



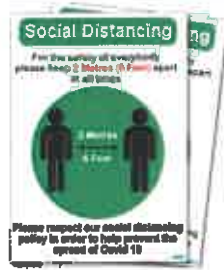
Heddlu
Gwent
Police

Suspect Interviews- No Comment/Prepared Statement

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Housekeeping





Aims and Objectives

- **Aim:**
- **To provide learners an insight on how to deal with No Comment and Prepared Statements during a suspect interview.**
- **Objectives:**
- **Learners to explain what a suspect interview is.**
- **Learners to list the different types of phrases that could be utilised during a No Comment interview.**
- **Learners to explain the process of dealing with a prepared statement interview**



PACE 1984- Code C

- What is a suspect interview?
- "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"
- "A person whom there are grounds to suspect of an offence, must be cautioned before any questions about an offence, or further questions if the answers provide the grounds for suspicion, are put to them if either the suspect's answers or silence, (i.e. failure or refusal to answer or answer satisfactorily) may be given in evidence to a court in a prosecution"



Quick recap of what a suspect interview is as per first part of the quote.

Caution 10.1- Ask a student to say the caution and then discuss the second part of the slide.



Recap- Account phase

- The account phase comprises of 3 parts;
- 1- Suspect Account/Agenda
- 2- Police Agenda
- 3- Challenge

Slide to introduce the account phase that will lead onto the aim of the subject area- no comment/prepared statement.

Reasoning for today's session is that student officers have a lack of understanding on how to go about dealing with no comment interviews and the process to go through dealing with prepared statements.

Ask the students to clarify the PEACE model- Group discussion and then ask them the above 3 areas.

Via group discussion ask the students what would be their opening question- Responsibility question- "Are you responsible for the offence of..." followed by an open question- "Tell me what you know about.."

Discussion around Material time frame question to get an account- "Tell me where you were today between the times of..."

These questions will prompt the suspect to give their account.. Via group discussion ask the students what would be their opening question- Responsibility question- "Are you responsible for the offence of..." followed by an open question- "Tell me what you know about.."

Discussion around Material time frame question to get an account- "Tell me where you were today between the times of..."

These questions will prompt the suspect to give their account.. Full admission/denial/partial admission/NO COMMENT/PREPARED STATEMENT



No Comment Interviews

- "I appreciate that you are exercising your right to make no comment but I must point out to you that it's my duty under the Police and Criminal Evidence Act to ask you questions regarding your suspected involvement into the offence"
- Solicitor- "Can you confirm that you've had sufficient information to brief your client and enough time for this to take place"
- "Have you any innocent explanation, mitigation, alibi or any defences that you can tell me about at this time?"

Via a board blast- ask the students to discuss what they would potentially say to a suspect if they answered no comment to the initial questions and why? After the discussion go through the above..

Discussions around the caution- Reminder that an adverse inference could be used at court.

Section 34 Criminal Justice and Public Order Act 1994- allows an inference to be drawn if a suspect is silent when questioned under caution prior to charge and subsequently relies upon a relevant fact at Court, which he or she could reasonably have been expected to mention when questioned. Just because a suspect declines to answer questions, does not automatically mean that an adverse inference can be drawn. It is only when he or she later seeks to put forward an account or explanation that the adverse inference provision is triggered.

Section 34 does not apply simply because the accused has declined to answer questions. case of Argent [1997]

Be mindful of the pace of the questions.

You can remind the suspects of the cautions and implications of not answering questions.

Solicitor- importance to have them confirm the above to negate any issues with disclosure.

Start (as above) middle (Reminder of the caution) ending (as above)



No Comment- Scenario

- **Scenario- "Are you responsible for assaulting your partner last evening at your home address?"**
- **"No comment"**
- **"Tell me what happened between the times of 8pm and 9pm last evening at your home address"**
- **"No comment"**
- **"Are you intending to answer No comment to all questions?"**
- **"No Comment"**

Via a board blast/discussion re the above scenario discuss with the group what topic areas you would initially cover and how would you deal with this no comment interview?

Scenario- Suspect has been arrested for DV assault. V has disclosed that S has punched them to the face causing a bruised eye. V has disclosed an abusive drunken relationship . Students to highlight topic areas and utilise discussions around being detailed in the topic areas to cover relevant point. Research shows inexperienced student officers miss the suspect agenda area and utilise the police agenda only without covering the basics.

Emphasis during group discussions to be around processes and the use of slide 6 to re-emphasis the caution.



No Comment interviews- Recap



Thorough slide- ensure that interview plans are detailed with necessary planning for a no comment interview.

Topic areas- Plan all interviews for NC.

Beginning- duty to ask sufficient questions and will continue to do so even if no comment

Middle- Think about reminding the suspect of the caution

End- any defence or reason they wish to discuss prior to ending the session.



Prepared Statement- Process

- Ask the suspect to confirm that the statement is made by them. This should be signed and dated by the suspect.
- The interviewing officer should accept the statement and obtain a copy or the legal rep may be happy for officer to keep the original.
- Best practice would be to stop the interview to consider the information and plan accordingly.

Prior to the above slide via a group discussion ask the students what is a prepared statement- in essence this is an alternative to a suspect answering questions and only gives limited information for officers to scrutinise. The information may contain admissions, partial admissions or denial.

Discussion- When can PS be introduced- common practice for PS to be introduced at the start of interviews although they can be produced at the end or even before charge. What ever the case they should be dealt with in an interview and on tape.

Go through the above slide re the processes. On receipt of a PS ensure that the legal rep or suspect reads out the statement.

On receipt of the PS- this will become the exhibit of the interviewing officer and be produced as such.

Group discussion around why the interview should be stopped- planning/preparation. The PS should be analysed and considered as a first account. Look for missing information, gaps and any vague sentences.

'I was with my sister'. Who is your sister? Where were they? Over what period were they with her? Etc.

'I then hit him'. How did you hit him? Where did you hit him? How hard did you hit him? How many times did you hit him? Etc.

'I then went home'. How did you get home? Which route did you take? What address do you mean by home? How long did it take you to

get home? Etc.

Important to identify topics from the prepared statement and use this as the suspect agenda area. Once completed move onto the police agenda.



Prepared Statement- Scenario



What topic areas would you consider using after receiving this PS?

Group task- discussions around what topic areas they would use and to emphasis the process/learning to clearly identify topics within the suspect agenda area.



Summary

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