

PIP1

Witness Interviewing

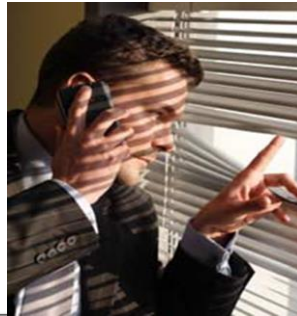
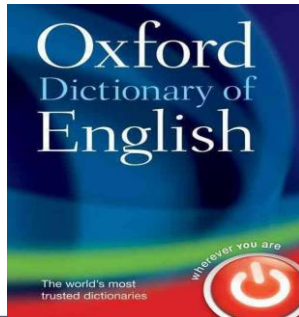


By the end of this lesson you will be able to:

1. State why PACE was introduced
2. Explain the stages of the PEACE model
3. Explain the different questioning techniques
4. Demonstrate the ability to record a free narrative
5. Demonstrate using the spider graph

What is a witness?

“A person who sees an event, typically a crime or accident, take place”



Trainer to discuss and expand on this definition, including the 5 senses.

Simply a witness is a person who has evidential information and is competent to give evidence in court.

Witness Interviewing

The interviewing of victims, witnesses & suspects is central to the success of any investigation. Why?



Because without the accounts of those who played a central role in the crime, or those who have witnessed an important aspect of the crime, other sources of material such as CCTV, forensic material, although extremely important, may have little value



History Matters



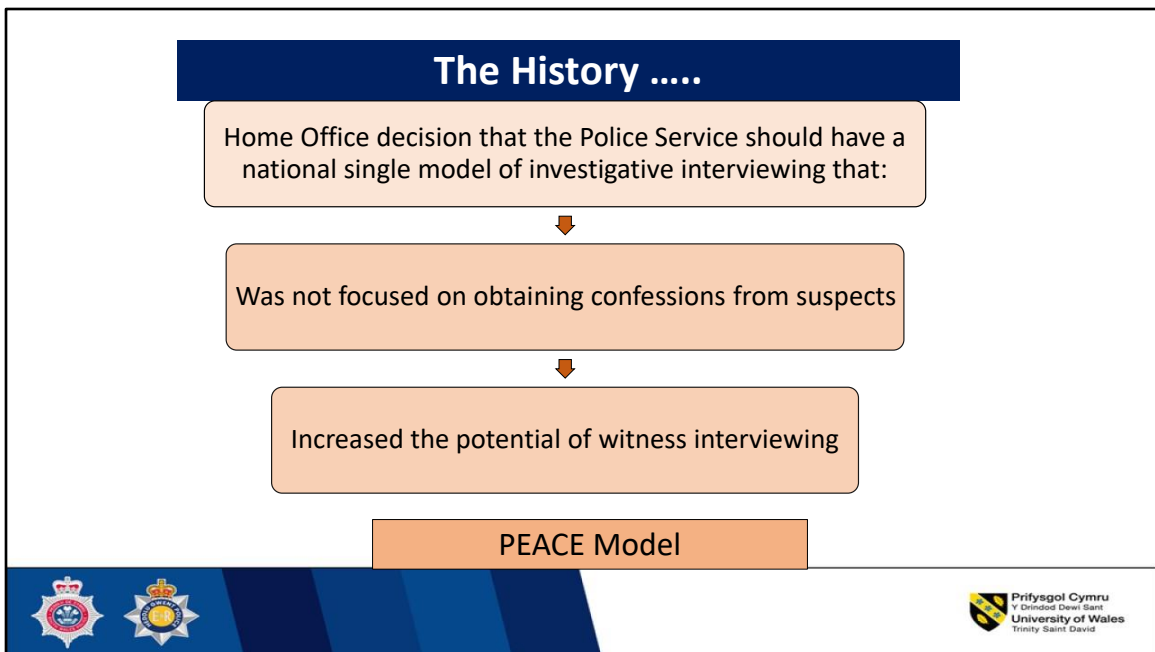
Trainer to expand on why PACE was introduced and subsequently the PEACE model of interviewing. The Brixton Riots and Birmingham six have been discussed in previous sessions however the review which was the catalyst for the Royal Commission was the CONFAIT Murder enquiry essentially In 1972, a man called Maxwell Confait was murdered. Two children and a man with an intellectual disability were arrested and, based on their confessions, convicted. Several years later, forensic evidence showed that they were innocent. Their confessions had been false and were the combined result of their vulnerability and their treatment by police during detention and questioning.

Public concern over the Maxwell Confait case in 1972 led Parliament, via a public inquiry and then a Royal Commission, to pass the Police and Criminal Evidence Act 1984 and its Codes of Practice (PACE).

PACE set out the rules and safeguards for policing in England and Wales including role of the appropriate adult (AA). The principal intention was to reduce the risk of miscarriages of justice as a result of evidence being obtained from vulnerable suspects which, by virtue of their vulnerability, led to unsafe and unjust convictions.

Trainer to also discuss Lynette White murder enquiry (Rv Miller) and the Saunders murder enquiry (Rv O'Brien) for further miscarriages of justice in respect of

interviewing.



Obviously, there was a need for a change of investigative interviewing to meet the ideals of the new legislation and to prevent challenges to the evidence achieved through questioning.

This led to the Home Office decision that the Police Service should have a single national model of investigative interviewing that :

- Was not focused on obtaining confessions from suspects
- Increased the investigative Potential of witness interviewing.

In 1991 the Home Office set up a steering group to investigate interviewing techniques. Eric Shepherd, the creator of the Conversation Management (CM) approach -an ethical, reflective, open-minded approach to investigative interviewing- was an integral part of the group. This group developed the PEACE model, based on the CM approach.

This method of investigative interviewing, assumes that a relaxed subject with whom the interviewer has rapport, is more likely to cooperate. The model was based on psychological principles and it is important to mention that memory plays an important role to investigative interviewing. These changes and improvements were based on work by psychologists and they were of great importance to society and to police

procedures.

PEACE stands for:

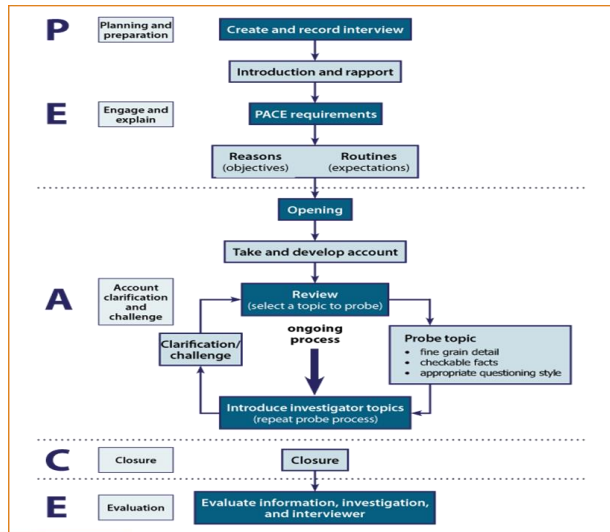
- Preparation and Planning
- Engage and Explain
- Account, Clarify and Challenge
- Closure
- Evaluation

A non-accusatory, information gathering approach to investigative interviewing, the PEACE model is considered to be best practice and is suitable for any type of interviewee, victim, witness or suspect.

PEACE: Interviewing



What is the PEACE model?



Discuss the model in brief

Trainer to supply students 'PEACE Model' handout to students





The importance of planning cannot be overstated
Every interview should have an aim and a number of agreed and planned objectives.
The purpose of an investigative interview is to ascertain the witness's account of the alleged event(s) and any other information that would assist the investigation

Planning & Preparation

During this stage you are planning & preparing for meeting your witness for the first time

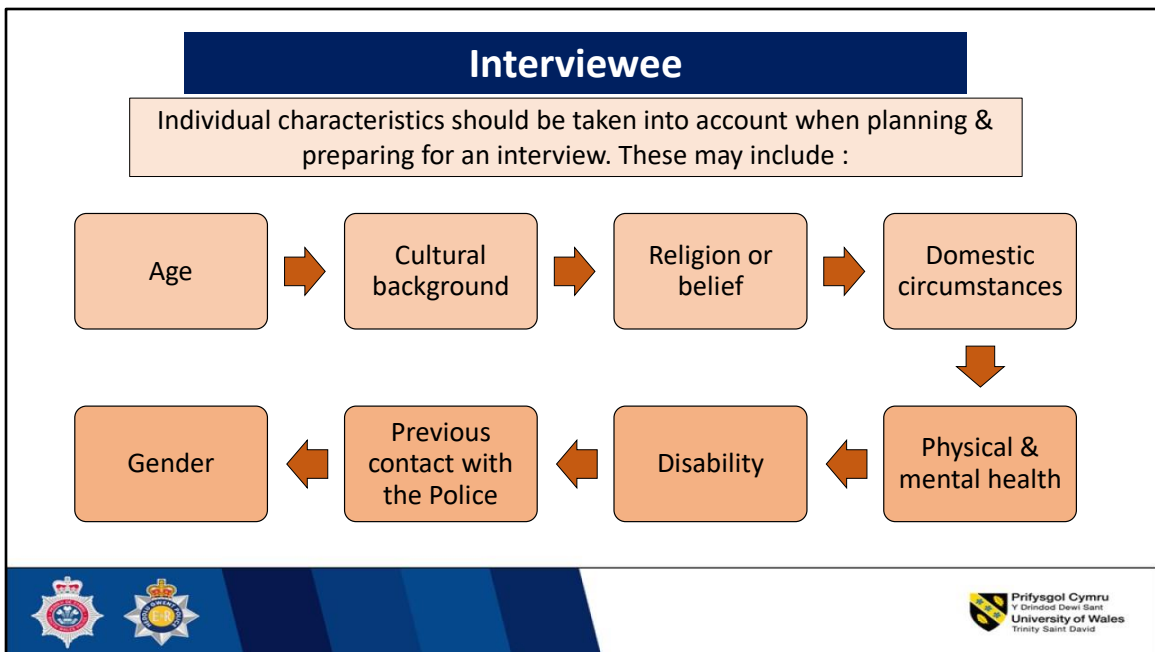


This is one of the most important phases in effective interviewing. The success of the interview and consequently, the investigation could depend on it



Trainer to ask the students **‘What information would you like to know about a witness before an interview?’**

- Where they live? (Is it a suitable location to obtain a statement?)
- Any previous involvement with the police? (helps us to understand attitudes towards us)
- Repeat victim? (enhanced service)
- Points to prove for the offence investigating?
- Individual characteristics? (age, religion/belief (hate crime), culture (interpreter required?) domestic set up, mental/physical health?)
- Have you got sufficient resources? (statement paper, pens, sat nav to locate address? time agreed to meet the victim? victim of crime letter with our details on it.
- How can we gain this information? (Intel systems, colleagues, stations, carry additional paper on you.

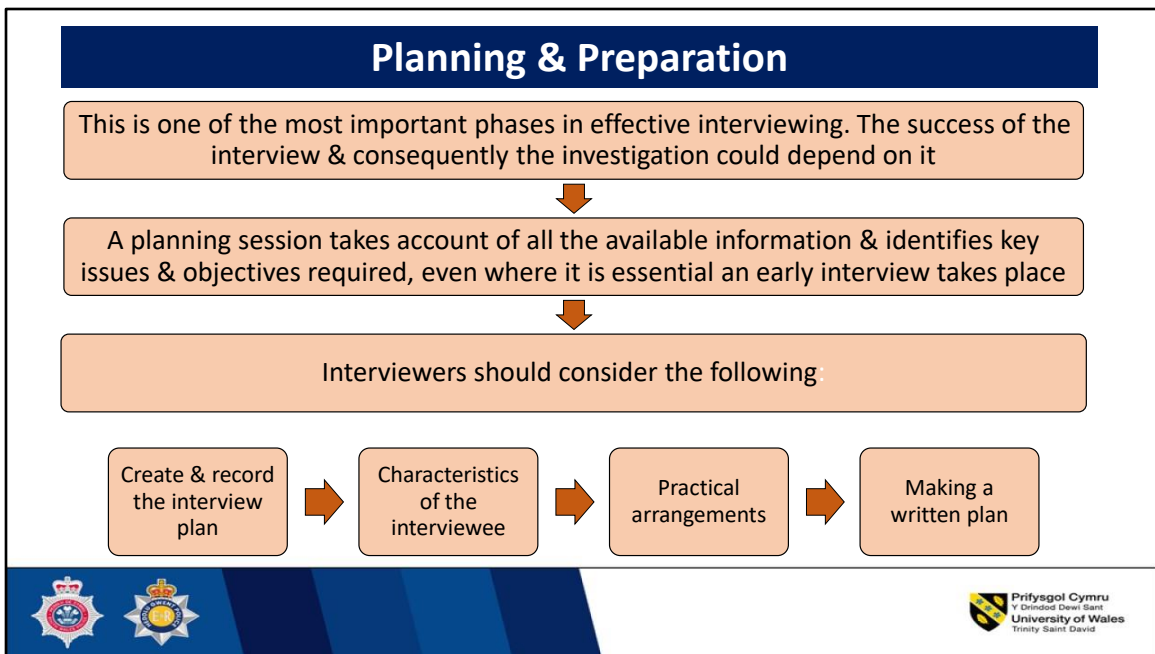


Trainer to discuss what barriers these points may create and how the students would overcome them

Individual characteristics should be taken into account when planning and preparing for an interview. Although not an exhaustive list, these may include:

- **age** – knowing the interviewee’s age helps to determine the best time to undertake the interview and whether an appropriate adult/interview supporter is required
- **cultural background** – this can affect the way a person prefers to be addressed, and may also indicate the need for an interpreter
- **religion or belief** – e.g., interviewers may need to take prayer requirements into account
- **domestic circumstances** – this can help to identify other people who may be useful to the investigation, eg, family, associates or neighbours
- **physical and mental health** – knowledge of an existing medical condition and ensuring that appropriate facilities are used
- **disability**
- **previous contact with the police** – this helps to determine factors such as the interviewee’s reaction, and the interviewer’s safety
- **gender** – in certain types of crime, e.g., sexual offences or domestic violence, it is important to consider the gender of the interviewee. Potentially sensitive issues such

as an interviewee's sexual orientation or gender assignment should be approached tactfully, if these matters become relevant to the interview.

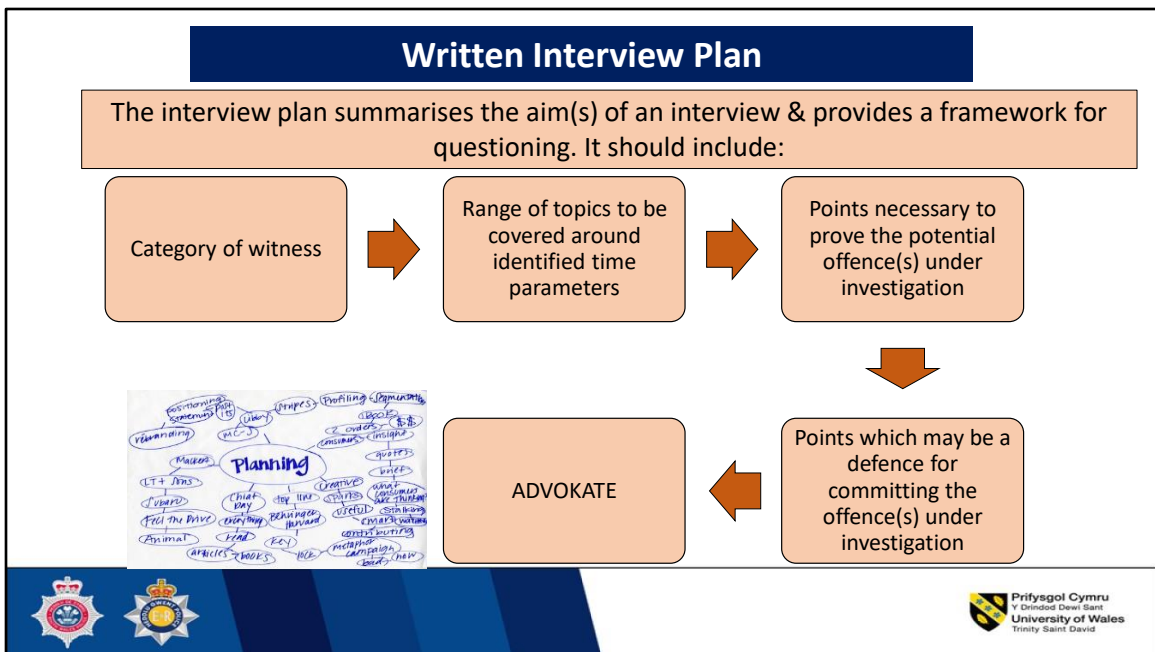


Practical arrangements

The interviewer may need to consider a number of activities and practical considerations which may help them to understand the circumstances of the offence, and to achieve the best interview from the interviewee.

These include:

- visiting the scene
- searching relevant premises
- location of the interview
- role of interviewers
- timings
- equipment
- exhibits and property
- knowledge of the offence.

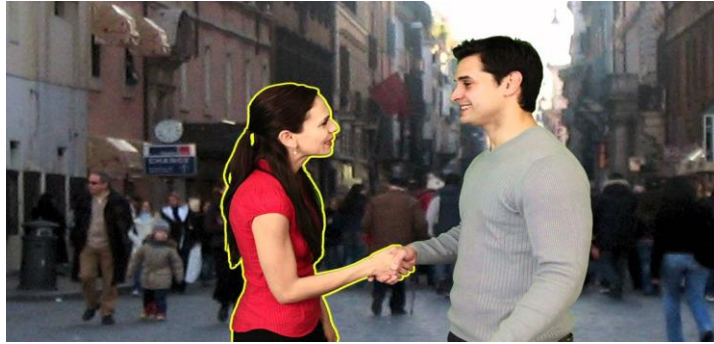


Written interview plan

The interview plan summarises the aim(s) of an interview and provides framework for questioning. It can increase the confidence of the interviewer and provide the flexibility to conduct a professional and effective interview. A written interview plan should be used for key witnesses, as well as suspects. It should include:

- the range of topics to be covered around identified time parameters (this may vary depending on whether it is a witness or suspect interview)
- the points necessary to prove the potential offence(s) under investigation
- any points which may be a defence for committing the offence(s) under investigation
- material which suggests the suspect may have committed the offence
- identified information which may assist the investigation

Engage and Explain



The first step to encouraging conversation is to engage the interviewee. This is not always easy, especially if the person is previously unknown to the police.

Active listening assists the interviewer to establish and maintain a rapport.

Active listening involves:

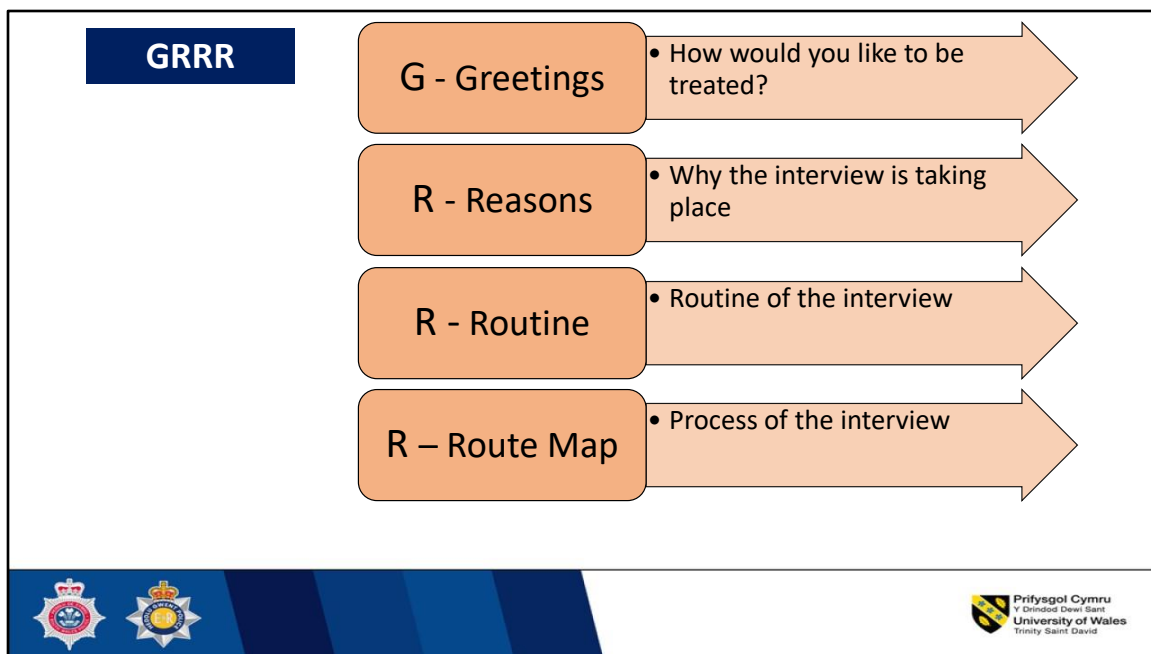
- **Paying attention.** One goal of active listening is to set a comfortable tone and allow time and opportunity for the other person to think and speak.
- **Withhold judgment.** Active listening requires an open mind. Even when good listeners have strong views, they suspend judgment, hold their criticism and avoid arguing or selling their point right away.
- **Reflect.** Learn to mirror the other person's information and emotions by paraphrasing key points. Don't assume that you understand correctly or that the other person knows you've heard him.
- **Clarify.** Don't be shy to ask questions about any issue that is ambiguous or unclear. Open-ended, clarifying and probing questions are important tools. They draw people out and encourage them to expand their ideas, while inviting reflection and thoughtful response.
- **Summarize.** Restating key themes as the conversation proceeds confirms and solidifies your grasp of the other person's point of view. Briefly summarize what you have understood as you listened, and ask the other person to do the same.

- **Share.** Active listening is first about understanding the other person, then about being understood. As you gain a clearer understanding of the other person's perspective, you can then introduce your ideas, feelings and suggestions.

This then enables them to:

- identify topics during the interview and, therefore, manage the conversation
- communicate interest to the interviewee in their account
- identify important evidential information.

Factors such as the interviewee's background and personal characteristics should be taken into account



Beginning the interview

This is important and should be considered in the planning stage. The reason for the interview should also be clearly explained, eg, the interviewer may say:

- 'You are here because you have been arrested for (offence)' or
- 'You are here because you witnessed (offence/incident).'

The interviewer should then check the interviewee has understood the explanation

Objectives of the interview

Before starting an interview, the objectives of the interview should be explained to the interviewee, and they should be provided with an outline or route map of it.

For example, interviewers may say:

- 'During this interview I will talk to you about (list objectives).'

Then go on to explain:

- 'I will also ask you about anything else which may become relevant during the interview in order to properly establish the facts and issues.'

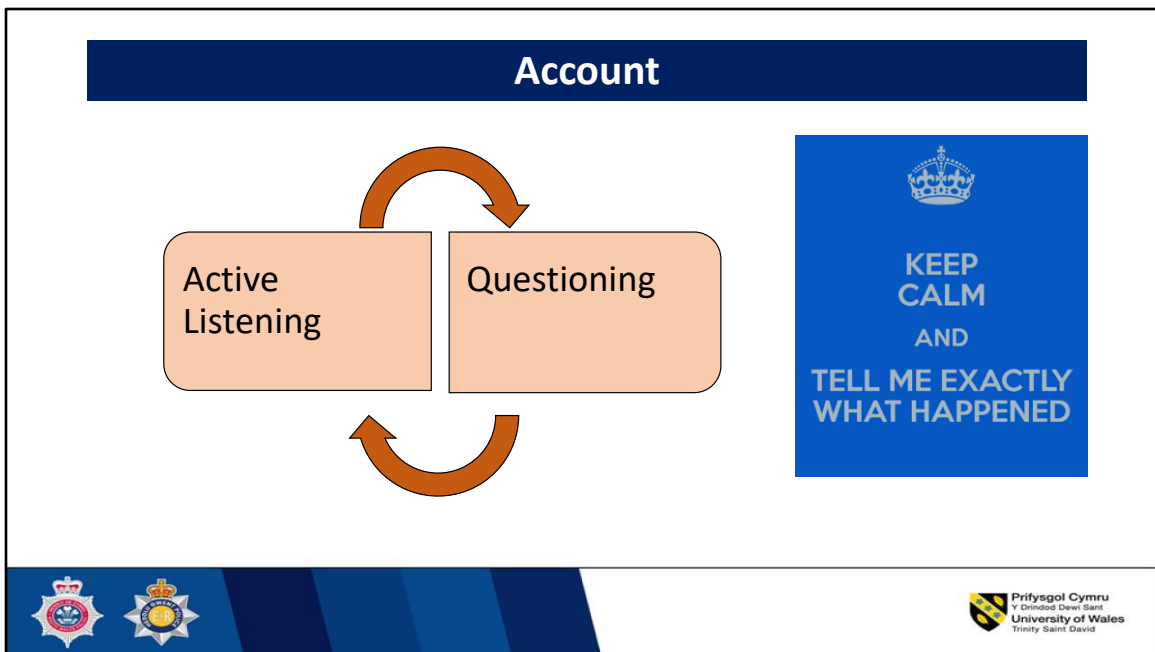
Routines and expectations

It is good practice to explain to the interviewee that if they nod or shake their head the interviewer will state that they have done so. It should also be explained that notes will be taken during the interview.

It may be useful to inform the interviewee that although the police wish to establish certain facts and issues, it is the interviewee's opportunity to explain their involvement or non-involvement in the incident under investigation.

Investigators should encourage the interviewee to voice anything which they feel is relevant, explaining that there is no time limit for the interview and that as much detail as possible is required, encouraging the interviewee to voice anything which they feel is relevant.

The interviewee should be reassured that they will not be interrupted. It may be appropriate to ask the interviewee to consider fully any question they are being asked before they answer.



Account, clarification, challenge

Obtaining an account consists of both initiating and supporting. In volume and priority crime investigations the most common way of initiating an account is simply to use an open-ended prompt, such as, 'tell me what happened'.

Support an account with active listening

Further information:

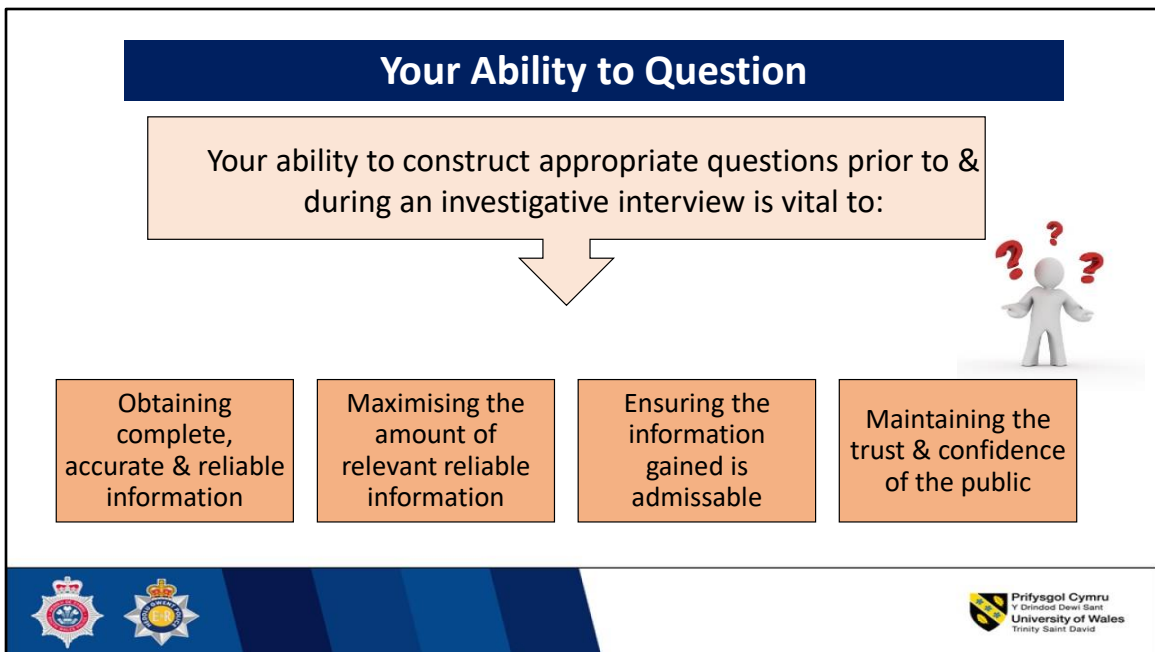
Obtaining the suspect's account. This includes:

- non-verbal behaviour such as adopting an appropriate posture and orientation towards the interviewee
- allowing the interviewee to pause so that they can search their memory, without interrupting
- encouraging the interviewee to continue reporting their account until it is complete by using simple utterances such as 'mm mm' and prompts, eg, 'What happened next?' or questions that reflect what the interviewee has said, such as, 'He hit you?'.

Clarify and expand the interviewee's account by:

- breaking the account down into manageable topics

- systematically probing those topics by means of open-ended and specific-closed questions until as full a picture as possible of the interviewee's account has been obtained
- examining any information, identified during the planning phase, that has not already been covered.



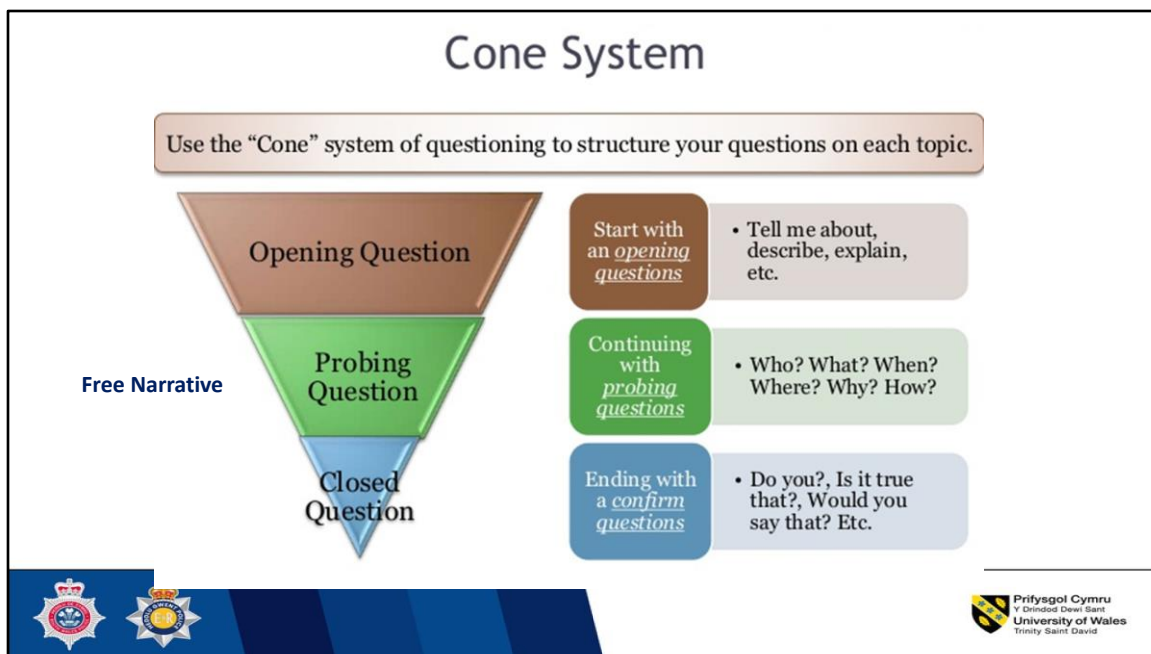
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Allowing the interviewee to pause so that they can search their memory.

Encourage them to continue reporting their account until it is complete by using prompts such as '**What happened next?**' or questions that reflect what the interviewee has said, such as, '**He hit you?**' Tell me more about that.

Clarify and expand the interviewee's account by:

- Breaking the account down into manageable topics.



Trainer to supply 'cone' handout.

Free Narrative:

Q: Why do we want a detailed opening account of the incident?

A: The opening account is like a route map. It gives the interviewer a good idea of what the witness has seen and therefore the interview can select topics and identify the actions and evidential areas to explore later.

State: So we need a good opening for the free recall session.

Q: How should we form the opening question?

A: With an opening question

Q: What are the acronyms associated with questioning?

TED – tell, explain, describe.

5WH – Who why what when where how.

Trainer to distribute Handout 'Questioning Styles' and allow students to read.

Show slide

State: The Cone or funnel technique of questioning involves starting with general questions, and then homing in on a point in each answer, and asking more and more detail at each level.

Trainer to clear up any questions students may have.

Qualities of a Good Question

Relevant Bearing upon the investigation & the individuals ability to contribute to this

Respectful Not oppressive, pressuring or embarrassing

Sensible Seeking new information, testing earlier or other information. Checking on the individual's comprehension and how they are coping



Qualities of a Good Question

Sensitive:

Using words & constructing sentences mindful of the individual's ability to comprehend & communicate given:

His/her current mental, emotional & physical state, their psychological make up, literacy, level of intellectual functioning, stage of development, any psychological problem/disorder, disposition towards acquiescence, compliance & suggestibility

Short:

As concise as possible



Qualities of a Good Question

Single

Straightforward, to the point, not rambling or 'all over the place,'
unambiguous



Simple:

Free from pretense or deceit, not misleading



Sincere



Effective Listening...how do you do it?

Guggling

'Ah ha'

Nodding

'Mmm'

'Yes'

'Go on'

MAKE EYE-CONTACT WHILE TALKING



LISTEN CAREFULLY



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David

Guggle – which is using utterances such as, 'uh huh,' 'yes.' Also includes 'nodding' as above

Inappropriate Questions

Forced Choice:

Do you want tea or coffee?

Multiple:

Was there another vehicle &
which way did it go?

Misleading:

The distinction between leading & misleading questions concerns the nature of the implied response. The first leads to a correct response, the second leads to an incorrect response

Complex:

“You said that you’ve never been there before but I think that you did go there, & that you said you’ve never been there because you know place was unsafe. Isn’t that so?”



Hypothetical Questions

Hypothetical questions are suggestive questions about things that may not have actually happened. I.e. the 'what if' factor



You say you didn't hit them, but if you did hit them, would you have injured them?



If you were the driver where do you think you would have gone?



Trainer Demonstration

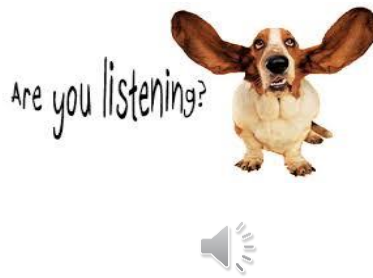


Trainer to ask 1 student to give an account of a particular morning, journey to work, shopping trip etc. Trainer to demonstrate how to record the student's account on the white board using **note-taker system** and identify topics.

Make a full list of EVERYTHING

Q. What subjects are important? To make topics and circle them and explain these will be probed.

The Incident



Note-taker System:

State: Once you have asked the first question it's time to listen to the first account which should be uninterrupted, with you making relevant notes.

QTS: What types of information do you think might come out from the person giving their first account?

Trainer can Board Blast or set group task depending on the time constraints of the lesson.

Answers could include the following:

- Persons present (Victims, Witnesses, Suspects)
- Description
- Locations
- Conversations
- Actions
- Objects
- Pre and post incident events
- Thoughts
- Feelings

- Times

You are now going to listen to a person giving an account of an assault. I want you to make notes of what is said.

Trainer to play **Audio Clip Free Narrative**

The Incident

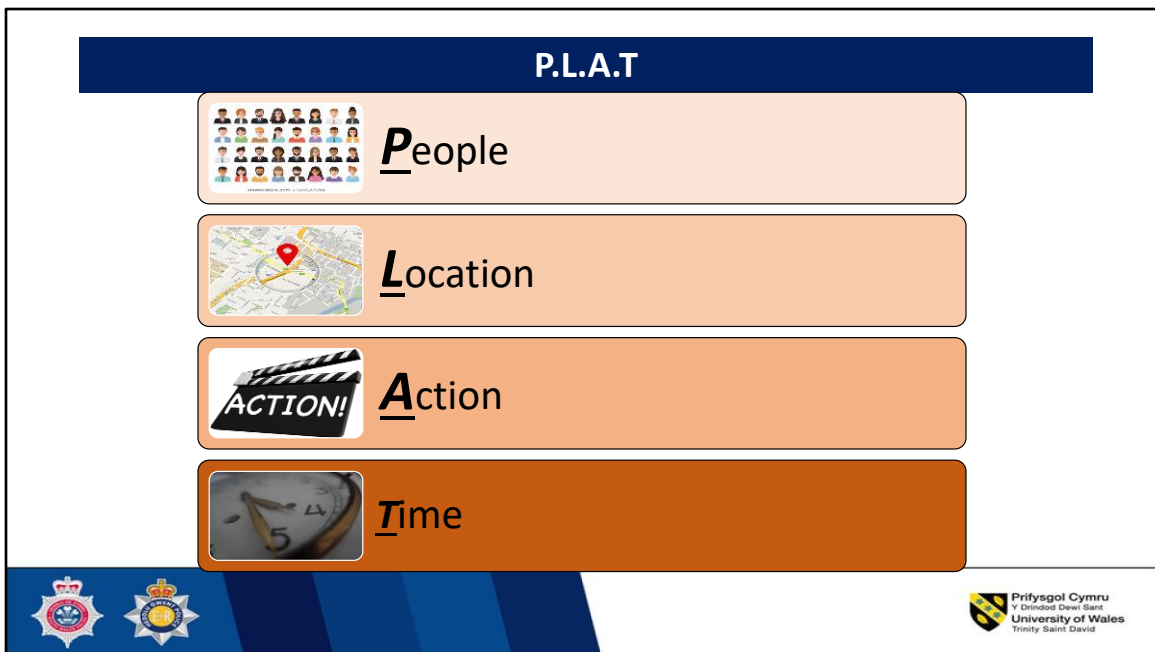


QTS: How easy did you find that?

A: A range of responses is expected.

State: When conducting interviews, you undertake a number of tasks simultaneously. During this phase of the interview you have to be able to listen closely to what the witness is saying and, at the same time, selecting and making a note of the topic areas to cover in more detail later. Therefore it is very important that a structure exists for effectively taking notes.

Using a structured system will enable the interviewer to process and respond to the quantity and quality of information received in the interview. This in turn will provide a firm basis for the questions that are to be asked to clarify the interviewees account.



Trainer to hand out PLAT handout and discuss mnemonic

People

This category refers to all the people mentioned by the interviewee, which could include potential suspects or witnesses. All information given by the interviewee which might be used to identify the person in question, including any names, addresses and descriptions, should be included in this category. Where a name or address is given, details as to how the interviewee knew such information should also be included here.

Location(s)

This category refers to the scene(s) of the incident and other locations including those of the interviewee before, during and after the incident took place.

Actions

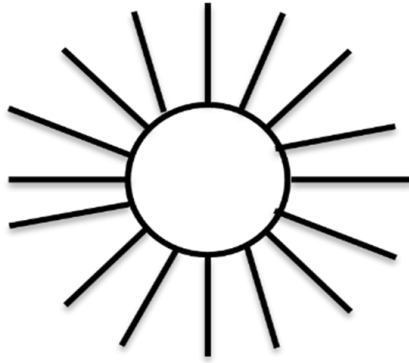
This category refers to the physical movements and verbal actions of the interviewee and all the people mentioned by the interviewee. It also refers to the description and movements of vehicles and other inanimate objects such as weapons.

Time(s)

This category refers to the times reported by the interviewee for the occurrence of the

actions and in respect of the locations referred to above.

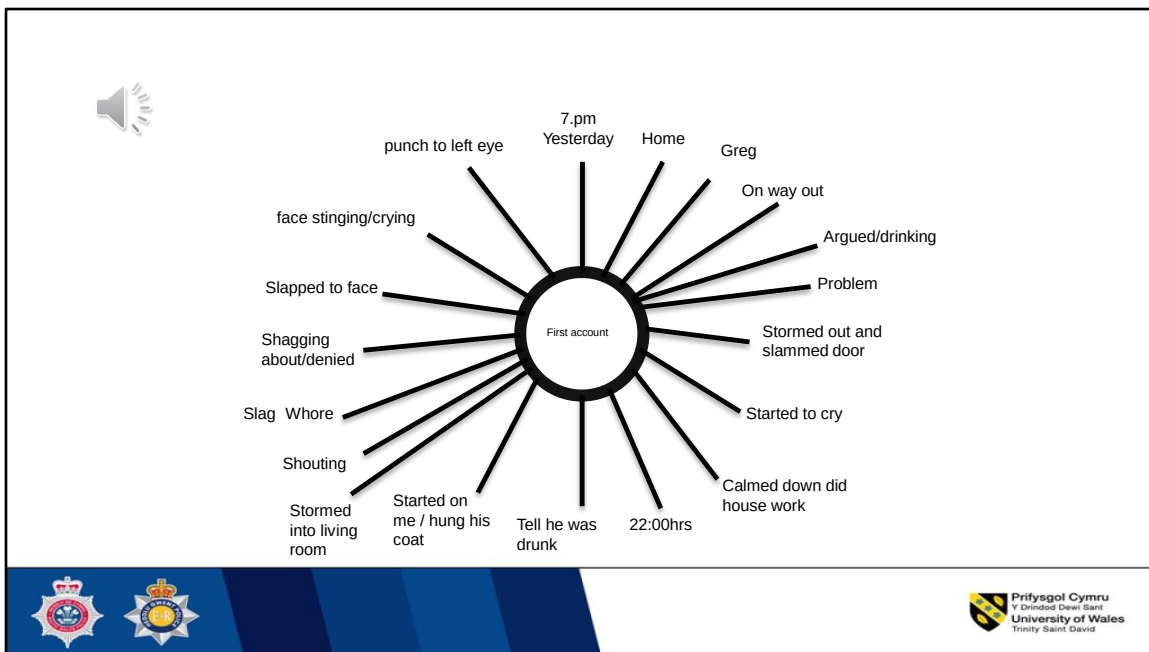
The Spider Graph



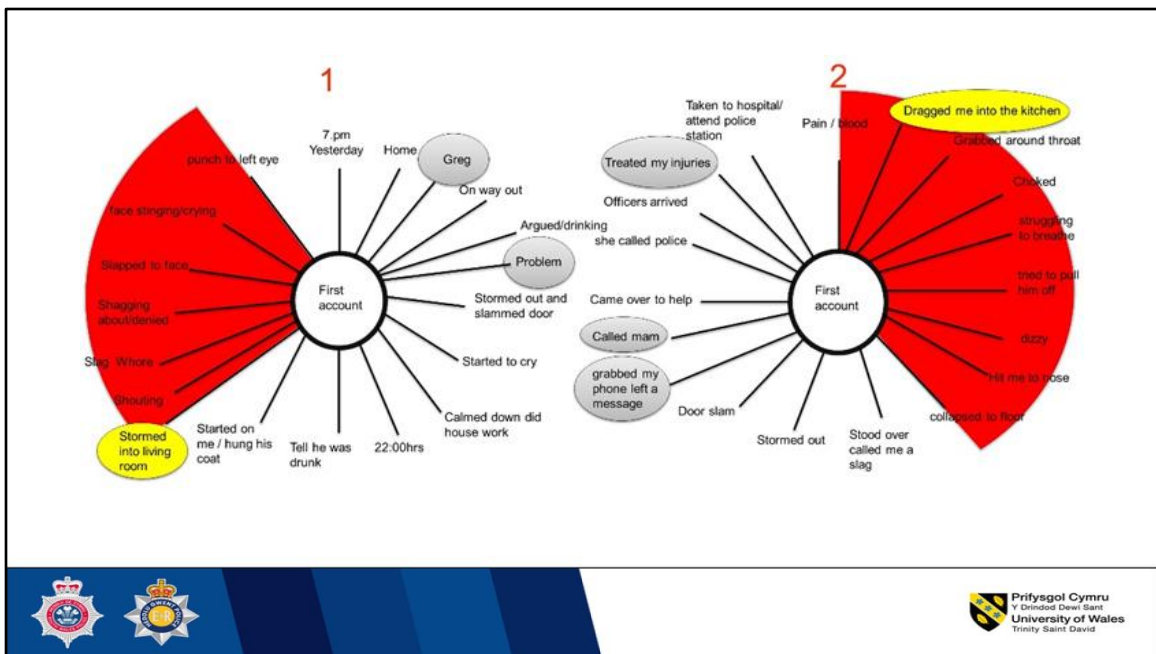
State: Many interviewers will use PLATE as an aide memoire of the important information required about the incident and use the spider graph to list the information.

At the free narrative stage there will be just one spider and each 'leg' will be information from the account.

State: We will now follow the previous first account again.

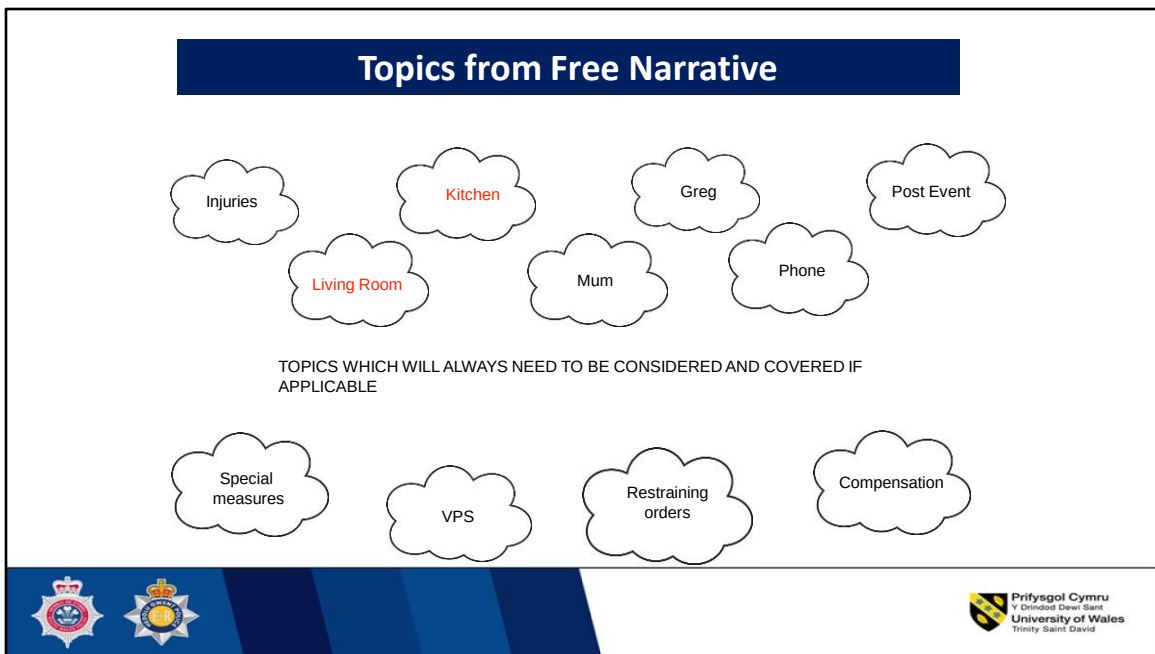


Trainer to re-play Audio Clip Free Narrative – Up to punch to the face
Reveal legs as they are said on the audio



State: Now it's your turn. The topic we are going to listen to is the event that took place in the living room. Complete the spider graph as you listen to the narrative.

Trainer to play **Audio Clip Living Room**



State:

The offence for which the person was arrested may dictate the order in which you continue your interview. If the suspect had been arrested for attempt murder/strangulation you might concentrate first on the kitchen where this offence was committed everything before being the pre-event.

However, if the suspect was arrested for an assault then the living room is the logical starting point to begin your probing questions and work through in a chronological order.

State:

As well as the topics identified from the Free Narrative you will also need to consider topics which should also be included when taking a statement if applicable to the case, e.g.

Special measures – which we have already covered

Victim Personal Statement

Restraining orders

Compensation – which we will cover later

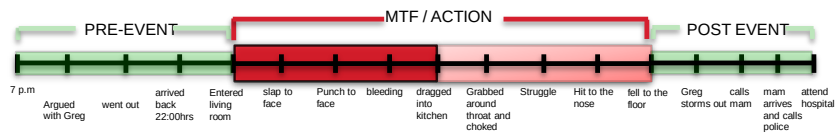
Free Narrative

Sign post the witness to the area you want to discuss!!

Tell the witness exactly what you want to talk about

Put the witness back into the area you want to talk about

Time line



Explain that the free Narrative covered a large area of information from

19:00hrs – hospital.

The witness gave this detailed account however we now want to narrow the timeframe down and talk simply about the living room.

NOW

When we ask for details from the witness of what happened in the living room it is likely that we wont simply get :

Entered Living Room

Slap to Face

Punch to Face

Bleeding

Dragged into Kitchen.

Which was what was given in first free narrative.



We now need to inform the witness what we want to discuss
We must make this clear
We must put them back into the place

So how ???

****CLICK****

SIGNPOST :- I NOW WANT TO TALK TO YOU JUST ABOUT THE TIME FROM
WHEN GREG ENTERED THE LIVINGROOM TO THE TIME HE DRAGGED YOU
OUT. I ONLY WANT YOU TO FOCUS ON THIS PART.

****CLICK****

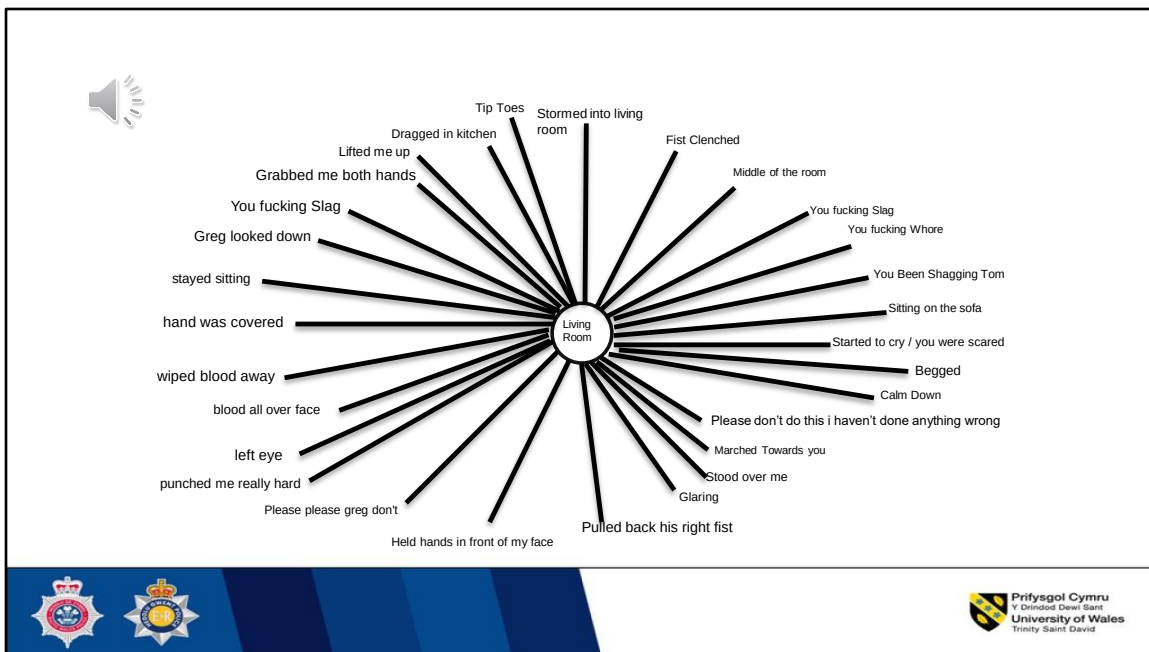
****CLICK****

PUT THE WITNESS BACK:- "I WANT YOU TO THINK BACK TO THE MOMENT
WHEN GREG MARCHED IN"

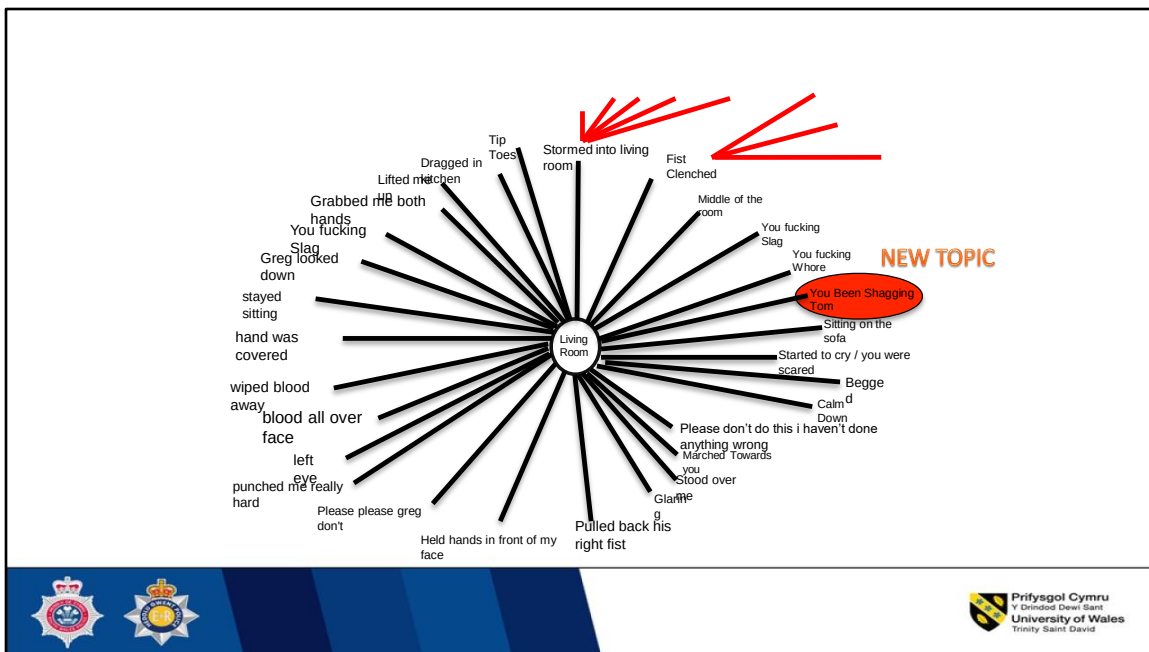
OPEN QUESTIONED ABOUT LIVINGROOM

TELL ME IN AS MUCH DETAIL AS YOU POSSIBLY CAN WHAT HAPPENED
FROM THE TIME GREG ENTERED THE LIVINGROOM TO THE TIME HE
DRAGGED YOU OUT"

Next slide



State: Compare this with your spider. How do they compare?



FINALLY QUESTIONING AND CLOSURE

To question on the topic work your way around in a clockwise manner asking further questions in relation to the information provided.

****click****

To show when a question is asked it you can branch off the relevant part of the topic.

POINT OUT NEW TOPIC DISCOVERED FROM LIVINGROOM TOPIC..... TOM!!!!

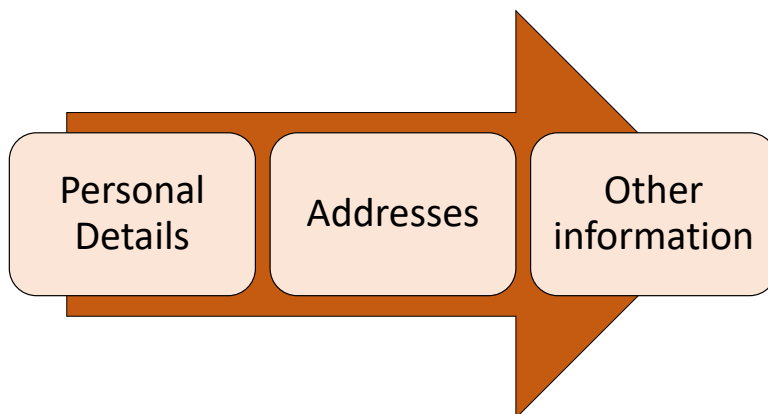
This should not be explored during the ACTION. Officer should bank this and treat as a separate topic for later on.

ONCE FULLY EXPLORED TOPIC TO BE SUMMARISED THEN MOVE ONTO NEXT.

On Conclusion of Interview once all topic are fully explored we should then summaries the whole interview before starting to write the statement.

ANY QUESTIONS?

What not to put in a statement!



What not to put in a statement:

1. Personal details of the injured party or complainant/witnesses.
2. Addresses – unless of evidential necessity, all addresses should be kept solely to the first page of the MG11 and kept away from defence. An example of evidential necessity would be: one neighbour has assaulted the injured party in the front garden. Both the injured party and neighbour would be known to each other; domestic violence incident etc.
3. Other information – family member details e.g. I live at home with my husband Joe Bloggs DOB 01/01/01 etc. you can just write: I live at home with my family members. Another would be place of arrest of the suspect's address is given out, this could lead to retaliation by the victim or the victim's family.

The ONLY time the address of the witness (including Police Officer statements) should be included in the body of the statement is when it is evidentially relevant such as burglary offences, domestic violence and interfamilial child abuse. The same will apply to telephone numbers and other features that could identify or compromise the witness.



Also, you must consider data protection breaches, that not only could jeopardise the safety of victims and witnesses, but could also lead to prosecution of the officer who has given out the details without justification, as well as leading to huge fines for the police force.

Any questions so far?



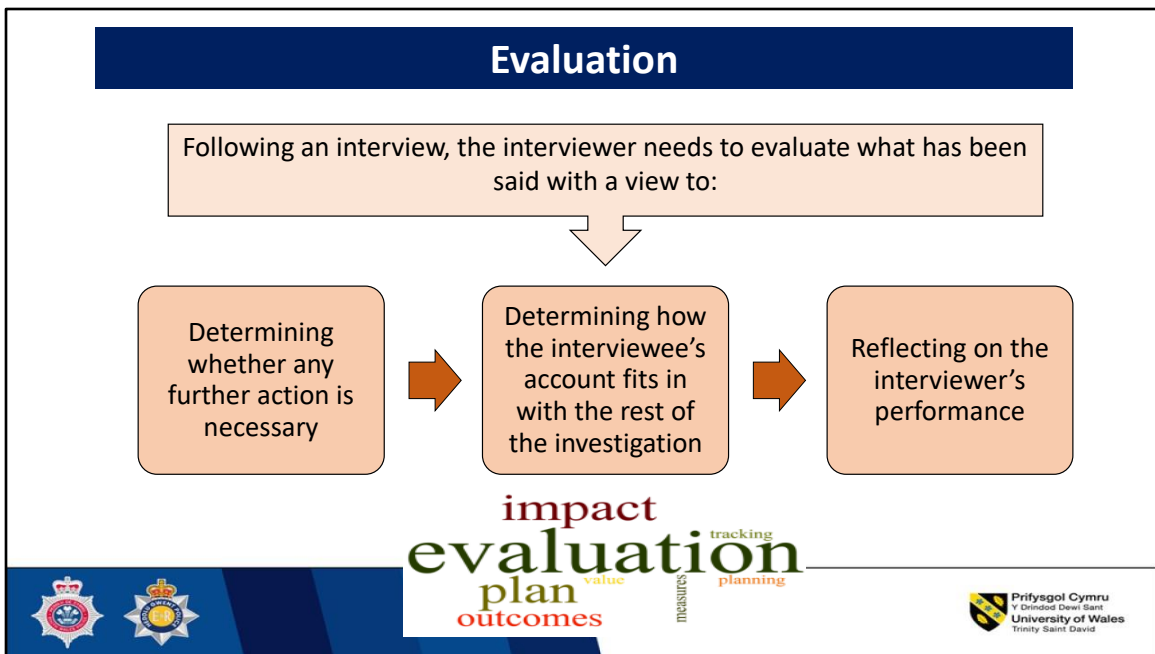
Closure



This should be planned and structured so that the interview does not end abruptly. Trainer to encourage a student led discussion in regards to what they believe should be included in the interview closure.

Any questions the interviewee asks should be dealt with.

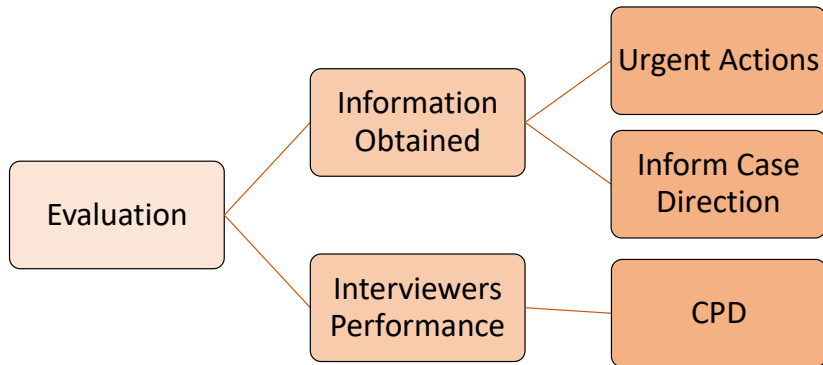
They should then explain to the interviewee what will happen next



Following an interview, the interviewer needs to evaluate what has been said with a view to:

- determining whether any further action is necessary
- determining how the interviewee's account fits in with the rest of the investigation
- reflecting on the interviewer's performance.

Evaluation: 2 Forms???





Trainer to email/ distribute/ direct students to handout 'Initial account hints and tips'