

The method (**modus operandi**)

How did the suspect commit the crime?

In order to prove essential points, a good knowledge of the law in relation to the offence is required. It may be necessary to research this information.

Example

Section 1(1) of the Theft Act 1968 states that:

‘A person is guilty of theft if he dishonestly appropriates property belonging to another, with the intention of permanently depriving the other of it.’

In order to prove that this offence has taken place, it will be necessary to prove the component parts of this definition. These are:

- Dishonesty
- Appropriation
- Property
- Belonging to another
- Intention to permanently deprive.

It will be necessary to prove all these points. You may be able to obtain the following information from a person who is the victim of a theft.

- If no person had any right or consent to take the property it would go some way to suggesting a dishonest act. The victim may be able to state this.
- If an item was in a place at a particular time but not later this would indicate an appropriation.

The property must be described in detail and be within the definition of ‘property’ under the Act.

Evidence as to ownership, care, custody and control by the owner would establish belonging. For example the victim may say, “I purchased the item in March 2007 and have used it daily until...”

These are just some suggestions as to what could be included in the evidence of a victim. If you are interviewing a suspect about the theft of an item, they may allege they have a right in law to the property and therefore claim the property is their own and cannot be stolen. You must plan for this prior to interviewing. All circumstances will present opportunities to prove points of the offences being considered.

If an essential point to prove is not present in evidence when the matter is brought to court the whole case could be dismissed. For example, if ownership (belonging to another) is not established in the investigation, it will be difficult to prove that the suspect had no right in law to that item. This can be avoided by establishing this fact in the course of the investigation and obtaining evidence to support the fact.

4. Making a Written Interview Plan

Whilst it may not be possible to make a written interview plan prior to interviewing an individual on the street, a written interview plan is useful as it summarises the aims of an interview and provides a framework on which to base your questioning.

In preparing a written plan you might consider:

- How will you introduce the interview?
- How will you obtain the interviewee's full account?
- How will you use questioning techniques?
- What communication skills will be required?
- How will you structure the interview?
- What topics do you plan to cover?
- What are the points necessary to prove the possible offences under investigation?
- Are there any points which may be a defence for committing the offences under investigation?
- How will you introduce any exhibits?
- How will you use evidence which suggests the interviewee might have committed the offence?
- What are your plans to handle information or evidence that emerges from the interview that is not previously known?

A written plan will assist you to:

- keep track of what has been covered and what remains to be dealt with
- identify areas where the interviewee's account conflicts with what is already known or, has been suggested in other accounts
- identify new information whilst keeping track of the purpose of the interview
- identify any issues that have not been covered.

When considering topics which you wish to cover in your written plan, you should ensure that you include:

- **Significant statements and silences.** These might have occurred at the point of arrest or when cautioning the suspect and should have been recorded in your pocket book
- **Unsolicited comments** - Code C. These might have occurred during arrest or when the suspect was being detained. They should have been noted in your pocket book or in the custody record, depending on when the comments were made
- **Facts that may be the subject of a Special Warning** - Codes C and s.36 and 37 Criminal Justice and Public Order Act 1994.

You should add detail to the topics identified as the account is probed and list additional topics as they become evident in interview.

Example

On the next page is an example of how to set out a written plan.

In the example given, you would cover the topics listed on the left of the planning sheet and ask questions to establish more information about each topic area. For example, "You said to PC Banks that you were shopping at the time of the offence. Did you visit any shops? Did you see anyone you know? Did you buy any goods? How did you pay for those goods? Do you have a receipt of the shopping you did?"

The answers given may provide new topics for you to cover in your interview and you should note down these new topics as the interview progresses.

4.1 Planning Sheet (examples of Identified Topics)

Argument Rose's Cafe	Motivation
Shopping	Route home to cafe Which shops visited Items purchased
Outside Cafe (Special Warning)	Other persons present
Damage	Precise actions
Conversation PC BANKS	"It was an accident"
Possession hammer (Special Warning)	Reasons for possession
Cut to sleeve (Special Warning)	

You must remember that your interview plan and any notes made will be relevant material, as defined by the Criminal Procedure and Investigations Act 1996 (CPIA), and must therefore be retained as disclosable information.

4.2 Individuals who should be Consulted Prior to an Interview

There are a number of persons with whom you may have to consult as part of your dealings with a suspect or witness both before and during an interview such as:

Suspects	Witnesses
Interpreters	Interpreters
Medical advisors/healthcare professionals	Medical advisors/healthcare professionals
Appropriate adults	Interview supporters
Custody officer	Other relevant personnel
Officers required for legal authorities	
Legal representatives	

4.3 Interpreters

Suitably qualified interpreters should be available for people who are deaf or who do not speak or understand English.

Where the interviewee speaks a foreign language, a person must not be interviewed in the absence of a person capable of interpreting, unless the consequent delay might lead to a risk of interference with or harm to evidence connected with the offence, interference with or harm to other people or serious loss of, or damage to property. Other circumstances are also listed under PACE Code C 11.1. If a detainee is unable to speak English or unable to read English, you must ensure that relevant documents are available in the detainee's native language. Refer to your force policy to find out how to access these.

Any witness statement taken from a person who has difficulty in speaking or understanding English should be recorded in the foreign language and signed by the witness.

The interpreter should also make a statement exhibiting both the witness statement and its translation.

Your force will have procedures for using interpreters and have their contact details.

4.4 Medical Advisors

Health care professionals should advise on the need for an appropriate adult to be present, an individual's fitness for interview, whether reassessment of the person's fitness for interview may be necessary if the interview lasts beyond a specified time, and whether a further specialist opinion may be required.

4.5 Legal Representatives

PACE Code C Note 1A, states that anyone who is interviewed has a right to legal advice whether they are detained or attend the police station voluntarily. This advice should be provided by a solicitor. PACE Code C, paragraph 6.12 states that a solicitor in the Code means:

- a solicitor who holds a current practising certificate
- an accredited or probationary representative included on the register of representatives maintained by the Legal Services Commission
- an accredited or probationary representative sent to provide advice by, and on behalf of, a solicitor, unless an officer of inspector rank or above considers such a visit will hinder the investigation of crime and directs otherwise. (6.12A)

When a legal adviser attends a police station in order to represent a suspect in custody, they are entitled to consult the custody record in order to establish key facts about the case. You will be required to speak to the legal adviser in relation to pre-interview disclosure of material before interviewing a suspect.

4.6 Appropriate Adults

An appropriate adult should attend interviews of suspects where the detainee is a juvenile, is mentally disordered or otherwise mentally vulnerable. If an appropriate adult is present at an interview, they should be informed:

- they are not expected to act simply as an observer
- the purpose of their presence is to:

- a. advise the person being interviewed
- b. observe whether the interview is being conducted properly and fairly
- c. facilitate communication with the person being interviewed.

An interview with a vulnerable adult can take place before an appropriate adult has arrived if an officer of superintendent level or above considers that delay may:

- lead to interference with, or harm to, evidence connected with an offence
- lead to interference with, or physical harm to, other people
- lead to serious loss of, or damage to property
- lead to people suspected of having committed an offence but not yet arrested for it being alerted
- hinder the recovery of property obtained in the commission of an offence

if they are satisfied that conducting an interview will not significantly harm the person's physical or mental state.

Paragraph 1.7 of PACE Code C outlines who can be an appropriate adult.

'The appropriate adult' means, in the case of a:

- a. Juvenile:
 - i. the parent, guardian or, if the juvenile is in local authority or voluntary organisation care, or is otherwise being looked after under the Children Act 1989, a person representing that authority or organisation
 - ii. a social worker of a local authority
 - iii. failing these, some other responsible adult aged 18 or over who is not a police officer or employed by the police.
- b. Person who is mentally disordered or mentally vulnerable
 - i. a relative, guardian or other person responsible for their care or custody
 - ii. someone experienced in dealing with mentally disordered or mentally vulnerable people but who is not a police officer or employed by the police
 - iii. failing these, some other responsible adult aged 18 or over who is not a police officer or employed by the police.

A juvenile is classed as an individual who is 17 or under.

If the interview is taking place in an educational institution, the principal or nominee can act as the appropriate adult for the purposes of an interview, if waiting for the appropriate adult would cause unreasonable delay and as long as the interviewee is not suspected of an offence against the educational establishment.

You should assess if the individual acting as the appropriate adult may be put at risk if they are asked to attend the interview - for example, if the suspect seems violent.

Note: The terms mentally disordered and mentally vulnerable are used to correctly reflect the wording in Code C of the Codes of Practice. Outside legislative use, the term 'mental ill health' is preferred.

4.7 Custody Officer

The custody officer is responsible for the legal rights, welfare and treatment of any detained suspect. Actions taken which affect the detainee, such as a detainee's decision to take, or refuse legal advice or a decision to conduct an urgent interview must be noted on the individual's custody record and as such it is important that the custody officer is kept informed by you about any issues which you believe should be recorded.

Paragraph 3.6 of PACE Code C states that the custody officer is responsible for initiating the detainee's risk assessment. The risk assessment looks at whether the detainee is likely to present specific risks to custody staff or themselves. Such assessments should always include a check on the Police National Computer, to be carried out as soon as practicable, to identify any risks highlighted in relation to the detainee. Although such assessments are primarily the custody officer's responsibility, it may be necessary for them to consult and involve others, such as the arresting officer or an appropriate health care professional. If you notice any changes in the behaviour or demeanour of a detainee before, during or after an interview, this may be relevant to the risk assessment.

4.8 Officers Required For Legal Authorities

These are officers who are required to give permission for an action to take place. There are numerous occasions under PACE Codes of Practice when the authority of a senior officer is required before an action can be carried out.

Examples of this are:

When a person originally requests legal advice then changes their mind, the authority of an inspector must be obtained prior to interviewing the suspect (see Paragraph 6.6(d) of PACE Code C).

Where a request is made to detain an individual for more than 24 hours, this can be extended by a person of superintendent rank or above by up to a further 12 hours in special circumstances.

4.9 Witness Supporters

All witnesses, particularly vulnerable or intimidated witnesses can receive support at all stages of an investigation.

At the interview stage, a witness can receive support from an interview supporter.

4.10 Interview Supporter

An interview supporter is a person independent of the police, who is not a party to the case being investigated. In the case of a child, a suitable interview supporter may be a parent or carer, a teacher, nursery helper or other family member. They sit in on the interview. They may be a friend or relative or an appropriate adult, but not necessarily so. Interview supporters must be clearly instructed not to take part in the interview either verbally or by nodding or using facial expressions. Whilst it may offer a witness or victim tremendous support, careful consideration should be given to all the circumstances and potential results of inclusion of a third party at the interview.

Some considerations for not allowing a particular interview supporter to be present are listed below.

- Any possible involvement with the case being investigated (for example, did the witness first speak to the individual about the incident prior to going to the police?)
- Any links to known or potential suspects
- Any other reason why their inclusion could compromise evidence

Where the presence of an individual may lead to the witness changing their account of their behaviour to suit the audience. For instance, if a religious leader acted as a supporter, it may

be pertinent to consider if the witness or victim would be tempted to adjust their account so that it adhered more closely to the requirements of their religion

Potential for the supporter to become actively involved in the interview. The supporter may, if close to the interviewee, seek to protect them. It may be that recalling events distresses a victim. A supporter may seek to protect them by attempting to halt or disrupt the interview or even become abusive towards the interviewer

Where the witness may feel uncomfortable or stressed about talking about events or intimate details in front of someone - for example, because they see them daily or feel the supporter may be shocked. Interviewers are strongly advised wherever possible, to seek the views of the individual on interview support as part of the planning for the interview. Where the witness is a child, the interviewer needs to make it very clear that the child has a real choice and that whatever they choose is acceptable - some children may agree to their parent or carer being present just to please the interviewer or parent

Where the witness is a child, it is important to ensure that the interview supporter has not been involved in the alleged offence, nor will be perceived by the child as being involved (this may be particularly relevant to parent(s) acting as supporters). Carers can, however, wait in an adjacent room if it is thought that physical proximity might be helpful to the child.

Interview supporters should never try to offer witness inducements in return for general cooperation or answering particular questions. For example, a child should not be offered a toy or a trip.

Other witness supporters are:

- **Pre-trial supporters.** They provide support to the witness in the period between the interview and the start of any trial; a Victim Support volunteer may well play this role.
- **Court witness supporter:** A person who may be known to the witness, but who is not a party to the proceedings and knows nothing of the case and may have assisted in preparing the witness for their court appearance; a member of the Witness Service may well fulfil this role.

4.11 The Role of the Second Interviewer

Interviewing is often done on a one to one basis. The presence of a second officer may be beneficial when an interviewee has a history of making false allegations or may be necessary if officer and suspect are not the same sex.

It may also be worth considering the inclusion of a second officer if the matter being investigated is particularly delicate or there is a possibility that the interviewee will become violent or abusive.

Where there is a second officer in an interview, they may question areas they have identified as being ambiguous or in need of clarification. You need to decide the level of involvement of each interviewer and at what point the second interviewer will intervene, if at all. Thorough preparation will avoid the second officer breaking planned silences or pauses between questions. You will need to consider the skills and knowledge of the second interviewer in relation to yours and agree the roles and responsibilities of each officer before the interview. You will also need to consider the effect on the interviewee of two interviewers and the possibility of confusion as the interviewee attempts to deal with questions from more than one interviewer.

Part of a second interviewer's role will be to monitor the recording equipment during an audio recording of an interview and noting the time/recorder counter every so often. This is best practice during any interview when you think there is something important being recorded on the tape or something that you may wish to quote verbatim.

4.12 Other Relevant Personnel

Other relevant personnel who you may consult prior to interviews include:

- representatives from the Crown Prosecution Service who may be available to offer advice and guidance regarding an investigation
- independent Custody Visitors: members of the local community who visit police stations unannounced. They do not take sides but look, listen and report on what they find in the custody unit. They provide a vital source of information on the environmental and welfare conditions in which the detainees are held
- drug workers who offer rapid access to health services.

4.13 Assessing an Individual's Fitness to be Interviewed

The following conditions may make a person unfit for interview. These conditions apply both for suspects and witnesses:

- intoxication (drink or drugs)
- behaviour

- age
- mental ill health
- physical disorder.

Suspect assessments

PACE Code C, Annex G - Fitness to be interviewed states that:

“A detainee may be at risk in an interview if it is considered that:

- a. conducting the interview could significantly harm the detainee’s physical or mental state
- b. anything the detainee says in the interview about their involvement or suspected involvement in the offence about which they are being interviewed might be considered unreliable in subsequent court proceedings because of their physical or mental state.”

Before a detainee is interviewed, you should assess whether the detainee is fit to be interviewed. If you are unsure about their fitness for interview, the detainee must be assessed by a health care professional before the interview takes place.

An interviewee who is intoxicated through drink or drugs may become fit for interview with time and a medical assessment may indicate how long the effects of alcohol or drugs will last. In other cases, a person may be considered fit for interview if an appropriate adult is provided. Evidence obtained by an interview from a person deemed unfit will almost certainly be excluded from any subsequent proceedings and you may have to explain why you failed to establish that an interview was inappropriate. It could form the basis of a complaint against you that you abused your authority. See Code C12.3 and Annex G for more information.

When suspect interviews are conducted away from the police station, in relation to a summary offence for example, there will be less support when assessing fitness for interview. If you have any doubts as to the suitability of a person for interview you should bring this to the attention of a supervisor, who will be able to guide and support you.

You should continue to monitor the interviewee’s physical and mental health throughout the interview. If you identify that the person is becoming agitated, unwell or violent, you should stop the interview and seek appropriate help. Suspect interviews can be a stressful experience and it is important to be mindful of this throughout the process. Police interview

rooms will have an alarm system to ensure you can get help if needed. Refer to force policy on what to do in case of an emergency.

4.14 Witness Assessments

Prior to and during a witness interview you should be equally mindful of the effect on a witness. Witnessing a criminal offence can cause significant distress to an individual and may lead to the individual being unable to provide reliable evidence. The interviewing process may increase a sense of fear or extreme distress. For example, an anxious witness may simply agree with comments made by the interviewer as they fear authority or retribution or because they wish to please or impress the interviewer.

You should therefore make an initial assessment of the witness prior to conducting any interview. This assessment is necessary in order to determine whether the witness can be categorised as being:

Vulnerable by reason of:

- age
- mental ill health
- significant impairment of intelligence and social functioning
- physical disability
- physical disorder.

Intimidated by reason of:

- age
- social, cultural or ethnic background
- domestic and employment circumstances
- religious beliefs
- political opinions
- behaviour towards the witness on the part of the:
 - accused
 - members of the accused person's family

- associates of the accused
- any other person who is likely to be an accused or witness in the proceedings.

All witnesses should be assessed. This should include their:

- availability to attend court
- need for special assistance
- need for support as a vulnerable or intimidated witness.

More information about how to ascertain whether an individual is fit to be interviewed can be obtained from the Ministry of Justice document, “Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses and guidance on using special measures” or “Vulnerable and Intimidated Witnesses: A Police Service Guide” which can be accessed via APP: Prosecution and Case Management.

Information on interviewing suspects can be obtained from “PACE Code C, Annex G - Fitness to be Interviewed.” Your force will have access to medical advice and have procedures for assessing an individual’s fitness for interview.

What to do if the interviewee is in hospital

If the interview of a witness or victim is to occur in hospital or other medical premises, the person who is responsible for the care of the patient should be contacted prior to attempting to obtain evidence from the patient. The doctor will be able to establish the impact of questioning on the witness and advise accordingly.

In instances where a victim has incurred injury or harm, it may be appropriate to obtain consent from them to allow the release of their medical details. A medical release form detailing this consent will be required before the information can be obtained from a doctor or hospital.

It may be appropriate to obtain limited information if the individual is in hospital. If you have any concerns regarding the health or well-being of a victim or witness, your duty of care to the person requires you to obtain the appropriate help, care and assistance. The wellbeing of any witness should take priority over obtaining evidence from them.

There may be instances where medical experts can assist in determining the vulnerability and suitability of witnesses for interview. The interview process itself can put considerable pressure on a person, and consideration should be given to regularly reassessing the witness’s fitness for interview.

Where a suspect is in hospital, you will need to wait for medical permission before beginning an interview. Paragraph 14.2 of PACE Code C states that if a person is in police detention at a hospital, they may not be questioned without the agreement of a responsible doctor. If questioning takes place at a hospital, or on the way to or from a hospital, the period of questioning concerned counts towards the total period of detention permitted.

4.15 What to Take to an Interview

Below is a list of things that you may need when interviewing. It is not exhaustive and there will be other items you will require in other circumstances. The list will vary, depending on whether the interviewee is deemed a suspect or witness.

- Pen (plus spare)
- Note paper
- Blank paper (for sketches)
- MG11 Statement Form (plus spares)
- MG11 Statement Continuation (several)
- MG15
- MG19
- Medical release forms
- Exhibit Labels/bags
- Compensation Claim Forms
- Light
- Incident Log
- Copy of crime report
- Pocket Book
- Warrant Card
- Victim/Crime leaflet
- Victim Support Leaflet or contact details

- Personal Statement Leaflet
- Information about giving evidence
- Certified recording media e.g. digital CD or approved secure digital network.
- Check in advance that all equipment is working correctly.

Preparation of exhibits

Prior to interview, you should review any exhibits which you wish to use within the interview, such as CCTV, mobile phone footage or an item used to commit an offence. Some exhibits and property may be too large to show in an interview room or at the home address. Alternative arrangements may need to be made, such as using photographs or video recordings of the items. All property should be clearly marked and identified to assist in the interview.

If you intend to introduce audio or visual material in an interview, the presentation of the evidence must be professionally delivered. If you have to play recorded evidence, you should check the following:

- The tape or disc player is working correctly and can be clearly seen by all persons present
- The tape or disc is ready to play at the right place
- You can fast-forward and rewind using the remote control.

These points may seem obvious, but if overlooked, will reduce the impact of the visual evidence.

5. Essential Communication Skills

Following relevant planning and preparation the interview itself, within the PEACE model, is divided into three phases, referred to as:

- Engage and Explain
- Account, Clarification and Challenge
- Closure.

Once planning and preparation is complete, the PEACE model moves to the Engage and Explain phase. However, in order to conduct an effective interview, it is first worth considering good practice when communicating with any member of the public.

5.1 First Contact

First contact may occur at a time when you are attending an incident and when you may be gathering information under considerable stress. Remember that any witness or potential suspect may be under stress too, or be traumatised. A calm, structured and professional approach to gathering information should provide a good starting point for future contact and ensure that individuals are reassured. If an individual initially sees you as impatient and unsympathetic, they may interpret any subsequent behaviour in that light and could respond negatively. This may delay or stop you from gathering important information about an incident.

5.2 Addressing an Interviewee

One of the questions many officers have difficulty in answering is, 'How formal should I be in the interview?' The answer cannot be precise because of differences in personality and widely varying circumstances. Obviously some situations will demand a formal approach so that authority and control can be exercised but often a less formal approach will be more productive. The following key points should be remembered:

- Individuals may be made anxious by contact with members of the police service - a friendly and informal manner may allay their concerns - although you will need to ensure that an informal manner does not impede you from ensuring that you get all the information you require
- Legal terms, technical words, jargon and acronyms can make a conversation difficult to follow so use language which is appropriate to the people you are addressing

Be aware that you may make assumptions/comments which suggest prejudice or discrimination and which might alienate a witness or suspect. Avoid their use where possible but if an individual seems affronted by a term used, an apology may be appropriate

If the individual is angry or aggressive, be careful not to react in an instinctive manner, which could make a situation worse. Remain calm and controlled: do not respond to taunts and insults. Do not become aggressive yourself

Your job will be both to find out facts and to pass on information. However, you will need to do so with sensitivity of the individual's welfare.

Non-verbal communication

Verbal communication is nearly always supported in some way by non-verbal communication (NVC). Non-verbal communication can be used to engage an individual, such as by nodding encouragement and by looking attentive when the individual is speaking.

Where the content of the verbal communication is not supported by the NVC it is called 'leakage'.

This is particularly important in two respects:

1. If you are not genuine in what you are saying to a person, you will almost certainly 'leak' this in some way.
2. A witness or suspect might well 'leak' that the overt content of what they are saying is not in harmony with the real meaning and feelings underlying it. This will be a signal that you need to dig deeper.

Examples

A witness says, "I'm alright" but in a heavy and sad manner: this can indicate that there are issues which may need to be explored.

Word spacers or "paralanguage" include grunts, groans, gasps and sobs. These spacers, together with pauses, give clues as to the speed that a person's mind is working at that moment. If a person starts 'um-ing' and 'er-ing' much faster all of a sudden, this could indicate they are uncertain of themselves or of what they are telling you, and they are filling in the gaps of their speech while they are thinking of what to say next.

The way people sit or stand can communicate a certain amount, as can their gestures and other movements. People under pressure tend to become defensive. They are not likely to smile and sit in a relaxed manner.

In some circumstances, a failure to look someone straight in the eye can suggest that a person is lying or unwilling to join a conversation. Establishing eye contact with an individual may help establish rapport in order to begin a conversation. However, avoidance of eye-contact can also be indicative of learning disabilities such as autism and in some cultures avoiding eye contact is a sign of respect for authority or modesty.

An individual may feel uncomfortable if you invade their personal space, making them more defensive to any questioning. There may also be cultural variations about how much personal space should be allowed. The need for personal space may also be affected by learning disability; it can be quite distant or much closer than you might feel comfortable with, depending on the nature of the disability.

The clothes and jewellery worn by you and by the witness/suspect may influence how you interact: a uniform may be intimidating to some witnesses or suspects. Likewise, assumptions may be drawn about an individual because of their clothing which may be incorrect.

For more information about interviewing vulnerable people, refer to the Ministry of Justice (2011) document, “Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and using Special Measures” which is available via APP: Interviewing.

Good practice in the Engage and Explain phase

At the earliest opportunity you should establish a relationship with the interviewee and seek to maintain it throughout. This is what is meant by **Engage**. Introduce yourself: if you give your full name, remember that you are giving licence for them to use your first name. Having done this, find out how they would like to be addressed. Using that name will demonstrate you have respect for them as an individual. Not doing this may lead to difficulties within the interviewing process. Factors such as an individual’s background, age and gender may make it more difficult to establish a rapport with an individual. Witnesses, victims and suspects are usually strangers and from a wide range of backgrounds. The way you engage with them in conversation will therefore not be the same in every case. During the interview you should let the interviewee know that you are genuinely interested in their comments, views and statements. Maintaining eye contact (bearing in mind cultural differences in the use of eye contact), using non-verbal signs of encouragement, effective listening and summarising can help to demonstrate your interest in their account.

You will also need to explain the reasons for the interview, routines that will be adopted and the outline of the interview.

Explaining the reason for the interview

The interviewee may know why they are being interviewed, but it would be wrong to assume this without first checking. They may be unclear of the potential importance of their contribution to the investigation. For many, this will be their first contact with the police

service, so it is important to ensure they have a clear idea of what is expected of them. Do not assume that an interviewee is conversant with police investigations and the criminal justice system. With suspects this means ensuring that they know and fully understand the reasons for their arrest.

Explaining the interview routine

Whilst you may be familiar with interviewing and the routines that are involved, many interviewees are not. It is useful, therefore, to explain these routines at an early stage to help relax the interviewee.

This might include:

- Introducing and explaining the roles of any other people present (with suspects this must be done with the recording media running)
- Informing the interviewee as to how, why and by whom notes or a statement will be taken
- Explaining the introduction of exhibits
- Explaining the formalities of writing a statement
- Explaining the use of audio and video recording of interviews.

Outline of the interview

You should explain to witnesses, victims and suspects that they will be asked to give their account of the incident under investigation. Give the interviewee a chance to ask any questions or express any concerns that they may have about the process at this stage.

Establishing the truth

All interviewees need to know that your primary purpose is to establish the truth of the matter under investigation.

Tell all without editing anything out

Interviewees should be encouraged and permitted to give an account of all that they know, not to edit their account, but to tell you everything that comes to mind.

They can tell it in their own way

In all investigative interviews the interviewees need to know that they can give their account of what happened in their own words. They should give the full story as they understand it to have happened. This is particularly important with young or vulnerable people.

They should give as much detail as possible

Detailed accounts will help establish the truth better than accounts that are vague or too general.

They must not fabricate or make up answers to please you or anyone else

Explain that if they do not know something, they should say so and should not be influenced by what they think you or others might want them to say.

Need to concentrate

Recalling an event from memory can be difficult, especially after a period of time has elapsed or when there are other distracting things going on. When the matter under investigation is painful, embarrassing, complicated or confusing, remembering things accurately and giving a truthful account of them can be even more difficult. Tell the interviewee you understand that considerable effort and concentration is required and that they will be given time to remember and provide their account.

Listening Skills

In order to collect information about an incident or issue raised, you should ensure that you listen actively to what is being said. The four stages to active listening are summarised below:

5.3 Stage One - Concentrate

- Try to organise the information into topics in a chronological order
- Focus on what you are being told
- It is useful to take notes but do not allow this to affect the flow of the conversation.

5.4 Stage Two - Comprehend

- It is an important aspect of listening that you gain a full and accurate understanding of what is being said and that you separate fact from opinion.

- Check that any assumptions that you are making are based on knowledge and not on any stereotypes you have formed in your mind
- Be alert to what the person says and does, rather than assuming that you know what is wanted.

5.5 Stage Three - Sustain

Reinforce your commitment to giving the individual adequate time and space to talk by making use of open posture, eye contact, encouraging nods of the head and other non-verbal cues which indicate your continued attention.

5.6 Stage Four - Summarise

An important part of active listening is to summarise what has been said. Summarising has the following advantages:

- It helps concentration
- It assists your comprehension and gives the interviewee the opportunity to confirm or contradict the accuracy of your understanding
- It assists the transfer of information into your memory
- It demonstrates you are interested and listening to the other person.

5.7 Questioning

There are five main types of questions:

- Open-ended
- Specific
- Forced-choice
- Multiple
- Leading.

5.8 Open-ended

Open questions are those to which any answer can be provided. Closed questions are those that have a limited numbers of answers.

An open-ended question is the best kind of question from the point of view of gaining good quality information.

These kind of questions start with phrases like:

- Tell me...
- Describe...

These types of question are ideal for obtaining an account from a witness or encouraging elaboration on parts of an account.

They reduce the likelihood of you contaminating the evidence with your values and judgements because they encourage a response from the individual entirely in their own words.

Examples of these questions are:

- “Tell me everything you can remember.”
- “Describe the person to me.”
- “Tell me exactly what happened.”
- “Picture the vehicle and describe it in detail.”

5.9 Specific

After open-ended questions you will need to move on to specific questions. These questions serve to ask for an extension or clarification of information previously supplied by the witness.

Most questions you ask will probably start with who, where, what, when and where. These are sometimes referred to as the 5Wh.

Questions beginning with ‘why’ should be used carefully in interviews with victims and, to an extent witnesses. They can be construed as blaming.

“Why did you do that?”

A person may have difficulty explaining why they did something: it might be more useful to ask, “What were you thinking at the time?”

There are two sub categories of specific questions.

1. Specific Open

When used well these questions invite an explanation.

For example:

- “What happened?”
- “What happened next?”

2. Specific Closed

These are questions that allow a range of responses but they are limited to a degree in what can be an answer.

- “Who said that?”
- “What was said?”
- “Where were you?”
- “When was that?”
- “How did you get there?”

Open and specific are the main questioning tools used in Investigative Interviewing. Both these types of questions are very useful in eliciting further information and are ideal for probing accounts. They can produce considerable volumes of information. Your full attention is necessary and you will need to observe, listen to and check and be in a position to record everything.

Open questions may allow an interviewee to stray from the point. You may need to steer them back on course by careful follow up questions.

Very limited specific closed questions should be avoided except for clarification purposes. These include questions that invite a yes or no response, for instance:

- “Was he tall?”

5.10 Forced Choice

The danger with this type of question is that the possible answers are limited. You are more likely to get an incorrect answer if you limit the options available to an interviewee, particularly if the permitted answers are wrong. For example:

- “Did he go up the High Street or Market Street?”

The answer may be that the person walked up an alleyway that the witness does not know the name of. The witness could say they don’t know, can’t remember or even pick one of the incorrect options in order to answer the question posed.

Extremely limited forced choice or closed questions are those that require a yes or no response.

- “Did you do it?”
- “Was it him?”

There is a place for this type of question, usually for clarification purposes or to clear up an ambiguity, but in general you should look to ask questions that are more open. For example:

- “Tell me what you did”
- “Who was it?”

5.11 Compound Questions

When asking several questions at once you can confuse the person trying to answer. Which part do you require them to answer first? Setting multiple tasks causes confusion, and you may get scant information on all topics instead of detailed information on each. By keeping questions singular and simple better results are achieved. An example of a multiple question is:

- “Where was he, what was he wearing and did you know him?”

This could also be a leading question if the witness had not previously indicated that the person referred to was male.

A series of simple questions rather than a long protracted question is recommended.

5.12 Leading Questions

This is one that implies the answer or assumes facts. In court a leading question would be objected to and may be rejected from evidence. In extreme cases, where such a question shaped an interview, the whole interview evidence could be excluded.

An example of this is where you have seen a wound and you ask:

- “Did you see the knife?”

Apart from being a closed question i.e. requiring a yes or no answer, it implies:

- a knife was present
- a knife caused the wound.

Even a simple question such as:

“Was the person wearing a hat?” can be said to be leading in certain circumstances.

“Describe the person” is a much better way of getting the information.

You should avoid using questions which may suggest the answer in their wording. This is known as “suggestibility.” Interviewees can be vulnerable and may give the expected answer just to be helpful because they are confused or because they are frightened. They may believe you know more about a subject than they do and feel too unsure or foolish to contradict you. This is especially true of young children and people who may experience mental ill health. Leading questions may easily put information into their minds about things of which they had no knowledge or produce ideas they have not previously formulated. When this happens, the integrity of the evidence obtained during an interview might be challenged in court on the basis that this new information adversely influenced the interviewee’s recall or even contaminated his or her memory.

Leading questions can be useful to summarise or confirm information which has come to light during an interview where the facts are not disputed. However, leading questions should only be used after a great deal of consideration. In these circumstances, if the interviewee responds to a leading question with relevant information, you should revert to open questions such as ‘tell me more about that’ in a bid to minimise the challenges to the integrity of the evidence.

Note that sometimes your efforts to establish a good working relationship may not be effective owing to personality differences. The offence may be such that the witness, victim or suspect wishes to talk with another officer (e.g. an officer of their own sex). In such circumstances you must consider stopping the interview and finding someone else to conduct it. The new interviewer would need to be fully briefed about the interview up to that point.

5.13 Frames of Reference

An individual’s frame of reference or way of seeing the world is influenced by many factors.

Your own frame of reference will be influenced now by:

- your professional knowledge
- law and procedure
- police policy
- colleagues' views
- local knowledge of the area in which you will work.

Your frame of reference, or way of seeing the world, will also be influenced by factors unrelated to the police service such as:

- general knowledge, background and experience
- education
- religion or belief
- family and upbringing
- exposure to the media
- experiences in life
- goals and ambitions
- current physical and mental wellbeing.

Consequently, it is important not to make immediate assumptions about the meanings of comments made.

For example

You wish to ask the witness about a place that they have mentioned. You refer to “the city park”, as locally this is the name given to the central park in your town. The witness may not be familiar with this name if they have only moved to the area in the last year or two and may be confused by the question and assume you mean another area.

The witness could mention that they first met the suspect when they left school. You might assume this is when the witness was 18, but the individual may have been referring to age 16, as at that age, they continued their education at the local college.

6. Interview Models

There are two interview models which can be used to gain a witness or suspect's account of the event in question. These are the free recall model and the conversation model.

In the **Free Recall Interview Model**, the interviewee is encouraged to recall all relevant information. When using the 'Free Recall Interview Model', you might start by obtaining an uninterrupted account without any need to set the scene and then ask relevant questions once this account is finished. In some cases, if an interviewee who is struggling to recall an event is given time to concentrate and is willing to make the effort, more details about the incident may be recalled without a need to ask further questions.

However, where you perceive that the interviewee is not likely to be cooperative or is having difficulty in recalling details of the event, you will need to manage the conversation by asking more questions in order to get the information you require. When using the Conversation Model, you use a technique known as setting the scene. Many people already use this technique when they cannot find an important item such as a purse or wallet. Similarly, you can make simple statements to help an interviewee retrace their movements. In between each statement you make, allow time for them to think, concentrate and focus. The more time and effort you spend on setting the scene without actually leading the interviewee, the more information the interviewee will give. The interviewer can also assist in setting the scene by referring to other events that occurred before, at the same time as or even after the incident.

You might tell the interviewee to do some of the following:

- Think about what you were doing
- Think about what was happening
- Focus on everything you can see
- Concentrate on who you were with
- Think about what you could hear
- Concentrate on what was said
- Concentrate on how the weather was at the time
- Think about how you were feeling.

Feelings need to be addressed and quite often questions in this area are not asked because the interviewer perceives it to be a painful process. The interviewer needs to consider asking such questions as they attempt to obtain maximum information.

Once you have set the scene, ask the interviewee to give an uninterrupted account of everything they know about the matter under investigation.

This process has the following advantages:

- You get to know their version without prompting or interrupting them.
- Interviewees have a chance to explain their views and should feel they have had an opportunity to say what they wish.

As the interviewees give their first account, listen carefully and note areas that you wish to obtain further details about. This could include such details as clothing worn, the route travelled or what happened at a particular place or time. Interviewees must be given sufficient time to provide their first account.

Example

You have evidence that the suspect left work at 1800 hours, became intoxicated, assaulted a member of bar staff and was finally arrested.

A first open question in this case might be:

“You were arrested last night outside by PC Smith for an assault occasioning actual bodily harm and for being drunk and disorderly. Tell me everything what happened between the time you left work and the time of your arrest.”

On occasions you may not obtain a first account even when using the conversation model. This may be because an interviewee, even after careful explanation, does not understand what they are required to do. When this happens you must consider the aims of the interview in your written plan. Systematically cover the questions and topics that you identified during your planning and preparation. Use open questions to encourage the interviewee to give a full response. If a witness is unable to manage the conversation or limited in their ability to do so for whatever reason, you should consider vulnerability and special measures, to assess whether a specialist interview is required.

Remember that in all cases, the individual must be given sufficient time to decide whether or not to reply and to formulate an answer. It should be borne in mind that suspects and

witnesses may be reluctant to talk, for various reasons. If a suspect is not given sufficient time to answer and the case then goes to court, the court may decide that no inference can be drawn from the suspect's failure to answer. In all cases silence may be challenging but investigative interviewers have the right to continue to ask questions. The suspect or witness must be given an opportunity to respond to all the relevant questions so all relevant questions must be asked.

It can often help if the interviewee is given the opportunity to draw a plan or sketch of the area where the incident took place. It will also assist the interviewee and members of the jury at a later date should the matter come to trial.

During the interview, encourage the interviewee to search through their memory extensively. It is extremely unlikely that everything available in their memory will be recalled initially.

The first account given by an interviewee may be incomplete. Often an interviewee's account will need to cover a broad time span or range of events. It may be difficult for an interviewee to manage such a wide range of information all at once. Subsequent questions must be put systematically to ensure they have remembered all they can.

To assist the interviewee you will need to break down the questioning of their account (interviewee's areas) into manageable topics or episodes. You will already have identified possible topics (interviewer's areas) during your planning and preparation. These areas can then be modified or added to as the interviewee provides their account.

By breaking down the account in this way you can:

- Keep track of what has been covered
- Understand new information introduced by the interviewee and fit it into the overall investigation
- Check your understanding is accurate by summarising what the interviewee has said before moving on to the next topic.

You can probe each topic and ask for more details when necessary. Use an open question to start probing the areas you have identified. You should keep asking questions about each topic until you have all the information you need, or the interviewee is unable to provide any more information. Once you have completed the topic, summarise what has been said and then link the summary to the next topic with an open question.

Example

“The first man, wearing the blue anorak, got out of the car and ran into the bank whilst the driver stayed in the car. What happened next?”

Apart from giving you the opportunity to check on your understanding of what has been said, summarising also gives the interviewee the opportunity to add to or alter what they have said. It also helps maintain a professional working relationship by showing the interviewee that you have listened and understood what they have said. This should encourage the interviewee to continue their account and to be increasingly open with you as the interview progresses. Summaries also have the benefit of affording a break for the interviewee as you contribute your share of the conversation.

On occasions there will be a lot of information in one topic area. To avoid becoming overloaded with this you may need to summarise the interviewee's responses before the end of the topic and then at the end summarise the whole topic before moving on.

Remember, if you are limiting the detail of account between specific times, ensure you explore beyond this time period. It may be that something unusual occurred before this time. For instance, the suspect may have been assessing the victim prior to them leaving work or on a previous occasion.

6.1 The 'No comment' Response

There will be occasions when interviewees whether on legal advice or not, will respond to questions by stating, 'No comment'. You should still ask all the relevant questions as if the interviewee was responding and give time for each question to be answered. This is a difficult area because you do not know why there is a refusal to supply information. The interviewee may be in fear of reprisal or may not wish to get involved in the justice process. They may feel they have an obligation to a person involved. They may dislike the police. There are a range of possibilities. It may be that you record this information as a negative statement. This is a record of the fact that the interviewee has no information to provide and of the reason for that. The interviewee may claim to have forgotten or it may be that no reason is given. In instances where the person refuses to provide a negative statement, the facts should be recorded in your pocket note book. You may ask the interviewee to sign your book to indicate they have no evidence to supply or are refusing to supply it.

If evidence can be produced that a witness was interviewed about relevant topics and, long before the court date, was unable to recall events put to him or her, doubt will be cast on any subsequent apparent return of memory. Remember you need to ask the questions now in order to avoid any gaps which the defence might fill in court. Failure to ask all the relevant questions in the first place may preclude inferences being drawn at court.

6.2 Clarification

Clarification is required when you find inconsistencies in the interviewee's account or when you are unclear about what the interviewee is saying. Often this will become clear when obtaining the expanded account. However, sometimes you may wish to note the inconsistency and raise it later. Minor discrepancies or ambiguities can be addressed at the time or a record of the inconsistencies and inaccuracies may provide a basis for examining other evidence.

For instance, what an interviewee says may be inconsistent with evidence from other sources. This evidence could have come from other interviewees or consist of material or forensic evidence. Inconsistency with other evidence does not, of course, necessarily mean that the interviewee is lying or even mistaken, but such inconsistency will need exploration, either immediately or in the future.

If the inconsistency is likely to form the basis of a challenge, it is better to gather as much detail possible about the topic and defer the challenge to the challenge phase of the interview. The account needs to be challenged when you have good reason to suspect that an interviewee is deliberately withholding relevant information or knowingly giving a false account.

It is important to bear in mind that both clarification and challenge refer to the task of exploring with the interviewee the reasons for their evasiveness or inconsistencies. They do not refer to the manner in which you do this.

6.3 Challenging an Account Given by a Witness

Challenging a witness should be carried out only after very careful consideration and in a diplomatic and careful manner. Every effort should be made to retain the support of a witness and avoid any degree of alienation. This is obviously an area of extreme delicacy, particularly where other evidence does not support the account provided by a witness. It is important to maintain an open minded approach, as the other evidence may be inaccurate, not the witness account. In some cases, it might be simple to clear up an ambiguity. In other

cases where there are inconsistencies with other material, the best option may be to record the information complete with contradictions or inconsistencies. These inconsistencies might lead you to review other evidence for its accuracy.

6.4 The Process of Challenge in the PEACE Model

The timing of some challenges can be planned, particularly with evidence that could be subject to a special warning or when you have decided not to disclose to the defence immediately. Within the PEACE model, best practice suggests that such challenges should take place towards the latter part of the account stage. However, there can be no hard and fast rule about when to challenge an interviewee's account of events.

You would normally not challenge an interviewee whilst they are actually giving their account. Doing that might discourage them from continuing to give their explanation.

Challenges may occur under the following circumstances:

- The planned use of a special warning in accordance with the Codes of Practice.
- In response to the interviewee's version of events, given before or during an interview that is contrary to other evidence in your possession.

In making a challenge you should do the following:

1. Adopt a clarification seeking approach

You should explain to the interviewee that you wish to explore certain areas or points again. It is important that you present your continued questioning as a form of problem solving to which the interviewee can contribute. You can explain that there are aspects of their account that you wish to explore further. That way, the interviewee is not put on the defensive and they find it easier to change their account or to add to it, without embarrassment and without losing face.

2. Ask for an explanation of the discrepancies

You must ensure that any discrepancies requiring an explanation or gaps in evidence are clearly put to the interviewee. To begin with you should ask the interviewee for suggestions as to how the discrepancies between their account and the evidence you have gathered have occurred.

In the case of evasiveness, ask for anything they might be able to add to what they have said, as there are still some questions you need to have answered. Reiterate the purpose of

your enquiries and indicate the openness of your search for the truth. Explain that you will be continuing your enquiries until satisfied that you have an accurate and reliable understanding of what has happened.

Initially do not try to give an explanation of why the discrepancies have occurred (e.g. 'You're lying - I believe that you were in the shop.'). Remember to give plenty of time for the interviewee to respond to your query. Eventually you may need to state openly that you think the interviewee is lying/not telling the truth. By doing so, you are challenging the interviewee to reflect if the account they have provided is an accurate depiction of what happened.

Use the conversational techniques such as personalising by using their preferred name, asking open questions, listening actively, expecting the interviewee's contribution and summarising their explanations, before going to the next topic.

Closure of the interview

The interview should be brought to a close when you have properly concluded that no purpose will be served by continuing. This should be done in a courteous and professional manner. When the interview is clearly drawing to its close, your aim should be:

- To ensure that there is common understanding about what has taken place
- To verify that all aspects have been sufficiently covered
- To explain what will happen in the future
- To facilitate a positive attitude towards providing accurate and reliable information in the future.

The answers to three key questions must be considered before closure of the interview:

1. Have you covered all the questions you want to ask?
2. Has the interviewee provided all the information they are able and willing to provide?
3. Have you covered all the aims of your interview?

These questions are most easily answered by reviewing the topics covered during the interview and the information obtained.

Reviewing the account tests whether closure is appropriate and consolidates the information provided in the interview. Explain to the interviewee that you are going to summarise what has been covered in the interview and that this will give them an opportunity to confirm, alter, clarify, deny or add anything they wish.

In the case of suspect interviews this ensures compliance with Codes E and F. Where suspects have remained silent or refused to answer questions you can summarise by systematically going over the main points. This highlights the allegation and any defence which may be open to them but which they have declined to comment on so that the suspect has no doubt about what has been covered and where they have adopted their right of silence.

Do not hesitate to raise additional issues that occur to you during your summary and be alert for signs that the interviewee might have more to say. A suspect may indicate willingness, verbally or non-verbally, to answer questions about topics on which they had previously remained silent. A witness or victim may suggest that they have relevant information that has not yet been discussed. Be prepared for these eventualities. You might use closed questions such as:

- Is there anything else you would like to say?
- Is there anything further you wish to tell me about?

This can lead to a confession of other unrelated offences.

You may respond by re-entering the Account phase immediately or if a break is required, you may adjourn the interview and start the Account phase afresh. Closure provides the opportunity to re-enter Engage and Explain or the Account stage. This allows you (and the second interviewer, where present) to explore any new information in a systematic manner.

Once you have summarised the interviewee's account you should ask the interviewee if they have any questions. An interviewee may well want to clarify whether they will be required to attend court and what this entails. They may have worries about their personal safety or some other query. A willingness to listen at this point may prove fruitful, not only in obtaining new information but also in enhancing their attitude towards you and other investigators in the future. If they do ask questions, give honest answers and if you do not know the answer, say so.

Having summarised the interviewee's account and answered any questions they might have, you are then in a position to close the interview. There are a number of points that need to be covered at this point depending on whether the interviewee is a witness, victim or suspect. These will be looked at separately.

Note taking

When conducting a formal interview it is important to use a structured system to record the information. This in turn will provide a basis for questions to ask in order to clarify or challenge the interviewee's account. Different methods of note taking are available from the Investigation APP.

The Evaluation Phase

Having conducted an interview it is necessary to evaluate its significance within the framework of the entire investigation. In the Evaluation phase, a number of questions must be considered:

- What information has been obtained?
- How does the account given in this interview match other available evidence?
- What action needs to be taken?
- What further enquiries now need to be made?
- How did you perform and how could you develop your skills?

Your previous plan may have to be revised. Information obtained during the interview may suggest the need for an urgent reassessment of priorities. The interview may have given you new lines of enquiry to follow, such as the involvement of another person not previously known about. Perhaps it has merely confirmed and strengthened your previous view of the investigation. Be precise about what evidence you actually have to support your understanding of the incident under investigation and identify where you are merely putting forward an opinion.

As well as exploring whether any additional lines of enquiry can be identified, you should ensure that all existing lines of enquiry and investigative actions have been pursued and completed. Review the actions and decisions already taken. This process of evaluation is as relevant to volume crime investigations as it is to more serious or complex investigations. Many police forces have a formal evaluation and supervision process whereby trained supervisors examine interviews, give feedback and advise on how to develop interview skills. This allows a force to assess and improve overall skills in relation to investigative interviewing.

There are two types of formal evaluation which should be carried out during an investigation.

Investigative Evaluation

should identify:

- What is known
- What is not known
- Consistencies
- Conflicts.

Evidential Evaluation

should consider:

- The overall strength of the case
- Whether sufficient evidence exists against the offender to proceed to charge.

For example, the person suspected of assault may now appear to have been acting in self-defence or you may have new lines of enquiry to follow. In the case of interviews with suspects you should now ask the following questions:

- Should the suspect now be eliminated from your enquiry?
- What evidence do you have to support the allegation that the suspect committed the crime?
- Is there sufficient evidence to charge one or more people with an offence or offences?

You will have to answer these questions carefully. You should make a record of the reasons for your conclusions and what further action needs to be taken.

7. The Interview Process with Suspects

This section explains the interview process with suspects.

7.1 Recording Interviews with Suspects

PACE Code E outlines the procedure for the digital/audio recording of interviews. PACE requires that interviews in relation to indictable or triable either way offences are recorded. Recording is not required for offences which are triable summarily only (although some forces may routinely record these) and in such cases contemporaneous notes are made.

When recording equipment fails, or if a suspect refuses to be recorded, the custody officer can authorise the use of contemporaneous written notes to record an interview. If a suspect requests that you stop recording, and you continue against the suspect's wishes, you should remember that this may be the subject of comment in court.

You should refer to force policy on the use of equipment in the interview room.

If you are unable to record the interview, you will have to make contemporaneous notes in your pocket book or using a MG15.

7.2 The Pre-interview Legal Briefing

This is the meeting between the investigator and the legal adviser prior to conducting a suspect interview. The purpose is to provide the legal adviser with relevant material to help them advise their client.

The briefing of a legal advisor needs to be planned carefully prior to the interview. The amount of evidence revealed in the briefing will vary from case to case but, in deciding, the following questions should be considered:

- What should be included in the briefing and why?
- What should not be included in the briefing and why not?
- How are you going to disclose - verbally or in written format?
- Why you are not disclosing that information?
- How should the non-inclusion of information in the briefing to the legal advisor be handled?

In some cases you may feel it appropriate to disclose all your information to the defence prior to interview. There is, however, no requirement for you to do this. Police still retain the right to decide how much information they will disclose prior to interview.

The method and timing of the briefing should also be considered. This could be in verbal or written form. Written briefings may be especially useful where phased revelation of information is planned over several interviews. Whatever the method of briefing, a written record should be made of what was revealed and the process of revelation.

Representatives of the Crown Prosecution Service (CPS) are often available to officers dealing with suspects. You should be aware of arrangements in your force. It may be that

you seek advice regarding the investigation and disclosure of material from CPS before proceeding.

7.3 Introducing Offences Taking Into Consideration (TICs) into the Pre-interview Legal Briefing

A defendant may ask a court passing sentence to take into consideration other offences of a similar nature to those to which their appearance relates. These offences are often not charged and are referred to as TICs (offences taking into consideration). Offences that may be taken into consideration usually come to light when a person is in custody for other offences.

The legal briefing can be an appropriate point to encourage sufficient disclosure in respect of both primary offences and potential TICs. It allows the suspect to be given appropriate legal advice prior to interview and may make the subsequent interview and TIC admissions flow smoothly.

A review of all the available evidence, previous convictions of the defendant and intelligence and information may, taken as a whole, enable you to detect more possible offences. An offender might be more willing to ask for offences to be taken into consideration if they realise their behaviour and lifestyle is subject to professional scrutiny by the police.

Example

A search of a suspected burglar's home has produced numerous items of unidentifiable jewellery. You state to the legal representative that you wish to address this subject, allowing the legal representative to discuss admissions with their client.

Some of the benefits of identifying TICs are:

- The court has a fuller and more accurate picture of the offending and is able to give a longer sentence
- The defendant is able to "clear the slate" to avoid the risk of subsequent prosecution

Whilst TICs may increase the sentence, the additional penalty will be less severe than if the offences were prosecuted separately

The victim can claim compensation in respect of an offence admitted by the defendant

The police gain valuable intelligence, increase clear up rates, record a fuller picture of offending for possible use in future cases or to support applications for restrictive orders.

The prosecution has a fuller and more accurate picture of the offender's criminal history.

The suspect should have been advised about TICs orally, by a poster or during the booking in process, when they might have received a TIC notice along with the notice of rights and entitlements provided by the custody officer. You should tell the legal representative that the admission of TICs has been raised with the suspect and that you plan to raise the subject of TICs in interview once the interview for primary offences has been completed. This will provide the opportunity for the legal representative to discuss any potential admissions with their client. You may choose to disclose information that supports your belief that further offences may have been committed.

TICs may also come to light post interview, either prior to court, or at, or after a court appearance. More information about the content of a pre-interview briefing and TICs is available from APP: Investigation.

7.4 Taking a Suspect for Interview

Prior to interviewing a suspect under arrest, permission for an interview to take place must be granted by the custody officer.

The custody record is endorsed to the effect that responsibility for the detainee is with the interviewing officer. On completion of the interview, the custody record should be endorsed to the effect that the interview is complete and that responsibility for the detainee reverts back to the custody officer.

If the interview is voluntary, permission for an interview to go ahead should be given by an officer who is a sergeant or above, if they are not involved in the investigation of the offence. The sergeant may also give permission for an interview not to be audio recorded.

When you take responsibility for the arrested suspect you also take responsibility for ensuring that the PACE Codes of Practice are adhered to. It is essential you know the requirements of these in order to be able to meet them.

If a suspect becomes ill during interview, the fact should be brought to the attention of the custody officer immediately and the appropriate medical assistance obtained. It should be understood that a police interview may be an extremely stressful time for a suspect.

If you plan to visually record a suspect interview you will need to comply with PACE Code F. Ensure you seek advice if you think an interview may need to be visually as well as audibly recorded.

7.5 The Process for Conducting an Interview with a Suspect

Prior to the interview, make sure you are properly prepared and understand the points you need to cover and the relevant provisions of the Codes of Practice (PACE 1984).

Remember the first principle of Investigative Interviewing: “The aim of investigative interviewing is to obtain accurate and reliable accounts from victims, witnesses or suspects about matters under police investigation”. To be accurate, information should be as complete as possible without any omissions or distortion. To be reliable, the information must have been given truthfully and be able to withstand further scrutiny for example in court.

Accurate and reliable accounts ensure that the investigation can be taken further by opening up other lines of enquiry and acting as a basis for questioning others. Ensure that the interviewee is encouraged to provide a full explanation of the events, before being asked specific questions that are relevant to the proof of any offences that may have been committed.

When the suspect is brought into the interview room you should immediately load the recorder with new recording media and set it to record in the sight of the suspect. The recording media must be unwrapped or opened in the suspect's presence. If you are using digital media, refer to force policy.

You should tell the suspect that:

- the interview is being audibly recorded/recorded using a secure digital network
- give your name and rank and that of any other interviewer present
- ask the suspect and anyone else present, e.g. a solicitor, to identify themselves
- state the date, time of commencement and place of the interview
- explain that the suspect will be given a notice about copies of the recording (this does not apply to interviews using a secure digital network).

You should:

- caution the suspect (if they have been arrested)

- remind the suspect of their entitlement to free legal advice. This is also available for suspects who have not been arrested
- put to the suspect any significant statement or silence. You should ask the suspect to confirm or deny their earlier statement, and whether they want to add anything.

If an appropriate adult is present at an interview, they should be informed:

- they are not expected to act simply as an observer
- the purpose of their presence:
 - to advise the person being interviewed
 - to observe whether the interview is being conducted properly and fairly
 - to facilitate communication with the person being interviewed.

Example

7.6 Introduction on Commencement or Re-Commencement of an Interview

If using removable media: show the suspect that the media is new and unused by removing the seal and unwrapping in the suspect's presence. **Load the recorder in sight of the suspect and any others present; set it to record/digital record and state:**

"This interview is being **a)** audibly recorded or **b)** recorded using a secure digital network and that recording has commenced.

The date is: _____.

The time is: _____ (note this time on seal if recording on removable media).

I am (rank and name) _____ attached to _____ Police Station.

The other officer(s) present is/are (rank and name)

_____ attached to
_____ Police Station.

We are in an interview room at _____ Police Station.

I am interviewing _____ (ask suspect to state full name).

Note 1 - Nothing in this Code requires the identity of officers or police staff conducting interviews to be recorded or disclosed: a) in the case of enquiries linked to the investigation of terrorism b) if the interviewer reasonably believes recording or disclosing their name might put them in danger. In these cases interviewers should use warrant or other identification numbers and the name of their police station

“There is no other person present” or “Also present is”:

- a. **Solicitor/legal representative** - Ask person to state name, firm/practice and status (practising solicitor/accredited or probationary representative) under Code C 6.12.

and/or

- b. **Appropriate adult** - Ask person to state name and relationship with suspect, then inform them: “You are not expected to act simply as an observer and the purposes of your presence are first, to advise the person being questioned and to
- c. observe whether or not the interview is being conducted fairly, and secondly, to facilitate communication with the person being interviewed.”

“This interview is being audibly recorded and it may be given in evidence if your case is brought to trial.”

“At the conclusion of the interview, I will give you a notice explaining what will happen to the recording.”

7.7 Explaining a Suspect’s Right to Legal Advice

“I must remind you that you have the right to free and independent legal advice. You can speak to a solicitor in private at any time of day or night and this legal advice is free. You can speak to a solicitor in person. If you do not want to speak to a solicitor in person, you can speak on the telephone. If you do want legal advice, the interview can be delayed unless certain exceptions apply. Do you want to speak to [a] [your] solicitor?”

If the suspect has declined to speak to a solicitor either in person or on the telephone, ask:

“Would you like to tell me why you do not want legal advice, you are not obliged to give any reasons?”

Once it is clear that the suspect does not want legal advice, you should cease to ask the suspect to give reasons. Confirm the position by asking:

“Are you quite sure that you do not want to speak to a solicitor in person or on the telephone?”

If the suspect previously asked for legal advice but has changed his or her mind and an inspector or above has authorised the interview to proceed, confirm the position, e.g. by saying:

“I understand that previously you asked for legal advice but you since changed your mind. You spoke to Inspector/or above (name) _____ and told him/her that you no longer wanted legal advice because (state reasons) _____ and the inspector (or above) then gave authority for the interview to go ahead. Do you agree that this is correct and that you are willing to be interviewed without speaking to a solicitor?”

If the suspect asked for legal advice but the interview is to proceed before advice is received, state the reasons e.g.:

“You asked for legal advice but this interview will proceed BEFORE you speak to a solicitor because:

- a. Superintendent/or above (name) _____
 - i. has authorised delaying your access to legal advice.
 - ii. has reasonable grounds for believing that the subsequent delay might lead to interference with, or harm to, evidence connected with an offence; interference with or physical harm to other people, serious loss of, or damage to property; alerting other people suspected of having committed an offence but not yet arrested for it; hinder the recovery of property obtained in consequence of the commission of an offence and you are to be interviewed now in order to obtain sufficient information to avert risk.

- iii. has reasonable grounds for believing that awaiting the arrival of the solicitor you asked for would cause unreasonable delay to the investigation.”
- b. “Inspector/or above (name) _____ has agreed that the interview can go ahead because:
 - i. the solicitor you asked for [cannot be contacted] [has indicated he/she does not wish to be contacted] [has been contacted but declines to attend or speak to you] AND you declined to ask for the Duty Solicitor.”

7.8 Beginning the Interview

“You do not have to say anything but it may harm your defence if you do not mention, when questioned, something which you later rely on in court.
Anything you do say may be given in evidence”.

Note 2 - Be prepared to explain this caution in your own words if the suspect does not appear to understand its meaning.

At the start of the interview, put to the suspect any significant statement or silence which occurred prior to the audibly recorded interview and ask the suspect whether he/she confirms or denies that earlier statement or silence and wishes to add anything. Any other previous questions and answers, including relevant comments may also be dealt with similarly.

Note 3 - If a written statement is produced this must be taken and read back to the interviewee.

Note 4 - When a suspect detained at a police station is interviewed during any period for which access to legal advice has been delayed the court or jury may not draw adverse inferences from their silence therefore the restricted caution as per PACE code C Annex C.2 should be used.

7.9 Concluding the Interview

“Do you wish to add anything further or to clarify any point or anything you have told me?”

“Here is a notice (Form) which explains your entitlement to a copy of the recordings used in this interview.” **or** “Can you confirm you have received the notice about Secure Digital Network Recording?”

Invite suspect and any solicitor and appropriate adult present to read the notice. After notice has been read, invite suspect/appropriate adult to sign it and give copy to suspect, then state:

“This interview is concluded at _____ on _____.”

(Also note time on label if using removable media.)

Once the interview has finished, turn off the recorder (if using removable media seal in the suspect’s presence). If recording the interview, keep a record of when a break is taken, the fact that a break is to be taken, the reason for it and the time on the audio recording. The time the interview recommences should also be recorded on the audio recording.

If equipment fails, try to use other recording equipment. If this is not possible, you should ask the custody officer for permission to continue.

7.10 Opening the Interview (Persons attending a police station voluntarily)

There are additional requirements for persons at the police station who are not under arrest.

If an individual attends a police station voluntarily to assist with an investigation, they may leave at will unless arrested. If it is decided they shall not be allowed to leave, they must be informed at once that they are under arrest and brought before the custody officer, who is responsible for making sure they are notified of their rights in the same way as other detainees. If they are not arrested but are cautioned, the person who gives the caution must, at the same time, inform them they are not under arrest, they are not obliged to remain at the station but if they remain at the station they may obtain free and independent legal advice if they want.

They shall be told the right to legal advice includes the right to speak with a solicitor on the telephone and be asked if they want to do so.

When interviewing a suspect who attends police premises voluntarily, prior to interview you should state,

“You are not under arrest, and you may leave at any time.

You are entitled to free and independent legal advice”.

You may also inform the suspect that,

“This interview may be halted now or at any time whilst you seek such advice”.

The audio-recorded interview would continue and conclude in a similar fashion to the above ‘suspect in custody’ procedure.

Pre-prepared Statements Under Caution

A suspect’s legal representative may provide a pre-prepared statement either at the beginning of an interview or during the interview. If this occurs, you are still entitled to question the suspect about either the contents of the prepared statement or other matters. You may need to reassess the interview plan as a result of information contained in the statement. If a suspect remains silent after providing a written statement and the defence subsequently relies on a fact which is not mentioned in the statement, the court or jury is entitled to consider drawing the appropriate inferences. If a prepared statement which is provided at the point of charge contains material which is new to the investigation, it may be considered necessary to conduct an interview, if the suspect is still in custody.

Carrying out a Contemporaneous Notes Interview

A contemporaneous notes interview is an interview which is recorded by taking notes whilst the interview takes place. It can be used if no audio or video equipment is available, for example when taking an interview on the street. A written record of an interview can be made in your pocket book, using the MG15, plain paper or an interview record sheet provided by your force.

The record must state the place of interview, the time it begins and ends, any interview breaks and, subject to paragraph 2.6A, the names of all those present. It must be made on the forms provided for this purpose or in the interviewer’s pocket book in accordance with PACE Codes of Practice E or F. The record must be made and completed during the interview, unless this would not be practicable or would interfere with the conduct of the interview. It should be either a verbatim record of what has been said or, failing this, an account of the interview which adequately and accurately summarises it. If the written record is not made during the interview, it must be made as soon as practicable after its completion and the reason why it was not completed during the interview must be recorded in the interview record.

Remember that if you use these forms or sheets of paper they should be exhibited and referred to in your pocket book and any subsequent MG11 Witness Statement. If you fail to follow the procedure for exhibiting them, it could result in the interview evidence being excluded from any court proceedings. This could have a dramatic effect on the outcome of the prosecution, particularly if it relied partly or wholly on the interview evidence.

In a contemporaneous notes interview, you write out your question, then read it out to your subject, who then dictates their reply which you then record word for word ... not your version of it. This is a verbatim and contemporaneous record of what both you and the person being interviewed have said, which you write down on the MG15 forms or in your pocket notebook/evidence and actions book. You need to be fully conversant with all facts, have all the relevant documents and paperwork to hand and know your points to prove.

Your interview should begin with an introduction, an example of which is the following:

“I am (Rank, No) ... stationed at ... (name of station).

I wish to ask you some questions about ... (brief details).

Firstly I must caution you that you do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence. Do you understand?” (Use the correct caution according to the circumstances of the case.)

R: “...”

‘R’ is sufficient to show you are now going to record their verbatim reply to your question, as you should all the replies that are given.

However you do it, it is good practice to print their responses in block capitals so they are clear and obvious as being the subject’s.

Similarly, your questions should also be precluded with a suitable indication that they came from you, such as ‘Q’ or ‘Question’, or your collar number or surname.

You should then continue:

Q: “I should also point out that you are not under arrest and you are free to terminate this interview and leave the police station at any time. You may, if you wish, consult with a solicitor free of charge before continuing with this interview. Do you require the services of a solicitor?”

R: “....”

If this interview was being conducted at a place other than a police station you would instead include:

Q: “I should also point out that you are not under arrest and you are free to terminate this interview at any time. You may, if you wish, consult with a solicitor free of charge before continuing with this interview. Do you require the services of a solicitor?”

R: “....”

Should this person request a solicitor and the interview needs to be postponed until a solicitor is available, then the interview must be terminated and recorded as such.

Because an interview has been started, the record must be made available for disclosure purposes.

You will then continue:

Q: “This interview will be recorded contemporaneously, and you will be invited to sign each page in acknowledgement that it is a true and accurate record of interview. Do you understand?”

R: “.....”

You can now continue to conduct your interview.

Remember that you must seek to prove or disprove the offence and also any other offences which are disclosed during the interview. Your questioning must be pertinent and professional both in content and style. This document will be an exhibit for court, so it must be completed accurately.

After you have completed all your questions, and given your subject an opportunity to say anything further, you must then report them for any offences disclosed, just as you would do out on patrol.

This would take the form literally of:

“I must inform you that you are being reported for the offence of...” You must then give the ‘now caution’ and record this as part of the interview. Any reply should be noted. If no reply is made you should record the fact.

Some supervisors may prefer you to word the reporting process differently, so be guided by them and your tutor when on division.

At the end of the interview, the final thing you should write is:

“I have been asked to read this interview and I agree that this is a true and accurate record of what was said. I have been given the opportunity to correct, alter or add anything I wish.”

If the suspect, having read through the record, is not satisfied with what has been recorded and wishes to correct, alter or add anything, then you must ensure that the record is amended accordingly. Once they are satisfied with the record, you must ask them to sign it after the last word.

If the person interviewed cannot read or refuses to read the record or sign it, the senior interviewer present should read it to them and ask whether they would like to sign it as correct or make their mark or to indicate how they consider it inaccurate.

If the appropriate adult or the person's solicitor is present during the interview, they should also be given an opportunity to read and sign the interview record or any written statement taken down during the interview. Comments made by a suspect, including unsolicited comments, which are outside the context of an interview but which might be relevant to the offence should be recorded, and the time at which the comments were made should be signed by the maker. If the person refuses to sign an interview record, this should also be recorded.

A contemporaneous notes interview is the same as making or taking a written statement:

- Any errors or mistakes should be clearly crossed out with a single and neat line, and the error initialled by the person being interviewed
- Do not scribble over any word so that it is illegible
- Do not leave blank lines between your sentences.

On occasions you may interview with another officer, this can be carried out in a number of ways:

- Both officers may ask questions during the interview. In this scenario the officers' collar numbers or surnames should be recorded in the 'person speaking' column to avoid any confusion, or
- One officer may ask the questions and the second officer may write down what has been said during the interview.

Finally, do not forget that this 'exhibit' must be referred to in your own statement with the appropriate reference.

The role of the legal representative during the account phases of an interview

A detainee who has been permitted to consult a solicitor, is entitled to have the solicitor present when being interviewed. The solicitor may intervene in order to seek clarification, challenge an improper question to their client or the manner in which it is put, advise their client not to reply to particular questions, or if they wish to give their client further legal advice.

Code C, Note 6D states that:

“The solicitor’s only role in the police station is to protect and advance the legal rights of their client. On occasions this may require the solicitor to give advice which has the effect of their client avoiding giving evidence which strengthens a prosecution case.”

If a legal advisor intervenes during an interview, the interviewer should consider why they are doing this and what points they are making. PACE sets out the type of intervention a legal adviser is allowed to make and those that are unwarranted, together with the required action that should be taken. Examples of unacceptable conduct include answering questions on a suspect’s behalf or providing written replies for the suspect to quote.

Interviewers should resist any attempt by a legal adviser to engage them in a debate about the admissibility of the evidence or questions that are being put to the suspect. In these circumstances, interviewers should explain that the questions they are asking are relevant to the investigation and the issue of admissibility is a matter for the court at a later date if a prosecution ensues.

In exceptional circumstances the legal representative may be asked to leave the interview. This is when their conduct prevents or unreasonably obstructs proper questions being put to the suspect or the suspect’s response being recorded. You should record the circumstances of the behaviour on the audio record and any requests to cease the conduct.

If you consider that a solicitor is acting to prevent questions, stop the interview and consult an officer not below superintendent rank, if one is readily available, and otherwise an officer not below inspector rank not connected with the investigation. After speaking to the solicitor, the officer consulted will decide if the interview should continue in the presence of the solicitor. If they decide it should not, the suspect will be given the opportunity to consult another solicitor before the interview continues and that solicitor given an opportunity to be present at the interview.

Introducing TICs in the interview

An introduction of TICs in interview without prior disclosure or mention will at best reduce the flow of the interview and may deter admission of offences.

Normally all the primary offences will have been dealt with and the full PEACE model completed. At this point the interviewing officer should explain the TIC procedure clearly to the person being interviewed.

For example:

Before the interview, you were given a notice explaining the TIC procedure. You have admitted responsibility for the offence(s) of [x] for which you may be charged. This is your opportunity for a clean sheet and to admit responsibility now, for any other offences you have committed. If these are similar to the offence(s) you are charged with, it may be possible, depending on all the circumstances, to have these offences taken into consideration when you appear at court, rather than charge you with them. I must remind you that you are still under arrest and that the caution I gave you earlier still applies. You are still also entitled to legal advice. Do you wish to admit any other offences at this stage? Do you have anything else you wish to say?

In circumstances where this forms part of a separate interview the suspect must be cautioned in full.

Any admission must be probed in detail and sufficient evidence obtained by interview to support a prosecution. A person may initially admit to an offence then later deny it. You should have obtained enough evidence by admission to support a prosecution and where possible gathered information to enable you to collect further evidence from other sources if an offence is later denied.

Example

An offender states they wish a further offence of breaking into a vehicle to be taken into consideration.

You should ask questions to establish as much information about the offence as possible, in particular: when and where the offence took place, description of the vehicle and modus operandi (MO) used.

For a crime to be counted as a detected TIC, there must be a PACE compliant interview where the suspect has made a clear and reliable admission of the offence and which is corroborated with additional verifiable auditable information connecting the suspect to the crime.

This procedure should be similar to the interview of a primary offence, and follow the PEACE format including:

- using the free recall model
- probe, microprobe and summarising the account
- covering police topics - points to prove
- challenge inconsistencies
- evaluate and further investigate.

There is no requirement to arrest for each TIC offence as this would be impractical where there are numerous admissions. However, the suspect should be advised that they are still under arrest, the caution still applies and that they are entitled to free legal advice. There may be circumstances where it is appropriate to arrest for a further offence, for instance, when the offence admitted is more serious than those for which the person has already been arrested.

Detailed information about the time and MO may provide useful intelligence and support future crime pattern analysis and targeting of Prolific and Priority Offenders (PPOs). You should try to separate all offences that are admitted and probe them separately. Difficulties may arise if the offences are dealt with together and their questioning interwoven. If one or more offence is subsequently denied at court, the interview will require editing, and it may prove difficult to separate the interview evidence of each offence.

You must also fully investigate any further offences. An admission by an offender will require examination of the crime report or may require the search for an injured party if the offence has not been reported. When an offence has been recorded and forensic evidence obtained, the offender details may be submitted for fingerprint or DNA checks. This may substantiate the admission.

If circumstances suggest that there may have been more than one offender and there is outstanding forensic evidence, there may be some benefit in submitting details of associates

or previous co-offenders of the suspect for forensic consideration. Just because one person admits a crime does not mean they were acting alone. If a person has an offence TIC, it does not preclude another person being charged with it. You should thoroughly investigate all offences and seek all offenders in relation to an offence as part of a thorough and professional approach.

For more information about TICs, go to APP: Prosecution and Case Management.

Challenges during the suspect interview

Below are some examples of issues that you may choose to raise in the Challenge stage of the interview.

1. CCTV Evidence

CCTV evidence collected in the investigation may be able to:

- Help stop denials in the interview.
- Prove or disprove alibis.
- Be used at the challenge stage of an interview to illustrate that the suspect is not telling the truth. Stills could be used from the footage or the footage could be played.

Officers should disclose the CCTV evidence to the solicitor prior to interview. How CCTV footage can be used will be dependent on the available technology within the interview room.

Example

“I am now going to show you images from Exhibit xxxx. You have been identified (by name of police if applicable) as the person (give description) committing (offence) at (place) on (date & time). I now want you to watch the footage (or look at these stills).”

Throughout the playing of the tape it is useful to commentate on the footage. This will make the later preparation of the tape summary far easier, especially if the suspect comments on the footage.

- “The tape is now at 22.33.44 you have been identified as the person wearing the red top in the shop.”
- “The tape is now at 22.33.55 that is you taking the money from the till.”

- “The tape is now at 22.34.56 that is you running out of the shop.”
- “Who is the other suspect in the blue hat at 22.34.57?”

At the end of footage ask if the suspect or the solicitor wishes to see any part again. When the process has been completed, you should say to the suspect “This may be shown in court. Have you anything to say in relation to these images?”

7.11 Introducing “Bad Character” during the Challenge Phase

The term “bad character” is defined by Section 98 of the Criminal Justice Act 2003 as evidence of, or a disposition towards misconduct or other “reprehensible behaviour.” The purpose of this Act is to ensure that evidence about a defendant which might be relevant to their conduct forms part of the investigation and prosecution of cases. Conduct might relate to an offence where there has been a conviction, or an offence where there has been an acquittal or a caution. The Crown Prosecution Service suggests that the types of conduct likely to come within the definition of reprehensible behaviour include: racism; bullying; having a poor disciplinary record at work for misconduct; petty theft from employers and being a parent who has had a child taken into care.

Bad character evidence is relevant if the previous offending behaviour might be linked to the offence which you are now investigating. In preparing for and during your interview, you should identify any links to previous offences. You should consider whether you have identified “evidence of important explanatory value”. This means that it would be difficult or impossible to properly understand other evidence in the case without it and it is of substantial value for understanding the case as a whole.

Examples

You are interviewing a suspect about a shoplifting incident. The suspect claims that they simply forgot to pay for the items. You have identified that the suspect has had numerous convictions for shoplifting and that the suspect has previously claimed in those cases that they had forgotten to pay. The evidence of previous convictions tends to suggest that the suspect has been shoplifting on this occasion too and the fact that the same explanation has been used prior to this occasion would shed doubt on its truthfulness. The evidence would have important explanatory value.

If, on the other hand, the suspect was stopped with a trolley full of items by a store detective before leaving the shop, and the suspect claimed that they had not finished shopping, the suspect's previous convictions would not be considered relevant and should not be raised as bad character evidence. The previous convictions, if used in court, might give a misleading impression: as in this case, there is no evidence that the suspect intended to leave the shop without paying.

If you wish to show that an individual has a propensity to commit offences, the suspect should either:

- have a previous conviction for the offence for which they are now being investigated and charged
- have convictions for crimes within the same category. This only applies in relation to sexual offences on individuals under the age of 16 and in relation to incidents of theft.

The following may all suggest that previous behaviour or convictions are relevant to a case:

- Location (the suspect has previously offended in the same area)
- Nature of victim (e.g. there is evidence that the suspect preys on older victims)
- Specifics of modus operandi (MO) (method of entry, goods stolen, e.g. antiques)
- Words or phrases used towards the victim
- Patterns of offending.

If there is not a strong link between the current charge and previous offending, bad character evidence will not apply.

Example

Ten years ago, the suspect you are interviewing was charged with burglary. The suspect is now accused of stealing a car. As there is only evidence of one offence and due to the time between the first and second event, bad character evidence is unlikely to be applicable.

Note that you do not have to use the bad character provisions if you identify evidence which is clearly related with the alleged facts of the offence with which the defendant is charged or

if it is evidence of misconduct in connection with the investigation or prosecution of an offence.

Example

A defendant is accused with stealing a DVD player from a shop. During an interview, a witness states that she saw the defendant take the DVD player, conceal it under a coat and leave the shop without paying. Although this evidence is an imputation on the character of the defendant, it is clearly evidence that has to do with the alleged facts of the case.

7.12 Substantial Probative Value (The enhanced relevance test)

Probative value:

Something is said to have 'probative value' if it helps to prove the truth or falsity a particular point. To be admissible in a trial, evidence must have substantial probative value, i.e. it must be useful in helping the court decide something that is at issue in the trial.

The matter at issue to which the evidence relates must be of substantial importance in the context of the case. If it were only marginal to the case or trivial it would not be admissible.

Following R v Hanson [2005] EWCA Crim 824 it is suggested that the courts (and, therefore, officers interviewing suspects) should consider three questions to help them determine which convictions should be considered:

- i. Does the history of conviction(s) establish a propensity to commit offences of the kind charged?
- ii. Does that propensity make it more likely that the defendant committed the offence charged?
- iii. Is it unjust to rely on the conviction(s) of the same description or category; and in any event, will the proceedings be unfair if they are admitted?

7.13 Attacks on Another Person's Character

If a defendant attacks another person's character during interview, it is important that you include this information in the record of interview and ensure the Crown Prosecution Service is aware of it as soon as practicable. It is not necessary that the person attacked should be a

witness in the proceedings, or a deceased victim or even that they should be named.

Evidence attacking the other person's character is defined as:

“Evidence to the effect that the other person has committed an offence (whether a different offence from the one with which the defendant is charged or the same one), or has behaved, or is disposed to behave, in a reprehensible way.”

(Section 106(2) Criminal Justice Act 2003)

This can happen in three ways:

- i. The defendant provides evidence attacking the other person's character.
- ii. The defendant either personally or through their representative asks questions in cross examination that are intended to elicit such evidence or are likely to do so.
- iii. The defendant imputes the other person's character when questioned under caution or on being charged or officially informed they may be prosecuted.

Examples

The defendant says in interview, “It's not me; Ginger gave the guy the hiding. I was just there.” The defendant refuses to say who Ginger is.

The defendant in interview says, “He is saying he saw me do it because I've been having an affair with his wife.”

The defendant says, “I suppose your inspector sent you. Well he's well known for fixing people up.”

All the above should prompt you to think that ‘bad character’ may feature in the case. It is not part of your role as a police officer to decide whether evidence of bad character should form part of the prosecution case or whether the character of the prosecution witnesses is likely to damage your own case. These are questions which are quite rightly left to lawyers.

However, you and your colleagues are the people in the best position to discover the facts about the character of defendants and others and to bring this to the attention of the Crown Prosecution Service.

If you believe you have identified evidence of bad character which may be relevant, seek advice from your tutor constable or sergeant about how to proceed. More information on bad character evidence can be found in APP: Investigation or APP: Prosecution and Case Management.

7.14 Special Warnings

When a suspect who is interviewed after arrest fails to answer or refuses to answer certain questions, or to answer them satisfactorily after due warning, a court or jury may draw a proper inference from this silence under Sections 36 and 37 of the Criminal Justice and Public Order Act 1994.

Special warnings can be given when suspects refuse to account for incriminating objects, marks or substances (Section 36 special warning), or for their presence at a particular place (Section 37 special warning).

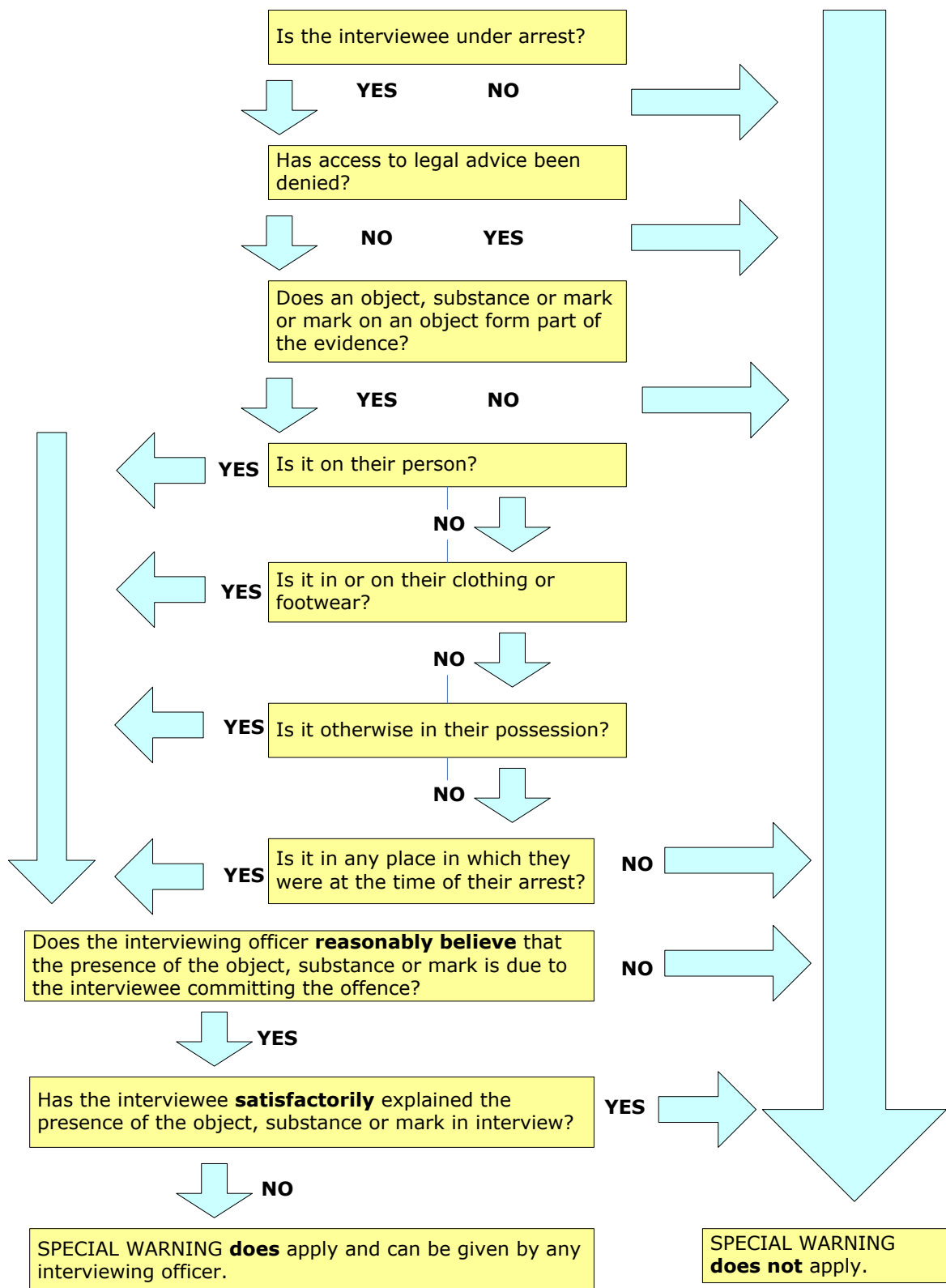
7.15 Inference

For an inference to be drawn the interviewing officer must first tell the interviewee in ordinary, clear, non-technical language:

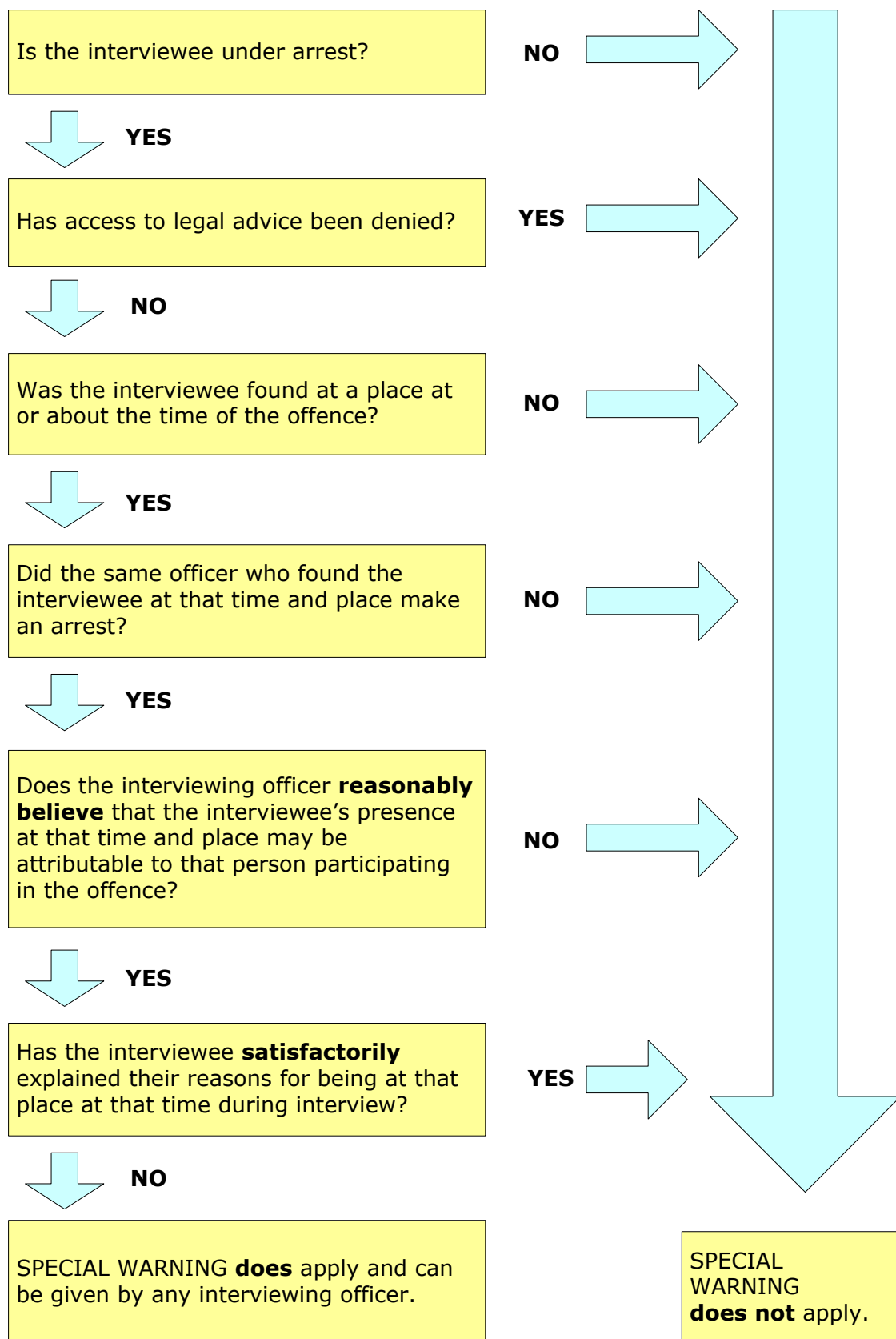
- what offence they are investigating
- what fact they are asking the suspect to account for
- that they believe this fact may be due to the suspect taking part in the commission of the offence in question
- that a court may draw a proper inference from their silence if they fail or refuse to account for the fact about which they are being questioned
- that a record is being made of the interview and may be given in evidence if they are brought to trial.

Inferences may not be drawn if the restriction on drawing adverse inferences from silence applies. (Annex C of PACE Code C)

7.16 Considerations before issuing a Section 36 Special Warning Criminal Justice and Public Order Act 1994



7.17 Considerations before issuing a Section 37 Special Warning Criminal Justice and Public Order Act 1994



Inferences may not be drawn if the restriction on drawing adverse inferences from silence applies. (Annex C of PACE Code C)

Example of how to give a special warning

The wording below can be adapted according to the circumstances of the case.

“At the time of your arrest, you had

- (A) **on your person**
- (B) **in your clothing**
- (C) **on your clothing**
- (D) **in your footwear**
- (E) **on your footwear**
- (F) **in your possession:** specify the way in which it was in the suspect's possession e.g. next to him on the passenger seat of a car:
- (G) **in the place where you were arrested**
- (H) **an object:** specify:
- (I) **a substance:** specify:
- (J) **a mark:**specify:
- (K) **a mark on an object:** specify

which I: or specify another officer **believe to be the result of you:** specify what the suspect had done and the offence he is suspected of committing: **I require you to explain the reasons for this: specify** object, substance, mark or mark on an object: **to me. If you do not, at any future trial for that offence, a court or jury could be made aware of your failure or refusal to account for these circumstances and may draw conclusions which would not be helpful to your defence. A record is being made of this interview which may be given in evidence if you are brought to trial.”** Ask if the suspect understands and explain further if they do not.

Options (I), (J) or (K) could also be amended to relate to the condition of clothing or footwear (e.g. mud on shoes) where necessary.

As a general rule, the special warning should be given for each fact the suspect is asked to account for. This is to avoid misunderstanding and suspects subsequently claiming they were confused about the facts they were asked to account for.

In the case of objects and marks (Section 36), if several different facts relate to the one offence, those which are similar may be grouped together, e.g. where separate packets of drugs were found in the same pocket of a suspected 'supplier's' clothing or a number of video recorders were found in the suspect's wardrobe.

Example

Sharpe is arrested by PC Shazad who has found a cut on the sole of Sharpe's trainer, which matches a footprint left at the scene of an assault. PC Shazad believes that this is due to Sharpe's participation in the assault. During the interview, Sharpe refuses to answer questions relating to the cut on his trainer.

A special warning under Section 36 would apply.

7.18 Post Interview

When a full interview has been carried out, all the offences can be considered with a view to determining which offences may be charged and which may be TICs. The custody officer may provide guidance in this area or you may seek pre-charge advice from the Crown Prosecution Service.

When deciding what offences should be charged and which may be TICs, the following should be considered:

- the primary offence under investigation must be charged for an offender to have other offences taken into consideration
- offences taken into consideration should be similar to the primary offence. (It would be unlikely that an assault would be accepted as a TIC when the primary offence charged is a minor theft)
- charges should reflect the seriousness and extent of the offending. (If twenty offences of theft from unattended vehicle are admitted, it may be appropriate to charge the earliest, the latest and one or more from within the period. The remaining offences may be served

as TICs. This shows the court the range of time over which the offences are committed and the extent of the offending)

- a court may only sentence to the maximum for the charges in respect of the primary offences not the TICs. The Crown Prosecution Service will provide advice to ensure that the balance of charges and TICs allow the court to sentence appropriately
- where offences being considered for TICs carry penalty points or disqualification. (The effect of primary offences being taken into consideration may limit or prevent the court from imposing a period of disqualification or applying penalty points.)

It is always wise to take advice prior to preparing charges and TICs. Sources of advice are:

- Crown Prosecution Service (CPS)
- Custody Officer
- PIP Level 2 Investigator.

In instances where a caution, formal warning or conditional caution are being considered for a primary offence, TICs must be brought to the attention of the custody officer before continuing. Admission of TICs may affect possible options. This is a complex area and may require CPS advice.

Similarly, in the unusual event that a potential TIC involves violence or an offence of a sexual nature, this should be brought to the attention of the custody officer and advice sought.

7.19 Charging and Listing TICs

The MG18 should be completed and prepared along with the charges.

Care should be taken in its completion. This document provides an opportunity to highlight openly to the court any mitigating or aggravating factors.

Further information on completion of this and other MG forms can be obtained from the Crown Prosecution Service.

The police officer charging should say:

“On the information currently available, it appears appropriate to charge you with [x] and have [y] taken into consideration at sentencing. If you accept the

offences to be taken into consideration now, but refuse them later in the proceedings, you may be prosecuted for those offences. Do you understand?"

Once the form MG18 has been fully completed, the suspect should be invited to sign it. You should be guided by your force policy and local procedures as to the number of copies required and the associated procedures.

8. Issues with Completion of Forms

There may be complex cases where it is not possible to produce the completed MG18 and MG19 forms at the time of charge for the primary offences; this may be due to other enquiries or verification of compensation. Instances have arisen where an offender has gone to court and the matter has been finalised at the first hearing. This may prevent the TICs being presented to the court or if the compensation forms MG19 are absent, prevent orders for compensation being made.

Paragraph 16.1 of Code C of the Codes of Practice to the Police and Criminal Evidence Act 1984 requires that you charge when there is sufficient evidence to provide a realistic prospect of conviction. It goes on to say that when a person is detained in respect of more than one offence it is permissible to delay informing the custody officer until conditions are satisfied in respect of all offences. There is potential to delay charging for the primary offence(s) until sufficient evidence to present the TICs for acceptance is complete.

This must be a balance between expediting the appearance of an offender at court and gathering the required information in respect of all offences including TICs. You should liaise with the custody officer and consult your force policy for guidance.

In circumstances where there is further work required to produce the above forms and the primary offences have been charged, the officer in the case must ensure that the file is filled out to this effect and that the prosecutor has sufficient information to request an adjournment and explain why.

8.1 Information to Suspects at Interview Closure

There are formal/legal aspects to the closure of a suspect interview which must be complied with.

In particular you must:

- Give the time that the interview finishes.

- Select one of the tapes as a master. Do not invite the suspect to select as this may suggest that there are differences between the tapes. A second recording will be used as a working copy for making further copies if required.
- Ensure the master and working copies are correctly sealed and labelled. Remember to obtain the signatures of all persons present. Write the Unique Tape Reference on the label and Exhibit Reference. It is good practice to explain to the suspect the purpose of sealing the master copy and the circumstances under which it can be opened and resealed. It will usually suffice to say that the tape seal is only broken at the direction of the court or after notification to them or their legal adviser and in exceptional circumstances.
- Give a notice to the suspect regarding their right to a copy of the recording (Code E for audio recordings and F for using a secure digital network).
- Sign the custody record and state the interview times.
- Follow local force procedures for the Master Tape Retention. There may be secure containers in the custody suite where you post Master Tapes. Remember you are responsible for the integrity of the Master Tape. Do not leave them lying around.

Records of Interview

It is necessary to provide a written record of what the defendant said during interview on the case file. There are three types of interview record: a short descriptive note (SDN), a record of taped (or audio) recorded interview (ROTI)/record of visually recorded interview (ROVI) and a transcript (a full verbatim record of what was said). There is no requirement to prepare a record of interview if the suspect is not charged with an offence or the suspect refuses to speak during the interview.

Interview Notes - Short Descriptive Note (SDN)

What is an SDN?

An SDN is a brief account of what was said by the defendant in an interview. It can be recorded on one of three forms, depending on the circumstances:

MG5 (Police Report) - where a case summary is necessary on the file, the SDN should be included on this form i.e. for a first hearing file. The start and end times of the interview should be included

MG11 (witness statements) - where a police officer has written a key witness statement

MG15 (Record of Interview) - only to be compiled in serious or complex cases.

What must an SDN contain?

An SDN should generally be written in the third person, although specific sections should be written in direct speech (see admissions below). It should summarise the questions covering the main elements of the offence(s) and the responses given. It is a summary of evidence and should not be a narrative of the whole incident.

An SDN must contain the information that a prosecutor needs to present the evidence to the court, with relevant background information in relation to the offence. You should include the following:

The defendant's version of events and where this is disputed, specific denials and any explanation for committing the offence(s)

Any mitigating circumstances given, including any expressions of remorse

Anything said by the defendant in relation to aggravating factors: pre-meditation, admission of prior knowledge of vulnerability of the victim, lack of remorse shown.

Note

Admissions, which prove 'the elements of the offence' should be written in direct speech. It is not sufficient to say 'the defendant fully admitted the offence'

The words 'full and frank admission' should also be avoided.

Interview Notes - Record Of Taped Interview (ROTI) or Visually Recorded Interview (ROVI)

A ROTI or ROVI should only be prepared for inclusion on a committal file or when the SDN is deemed insufficient for summary trial purposes.

A ROTI/ROVI is a more comprehensive record of the questions and answers given in an interview.

Where a ROTI or ROVI is required:

- It must be written on form MG15
- ROTIs/ROVIs will be produced as an exhibit by the person transcribing the tape (i.e. not the officer in charge)

- When direct speech is referred to in the ROTI, the identity of the speaker and the tape counter time must be noted in the margin
- If handwritten, it must be legible.

In all cases the record must include:

- the administrative section at the top of the form fully completed
- the fact that the caution was given (this need not be written out in full as the wording is prescribed)
- that the suspect was reminded of their entitlement to free legal advice (if they changed their mind and either subsequently requested legal advice or declined it, this too must be noted)
- any significant statement or silence before the interview was put to the suspect
- use of any special warnings and responses given
- details of any offences to be taken into consideration (TIC).

It should also include:

- all admissions made to the offence(s) under investigation and questions and answers leading to the admission - write these out in the words used by the suspect
- statements or questions about possible defences, alibis, assertions that others were involved, ambiguous/qualified admissions, any questions asked by the suspect and answers dealing with the issues of bail and/or alternative pleas/charges
- responses regarding aggravating factors and/or mitigating circumstances (these can be summarised in the third person).

Once you have closed the interview you should continue to adopt an approachable, professional style and maintain the working relationship that you have established from the outset and whilst they have been in police custody. They should be left feeling that they have been dealt with fairly and in an approachable professional manner.

There is always the potential for a suspect to become an informant. How you deal with the suspect may affect the chances of this happening and the quality of information given at a later date.

8.2 Dealing with Complaints by Suspects

Allegations of misconduct by the police may be raised by a suspect during an interview. The complaint may include an allegation of criminal behaviour, misconduct or both. You should not investigate this matter but should bring a complaint to the attention of the custody officer if the suspect is in police premises or to your supervisor if elsewhere.

A suspect may also take issue with the standard of legal advice that is provided or perhaps the presence or conduct of an appropriate adult in an interview. You should defuse any confrontation by stopping the interview and separating the parties concerned and seek guidance from the custody officer on the most appropriate course of action.

9. Requirements when Interviewing a Witness

9.1 How to Record Witness Interviews

In most cases, interviews with witnesses will be recorded on paper. Interviews with key witnesses should be video recorded. This should occur in cases of:

- Murder
- Manslaughter
- Road death
- Serious physical assault (section 18 Offences Against the Person Act 1861)
- Sexual assault
- Kidnap
- Robberies in which firearms are involved
- Any criminal attempts or conspiracies in relation to the above listed offences.

An investigator can also consider video or audio recording significant witness interviews in any other serious case where it may be helpful.

Invariably all witnesses will require a degree of support during any investigation. In some circumstances this support may be provided by verbal reassurances from the investigator, family members or close friends in accordance with the Victim's Code of Practice.

In more serious investigations, support may also be provided by deploying specially trained officers. There are also a number of community and charitable organisations that provide

valuable services to witnesses. Their services can assist the investigator to support a witness and include:

- Family Liaison Officers (FLO)
- Sexual Offence Liaison Officers (SOLO/STO)
- Domestic violence officers and coordinators
- Victim support schemes - including the Witness Service
- Sexual assault referral centres (SARC)
- Social services
- Health service
- Local and national equality organisations
- Gay men and gay women support groups
- Religious organisations or groups.

Investigators must recognise the impact that being a witness to a crime or event can have on an individual. They may feel shocked, traumatised, vulnerable or intimidated by the experience.

Adopting a calm reassuring approach and providing information about organisations that give support can assist in alleviating anxiety and fear. As the case progresses the witness may receive additional help and support from the Witness Service which is run by volunteers from Victim Support.

9.2 Speculative Interviews

There may be occasions when there is no complaint of an offence but you suspect that an offence may have been committed. You may seek evidence by interviewing a potential victim. For instance, you have information that a person is involved in a turbulent relationship. You see that the person has bruising to their face. A series of open questions may establish whether an offence is alleged to have occurred. This proactive approach and interview can provide a positive outcome for police, victim and justice.

It may be that in other circumstances, a speculative interview of an individual produces evidence of their suspected involvement in an offence. A witness may start to admit their

involvement in the offence being investigated or another. When a witness or victim becomes a suspect, the interview procedure for suspects must be complied with immediately.

10. Reluctant Witnesses

Some witnesses may not want to be involved in the investigative process. This could be because the individual:

- has negative views of the police or the criminal justice process
- fears an alleged perpetrator
- is concerned about how members of the community where they live or work will respond
- does not want their identity to be known
- is uncertain about the process.

If a witness appears reluctant to be involved, you should not put pressure on the individual and should seek advice from your force on how to proceed.

Hostile witnesses

An individual may refuse to cooperate with the police or give false information intended to support the alleged perpetrator's account. This may be because they are hostile to the police or because they have links to the alleged perpetrator and intend to act as a defence witness in court. If a hostile witness consents to an interview, it should be video recorded, unless they object.

Witnesses who refuse to make statements

If a witness refuses to make a statement following an interview, you should inform the CPS and provide copies of the material which the witness has refused to sign as well as any information from the witness which may explain why they have refused to make a statement.

Managing the risk to witnesses

Risk assessment commences the moment that the circumstances of the crime are notified to the police and should continue throughout the investigation.

The potential risks should be established and decisions made on how to minimise and manage them. Some of the early risk assessment can be conducted by the call taker. Information provided can be passed to the initial response so that they are fully informed and can continue assessing the risk on arrival at the scene.

Risks can include any of the following:

- The physical health and welfare of the victim or witnesses
- The suspects who may still be present or in the vicinity and posing a threat
- Forensic or other relevant material which may be disposed of, destroyed or damaged
- Risk to other potential victims or witnesses of the commission of further offences.
- Having identified potential risks, you will have to manage them. In the early stages of the investigation this action may include:
 - Providing first aid or access to medical treatment
 - Providing security and protection.

The initial management of these risks will depend on the scale and complexity of the investigation. In simple cases these risks will be managed by one officer.

You should establish a working relationship with victims and witnesses that recognises and understands their diverse social, cultural and religious needs. They may be shocked or traumatised by events and have a genuine fear of the consequences of providing information.

It is essential to identify vulnerabilities of witnesses, whether adults or children, and put effective measures in place to address these during any investigation and pre-trial preparation and during and after any criminal trial.

Early identification of the individual abilities as well as disabilities of each vulnerable witness is important in order to guide subsequent planning. Vulnerable witnesses may have had social experiences which may have implications for the investigation and any subsequent court proceedings. For example, if the vulnerable adult has been institutionalised, they may have learned to be compliant or acquiescent. This can be addressed by implementing special measures.

When an individual is identified as being a potentially vulnerable witness, a further detailed assessment is required to formulate the most appropriate method of interview that meets the needs of the individual and those of justice. A supervisory officer or specialist interviewer generally carries out this assessment. In some cases the Crown Prosecution Service are involved at an early stage. Procedures will vary from force to force but in general when the supervisor has made an assessment, the most appropriate method of interview will be

determined. This will usually involve the use of specially trained officers and a video recorded interview.

There may be circumstances where the supervisor deems the most appropriate method to be interviewed is by a non-specially trained officer and the record to be made on an MG11 Statement Form. In these circumstances the matter may be referred back to you for you to continue with the enquiry.

You should follow the PEACE method to interview a witness. Remember to explain clearly what you will do during the interview and be prepared to answer questions or provide reassurance both before and during the interview. When interviewing a witness, you should consider the following:

- Their age and mental capacity
- Their emotional health
- Their language skills
- Whether a witness intermediary is required
- How to prevent further offences from occurring, such as witness intimidation
- Third party support: this may be beneficial but you need to remain alert to how the witness responds to the individual in the room.

For more information on the witness intermediary scheme, go to APP: Investigation

Getting a full account from a witness

Frequently an interviewee will be recalling an event that they experienced days, weeks, months or even years previously. It is often difficult to recall details easily and accurately. The interviewee's ability to recall will be influenced not only by time but by trauma also. However, if the interviewee is given time to concentrate and is willing to make the effort, more details about the incident may be recalled. You might use the conversation model to prompt them to remember more details.

You might tell the interviewee to do some of the following:

- Think about what you were doing
- Think about what was happening
- Focus on everything you can see

- Concentrate on who you were with
- Think about what you could hear
- Concentrate on what was said
- Concentrate on how the weather was at the time
- Think about how you were feeling.

Identification of a suspect by the witness

The Judge in the case of R v Turnbull [1977] QB 224 gave guidance on what should be considered when assessing witness identification evidence.

It may be helpful to remember the advice using a mnemonic.

10.1 ADVOKATE

- A** Amount of time the witness had the suspect under observation.
- D** Distance between the eyewitness and the suspect during the observation.
- V** Visibility - including time of day, street lighting etc.
- O** Obstructions - Was there anything obstructing the view?
- K** Known or seen before - Did the witness know, or had they seen the suspect before?
- A** Any reason to remember - Was there something specific that made the person or incident memorable?
- T** Time lapse - How long since the witness last saw the suspect?
- E** Errors in the description provided by the witness or material discrepancies.

Not all of these points will be applicable to every statement. However, you must consider each point and record those points that do apply as part of a witness statement.

10.2 Use of Exhibits

To help a witness recall an event or an individual you may consider the following:

- Identification Procedure - once you have confirmed that a victim or witness can still facially identify a suspect (due to the passage of time, a witness may no longer be able to identify the suspect).

- Show the victim or witnesses clothing seized to establish if they can identify it.
- The victim or a witness could view CCTV footage to point out the suspect.

10.3 When a Challenge is Required

The account needs to be challenged when you have good reason to suspect that an interviewee is deliberately withholding relevant information or knowingly giving a false account.

On occasions it might not be appropriate to challenge their account, on the basis of its completeness during the current interview. It may be that a record of the inconsistencies and inaccuracies may provide a basis for examining other evidence.

Challenging a witness should be carried out only after very careful consideration and in a diplomatic and careful manner. Every effort should be made to retain the support of a witness and avoid any degree of alienation. This is obviously an area of extreme delicacy, particularly where other evidence does not support the account provided by a witness. It is important to maintain an open minded approach, as the other evidence may be inaccurate, not the witness account. It is also possible that what an interviewee says may be inconsistent with evidence from other sources. This evidence could have come from other interviewees or consist of material or forensic evidence. Inconsistency with other evidence does not, of course, necessarily mean that the interviewee is lying or even mistaken, but such inconsistency will need exploration, either immediately or in the future.

Bad Character Evidence in a Witness Interview

Pre-interview checks or information provided in the interview may suggest evidence of bad character. However, the conditions for admitting bad character are higher in relation to a witness than they are for a suspect.

One of the reasons for this is that in the past, witnesses in cases of sex offences have been subjected to questioning about their sexual history in court. It is now accepted that such questions offer little in probative value (i.e. the questions do not help to prove the issue in hand). The Criminal Justice Act 2003 includes provisions to prevent the unnecessary and irrelevant questioning of witnesses.

For example

You are interviewing a witness about an attack on a young boy outside a block of flats. Background checks on the witness have identified that the witness has a criminal conviction for shoplifting which occurred five years ago.

This would not be considered as evidence of bad character because it is a dated, irrelevant and single event.

If however, your background checks established that the witness to the attack has committed six offences of serious assault in the last five years and was convicted on each occasion, this would be relevant as evidence of bad character and you would need to disclose this information to the prosecution in due course.

Section 100 sets out three conditions where evidence can be given of the previous misconduct of a person other than the defendant (a witness, victim or deceased individual):

- a. If it is important explanatory evidence - i.e. the case cannot be understood without this information
- b. If it has substantial probative value in relation to a matter which
 - i. Is a matter in issue in the proceedings, and
 - ii. Is of substantial importance in the context of the case as a whole, or
- c. If all parties to the proceedings agree to the evidence being admissible.

If you believe that you have identified evidence which might be considered bad character evidence, you should speak to your tutor constable or seek advice from a CPS lawyer.

11. Completing a Form MG11 Witness Statement

Once the PEACE interview is completed, you should explain that the information from the interview will be recorded on a Form MG11, Witness Statement. This record is made at the end of the interview. The whole of it, or sections may then be reviewed by the witness by reading it.

You complete a formal written statement 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
- use the Magistrates' Courts Act 1980 to save you attending court.

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 an acknowledgement that the witness is aware of the consequences of making a false statement. Before beginning the statement, you make the witness aware of the certificate and the text should be read.

11.1 When to Start Writing the Statement

The completion of the MG11 occurs at the end of the account phase of the PEACE model and is a record of the information obtained by interview.

You will need to have a good knowledge of all the facts that are relevant to the statement about to be obtained. You will need to be in possession of any relevant documents, notes, exhibits and other statements in order to write the statement professionally.

A statement should not be rushed as this will affect your concentration, the evidence required and subsequently the strength of the case.

Remember that any notes and sketch maps that you make are disclosable material and must be retained and revealed to the CPS.

The witness should not sign the certificate until the statement has been completed.

12. Guide to Completing the MG11

The following information is relevant to completing all MG11s. These rules apply to all statements and case files which you will undertake during your service.

MG11s must be completed in black ink.

Remember to complete all boxes on the forms. If there is information that is not known to you, endorse the section 'Not known' or 'N/K'. If the section is not applicable, endorse the section 'Not applicable' or 'N/A'.

The box referring to witness evidence being visually recorded should be completed.

Any errors in the text should be dealt with by striking the error through with one line. This should then be initialled by the person making the statement i.e. the witness. You must never overwrite a mistake or use correction fluid. Any additions to the text should be initialled by the person who makes the statement.

When setting out your statement make use of paragraphs, but do not leave a blank line in between. If you finish a sentence and there is space left at the end of the line you should draw a line through the blank space.

If a rough sketch plan of the scene is drawn to assist you when completing the statement it is not an exhibit, it is unused material and should be signed and dated by the person who has drawn it. If the plan is referred to in the statement or the position of an item or person marked upon it, it then becomes direct evidence and should be exhibited.

12.1 Check List

1. Try not to include opinion in a statement unless you are qualified or the witness is qualified to give it - i.e. if it is 'expert opinion' stick to the known facts.
2. The 'URN' can be left blank as it is given to the file by your divisional Administration Support Unit (ASU) or Criminal Justice Unit (CJU).
3. Include the full name of the witness at the top of the form, with the 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, (e.g. Rajesh PATEL, ANN MARGARET SMITH).
4. 'Occupation': where the witness is a police officer, insert 'Police Constable' OR 'Police Community Support Officer' and the collar number. Do not put 'Police Officer' as this does not give the rank.
5. Do **not** record the address of a witness or any friends or relatives in the body of the statement unless it is of evidential value, e.g. the address would be included in the statement of a burglary victim. However you must include the location of the offence/incident. It would be acceptable to write 'I was standing in the front garden of a house in HIGH STREET, SANDFORD, WESTSHIRE' at the beginning of the statement when setting the scene. Do not include any details, which could lead to the identification of a witness unless this is necessary. For example, there is no need to include where they work or the registration number of any vehicle belonging to the witness.

6. It is not necessary to include the name or occupation of the witness again in the text, at the start of the statement unless it is relevant to the evidence. If the witness is a store detective who has witnessed a theft, their occupation is relevant.
7. Sign the declaration and ensure that you include the date.
8. You can use the 24-hour clock or am/pm, but you must follow the time with 'hours' or 'am/pm' as applicable.
9. Open the statement with the correct time, day, date (including the year) and place. All place names throughout the statement must be written in full and in capitals, include town and county. Remember to include room or flat numbers. Example **JONES PHARMACY, HIGH STREET, CHESTERTON, WESTSHIRE, CH1 4TZ**. Again, if you write entirely in CAPITALS. Underline place names.
10. If the witness is a police officer, state if they were in full uniform. This is relevant for exercising certain arrest powers.
11. You must set the scene so the reader can form a mental picture of the layout of the area.
12. In order to assist the reader it is advisable to use fixed locations rather than points of the compass to denote direction.
13. If the witness states that they 'noticed' something, it would be better to clarify the exact meaning of this term.
14. Relevant conversation must be recorded as direct speech. This means the exact words used. All direct speech should be written in CAPITALS. If you write entirely in capitals underline the relevant speech.
15. You should include details of the actions of the persons involved in the incident. You should cover this point fully or state that you do not know or cannot remember this information.
16. Include all relevant material (and anything that you believe may be or may become relevant) in your statement including hearsay. The CPS will decide which information they will make use of as evidence.
17. R v TURNBULL must be covered fully:
Remember the mnemonic **ADVOKATE**.

18. When referring to other officers in a statement, it is best practice to just use their rank, number and surname (in CAPITALS), e.g. 'I was accompanied by Police Constable 1234 MARSH'.
19. You must encourage the witness to describe fully the suspect. If they do not know or cannot remember the information you are seeking you should include this fact in the statement. If they subsequently remember something days later, an additional statement can be taken. Describe the person fully using the 10 point description:
- a. Colour
 - b. Sex
 - c. Age
 - d. Height. Use 'between' heights or 'about 1.75 metres' or 'about 5 feet 8 inches', rather than a precise height. It is useful to relate height to a fixed object, e.g. the person was 'shorter than me' or 'taller than the fence'. You can then find the height of the witness or the fence. All measurements in officer witness statements should be in metric units. Height is an exception to this and should be more in the terms of the unit that is most familiar to the author of the statement
 - e. Build
 - f. Hairstyle and colour
 - g. Complexion
 - h. Distinguishing features, e.g. tattoos, scars, beard etc. and include if they wore spectacles
 - i. Clothing (always work from head to foot)
 - j. Carrying anything?
20. Include the full description of any motor vehicles involved:
- a. colour
 - b. make, e.g. Ford
 - c. model and whether saloon, hatchback, estate etc.
 - d. type, e.g. motorcar, car derived van, motorcycle, minibus etc.
 - e. registration number or part registration

- f. features of vehicle, e.g. different colour door, damage, spoiler, roof rack, noisy exhaust, sticker

Example: Red Vauxhall Astra hatchback motorcar, registration number AB53ABC with a black rear spoiler.

- 21. If the witness is not sure of a point of detail then this fact must be included e.g. 'XXX is not sure of the colour of the woman's jumper'. This shows that they have considered the point, even if you are unable to give details of it. The witness may be able to say whether it was dark or light, even if they cannot state the colour.
- 22. Use the words of the witness wherever possible. Use the units of measurement that the witness provides. If a witness uses a slang remark, it can be written and an explanation provided.
- 23. Avoid abbreviations and police jargon in an officer's statement.
- 24. Sign at the foot of every page of text and after the last word of the statement. This is a requirement of the Criminal Justice Act 1967 and the Magistrates' Court Act 1980. In the majority of circumstances, if a statement is not signed, it cannot be used in court.
- 25. Only juveniles, persons experiencing mental ill health or those that require an interpreter need to have their signature witnessed by a third party. This would normally be a parent, guardian, responsible adult or interpreter. If a statement is given by a person who cannot read, you must read the statement over to the witness and sign (with rank and number) on the 'Signature witnessed by' line. If none of the above applies, endorse the line '**N/A**'.

Continuation sheet

- 26. You must complete the '**page no ... of ...**' on the continuation page, and ensure these are correctly numbered.
- 27. You must include the full name of the person making the statement at the top of the page where it says 'Continuation of statement of...'. If this is a police officer, include rank and collar number.

Rear of MG11

- 28. The full postal address, including county and postcode and the telephone number of a witness must be included. Police officers PCSOs and other professionals, e.g. doctors and store detectives, should record their business address in the '**Home address**' section if the statement is made in an official capacity, e.g. C/O CHESTERTON POLICE

STATION, MAIN STREET, CHESTERTON, WESTSHIRE, CH2 1BQ. This must be written in CAPITAL letters.

29. If the witness is not prepared to give their telephone number, put 'Declined to give' in that section or 'N/A'.
30. If the witness has an email address or mobile or pager number and wishes to be contacted by this means, you should record them in the appropriate sections, otherwise endorse them '**N/A**'. If the witness is a police officer, include the full telephone number of the station in the work telephone number section. Never include a home telephone number, email, mobile or pager details.
31. Indicate a preferred means of contact.
32. Complete the '**Former name**' section if appropriate, or endorse the form '**None**'.
33. The '**Ethnicity code**' section must be completed using the 16-point classification system. This can be found in PACE Code of Practice A, Annex B.
34. The '**Dates of witness non-availability**' section must be completed for civilian witnesses for a full six month period. Even if they have no dates to avoid, you must endorse the section '**No dates to avoid in the next six months**'. It is not usually necessary for police officers to complete the '**Dates of witness non-availability**' section on their own witness statements. Please be guided by your force policy. You may be required to write a shift number or refer to Witness Liaison Office.
35. You should indicate '**YES/NO**' as appropriate to the questions relating to witness care. Tick to indicate whether the witness requires assistance from the Witness Service.
36. The '**Statement taken by ...**' section must be endorsed with full name, rank, and collar number. Remember to use CAPITALS or underline the surname as appropriate.
37. Include the '**Time and place statement taken**' detailing the precise location where the statement was taken, for example 15:30 hrs to 15:50 hrs PARADE ROOM, SANDFORD POLICE STATION, MAIN STREET, SANDFORD, WESTSHIRE.
38. Include in your statement the fact that you have presented the witness with the Home Office leaflet "**Giving a Witness Statement to The Police - What Happens Next?**" (Question (a) on the rear of the MG11 specifically refers to the Victim Personal Statement scheme.)

Sketch plan/interview notes

If the witness draws a sketch plan of the scene to assist you in writing their statement, it is not an exhibit and should not be identified as such in their statement. It is unused material and should be signed and dated by the witness. If the plan is used to indicate the position of a person for example, then it will be required as evidence and should be exhibited.

Any rough notes that you make before writing on the MG forms should be treated as disclosable unused material. However, you should sign and date them: it may assist if you title them "Interview Notes" and add the name of the witness. Papers can get mixed up on files so it is worth the effort of numbering and titling each page.

Failure to exhibit unused material of this nature can undermine a prosecution case. It can, in certain instances, cause a suspect to evade justice owing to this failure of integrity of the investigative process.

12.2 The Five Part Statement Structure

Example

This example of a witness statement uses the **Five Part Witness Model** to help structure the MG11 Statement

'INSIDE'

Part one - introduction or opening paragraph

Always open with time/day/date/location

Include if in uniform in statement of PC

At 2pm on Monday 15 October 2001, I was in duty in full uniform in HIGH STREET, CHESTERTON, WESTSHIRE.

At 9.30pm on Wednesday 24 October 2001, I was inside the lounge of the OLD GEORGE public house, PARK ROAD, CHESTERTON, WESTSHIRE.

Part two - scene-setting

Scene-setting relevant to the incident

Can include background information as well as physical and descriptive features.

The lounge is a room approximately 30 feet square, with a bar running down the whole of one side, directly opposite the entrance doors. There is a fire exit door half way along the wall to the left as you enter. There is a door in the wall to the right as you enter. This door leads to a corridor and toilets. The room contains tables, chairs and bar stools at the bar. At this time the bar was crowded, as there is a regular quiz on Wednesdays. I was sitting at the bar.

I have lived in this street for three years and have had a good relationship with all my neighbours until six weeks ago when my Asian partner moved in to live with me. Since that time I have suffered verbal abuse in the street. I received an abusive and threatening letter two weeks ago, I have thrown this away.

Part three - the incident

A full description of the incident itself

To include all relevant conversation in direct speech.

At this time I saw a woman whom I will later describe, enter the lounge. She was unsteady on her feet. She staggered to the bar and put her hand on the shoulder of a red-haired male. He turned around. She then punched him once full in the face with her right hand, shouting 'YOU CHEAT I HATE YOU'. I then saw blood pouring from the nose of this male.

I then spoke to the driver who later identified herself as Wendy JESSIMAN d.o.b. 22.12.59, 33, ASHFORD, AVENUE, CHESTERTON, WESTSHIRE, SAI 2PP. I asked 'May I see your driving licence and certificate of motor insurance, please?' She replied 'SORRY OFFICER, I DON'T CARRY THEM WITH ME'.

Part four - descriptive or identification issues

If identity is an issue then include a full ten-point description and the points of ADVOKATE.

I would describe this woman as white, 25 years of age, 5 feet 8 inches tall, of medium build. She had long blonde hair, which appeared dyed. She had a very tanned complexion and a mole on her left cheek. She was wearing a pale blue, short-sleeved T-shirt with a motif on the front (but I cannot describe the motif), blue jeans and high gold-coloured sandals. She was carrying a black handbag. At the time of the incident she was no more than five feet away from me and I observed her for a total of one minute. The visibility in the bar was good as all the lights were on ready

for the quiz and there were no obstructions to my line of vision. I have never seen this woman before and do not know her name. However I remember her clearly owing to the peculiar nature of what occurred.

Part five - ending - signatures, VPS and administration

Sign where appropriate and consider Victim Personal Statement (VPS), then ensure that all other relevant details on the front, reverse and all continuation sheets are completed.

13. Compensation

A defendant may be ordered to pay compensation for any injury, loss or damage resulting from an offence for which they are convicted or asked to be taken into consideration. Form MG19 records the detail of such claims and in the cases of injury a medical release form is required so that information can be checked with the relevant medical or dental practitioner. Receipts, estimates or other documentary evidence to support claims should be attached to the MG19 to support the claim where possible. An example of supporting documentation is a letter from an employer detailing the amount of loss of earnings. The forms should include as much detail as possible. Failure to provide supporting evidence to substantiate claims will reduce the likelihood of an award being made. Remember that victims can include companies or local authorities. Local authorities often have departments that deal with cost recovery and will provide details of claims. You should ensure that all MG19 forms are completed where appropriate for all offences including TICs. These forms should be submitted promptly on completion. Remember for victims to obtain compensation these forms must be completed and presented to the court in a timely manner.

14. Police Obligation to the Witness

The Code of Practice for the Victims of Crime sets out the quality of care a witness should expect.

You should be honest with a witness and explain that they may have to attend court if the suspect pleads not guilty to the offence, but, equally, they may not be required to attend if the offender pleads guilty. Do not assume that a witness will be pleased if they are not required to attend; some persons want to inform the court of the circumstances and their point of view personally.

A victim or witness may ask you to speculate as to the outcome of a case where they have provided evidence. It may be more helpful to explain the process and the options available to the Crown Prosecution Service and the Courts in terms of case disposal rather than speculating on outcomes.

There are numerous methods of disposal:

- the police may elect to caution or reprimand or apply for a civil order or make a contract in order to deal with a person outside the criminal justice system
- the Crown Prosecution Service may discontinue or vary prosecution in a case
- the Court has a range of sentencing powers available including community penalties.

14.1 Information to Witnesses and Victims

Ensure that an abrupt ending to the interview is avoided by setting aside adequate time to close the interview properly and explain the next stages of the process. Remember that most witnesses and victims will not have been through this experience before and will therefore, in appropriate cases, appreciate information regarding:

- Victim Support
- whether or not they will have to attend court
- claims for compensation
- crime prevention issues.

At this point it is important that the case is not discussed with any other witnesses or victims, who may have different perceptions of the same incident. Doing so could confuse them, contaminate the evidence and have the effect of devaluing their efforts.

Witnesses and victims may need the support of friends, relatives and, in some circumstances, professional counselling. Spending time with witnesses and victims after an interview reinforces the trust which was developed earlier and can pay dividends. By developing relationships, interviewees may be encouraged to report information that they might recall later, or they may come forward to help police with other matters in the future.

You should explain to witnesses and victims that they may be likely to remember more information about the incident in the future. They should be asked to make a written note of any additional recall. It is very important that you leave them with a method of getting new information to you.

In appropriate cases you should also explain that you will contact them in a few days to see if they have remembered anything else and to inform them of any developments.

15. Revision Questions

- What constitutes an interview?
- What is the difference between primary, secondary and circumstantial evidence?
- Define the terms victim, witness, significant witness, reluctant witness, hostile witness and suspect.
- What does the mnemonic PEACE stand for?
- What are the principles of interviewing?
- What are the five main types of questions you may use? Give examples of each type.
- What might you consider when preparing a written interview plan?
- Explain in detail each of the five phases of the PEACE model.
- What would you need to say to a suspect on commencement or re-commencement of an interview to comply with PACE codes of Practice 1984?
- What is a special warning and how are they completed?
- Using the mnemonic ADVOKATE explain the points to cover during a witness interview and statement in relation to identification of a suspect.
- When completing an MG11 witness statement what should you do?
- When completing an MG11 witness statement what should you not do?
- Describe the contents of each part of a five part witness statement

16. Key Legislation

Key pieces of legislation applicable to this topic are:

- PACE codes of practice codes C, E and F
- Police and Criminal Evidence Act 1984 (PACE)
- Sections 34, 36 and 37 of the Criminal Justice and Public Order Act 1994
- Sections 98, 100, 101 and 106 of the Criminal Justice Act 2003.

17. E-Learning

In addition to these notes the following e-learning is available via the College of Policing Managed Learning Environment (MLE):

- Investigative interviewing.

The MLE is regularly updated with new learning programmes and materials.