

THE POST OFFICE

# Security & Investigation Services

Security Foundation Programme – Open Learning

## Caution and Interview



INVENTION IN PEOPLE



# Open Learning: Caution and Interview

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All Training Centre materials are presently being evaluated by Portsmouth University for accreditation towards their Higher Education Programme.

On completion of this module, Accreditation of Prior Learning (APL) in terms of knowledge and understanding may be used as part of the assessment process for those candidates following the National Vocational Qualification (NVQ) in Investigation.

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## SECURITY FOUNDATION PROGRAMME

## Introduction

The Caution and Interview go hand in hand and are key areas for Post Office Security Managers. Any interview with a suspected offender will only be admissible in a subsequent prosecution if it has been conducted in accordance with the Police and Criminal Evidence Act 1984 (PACE) Codes of Practice. This will include the need for a suspected offender to be correctly cautioned and informed of their legal rights.

This module focuses on all aspects of the caution including:

- the actual wording which must be used;
- when a caution is appropriate;
- how to respond if questions are asked about the meaning of the caution.

The module goes on to deal with interviews including:

- details of the equipment used in tape-recorded interviews;
- how to conduct the interview;
- how to respond to many of the difficult situations that can arise during an interview.

Throughout this module a recurring theme will be the need to comply with the PACE Codes of Practice. Although there is a separate module on these Codes of Practice, they also form a very important part of the subject matter of this module.

The correct use of the caution is one of the key areas of a Security Manager's role, and the importance of a thorough understanding of this subject cannot be over emphasised.

## SECURITY FOUNDATION PROGRAMME

## How to use this Workbook

This workbook has been designed to enable you to work at your own pace. Give yourself time to think about the topics covered in each section before going on to the next one. At various points in the workbook you will be asked to take part by completing an Activity. The workbook is for you to keep, so you should write your answer to each Activity in the space provided.

Activities will be identified by the following symbols in the margin:



ACTIVITY



FEEDBACK



READING

PROGRESS  
CHECKPROGRESS  
CHECK RESULTS

*You will be asked to carry out a variety of activities throughout this workbook. These will help you to explore issues and check your understanding.*

*This will give the answer to, or information about, the activity you have just completed. Feedback is given for you to check your own ideas and responses.*

*You will be asked to read sections of certain documents before continuing.*

*A set of self-check questions or activities will appear at the end of the workbook. These will help you to assess your understanding of the complete workbook.*

*These will help you to check your answers to the Progress Check questions. If your response does not match the answer given, you should go back over the relevant part of the workbook to re-check your understanding of it.*

This workbook is extremely detailed with a lot of additional reading and may take about a day to complete thoroughly.

## SECURITY FOUNDATION PROGRAMME

### How to use this Workbook

#### Support

If you have any difficulty understanding the material in this workbook, you should first contact your Line Manager for advice.

If you need additional advice or guidance, please contact the Security Training Centre by e-mail at:

Security Training Centre: **GRO**

Alternatively you can contact us by telephone Monday to Friday, 08.30 to 20.00hours, on **GRO** or write to:

Security Training Centre  
Impact House  
2 Edridge Road  
CROYDON  
CR9 1PJ

Our aim will be to respond to all requests for support within 24 hours of receipt of your enquiry (Monday to Friday).

#### Reference Material

You will need to have the following reference materials available to help you study this module:

- the PACE Codes of Practice;
- the laminated version of the Quick Reference Guide to Tape-Recorded Interviews.

You will need to refer to these as you progress through this workbook, so you should make sure you have obtained copies before starting your study.

## SECURITY FOUNDATION PROGRAMME

### Objectives

After completing this workbook you will be able to:

- state the exact wording of the caution;
- identify when and how to administer a caution;
- explain where the caution fits into the process of caution, interview, search, and arrest;
- state what constitutes an interview;
- state what equipment is used in a tape-recorded interview;
- explain how to conduct tape-recorded interviews with suspected offenders;
- explain where the interview fits into the process of caution, interview, search, and arrest.



## SECURITY FOUNDATION PROGRAMME

## Section 1: The Caution

This section focuses on the caution you, as a Security Manager, may need to use in the course of your duties. It looks at the wording which must be used, when a caution is appropriate, and the second caution that is used at the end of an interview.

## Why is there a Caution?

It is a basic principle of the law in this country that no one can be forced to either:

- incriminate themselves;
- or answer questions.

The caution is the means of explaining those rights.

## What wording is used in the Caution?

The following words must be used each and every time a caution is given:

*“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?”*

The caution is shown in PACE Codes of Practice – Code C 10.4. Locate and read this reference now.



## SECURITY FOUNDATION PROGRAMME

## Section 1: The Caution

## When to Caution

There are four criteria laid down, all of which must be met before a caution should be given. These are:

1. You must have reasonable grounds to suspect that a criminal offence has been committed.
2. You must have grounds to suspect the person concerned of committing that offence.
3. You must be intending to put questions to that person regarding his involvement in that offence.
4. The possibility must exist that any replies given by the person (or the fact that they remained silent) may be given to a Court in a prosecution.

The criteria for when to caution are described in PACE Codes of Practice – Code C 10.1. Locate and read this reference now.

## The Criteria Examined

Let us now examine some of the criteria in more detail.

## Criteria 2

*“You must have grounds to suspect the person concerned of committing that offence.”*

By “grounds to suspect” we mean something more than merely a hunch or simple suspicion. There must be clear reasons based on facts, not just a feeling that the person is involved. To put it another way, “grounds to suspect” indicates that there is some objective basis for the suspicion that a particular individual has committed the offence being investigated.

## Criteria 4

*“The possibility must exist that any replies given by the person (or the fact that they remained silent) may be given to a Court in a prosecution.”*

It is important to note that when you are asking questions, without the intention of using them for a prosecution, you do not need to caution the person.

The PACE Codes of Practice – Code C 10.1 – gives some examples of questions that may be asked without issuing a caution. Locate and read this reference now.

## SECURITY FOUNDATION PROGRAMME

## Section 1: The Caution

## Questions without Caution

You would have noticed that these include any questions asked to establish:

- identity;
- ownership of a vehicle;
- need to search (this is detailed further in the Powers of Search Module).

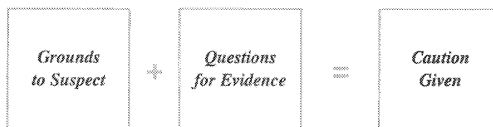
Additionally, even when you are asking questions to establish whether, or by whom, an offence has been committed, you do not need to caution until you:

- have grounds to suspect a particular individual;
- wish to question them to obtain evidence to put before a Court.

Generally speaking, Post Office Security Managers will not be involved with asking questions about identity and ownership of vehicles; these aspects apply more to Police Officers. However, it is important to be fully aware of the criteria for when a caution should be issued with the "grounds to suspect" criteria being critical.

## In Summary

The graphic below summarises the position:



## SECURITY FOUNDATION PROGRAMME

## Section 1: The Caution



To check your understanding of the matters covered so far in this module, please answer the following questions:

Q1. What is the exact wording of the caution? Write it down in the space provided below:

- Q2. There are four criteria which have to be met for it to be appropriate to issue a caution. Three are:
  - You must have reasonable grounds to suspect that a criminal offence has been committed.
  - You must be intending to put questions to that person regarding his involvement in that offence.
  - The possibility must exist that any replies given by the person (or the fact that they remained silent) may be given to a Court in a prosecution.

What is the missing criterion? Write it down in the space provided below: #



## SECURITY FOUNDATION PROGRAMME

## Section 1: The Caution



Check your answers with the following:

Q1. What is the exact wording of the caution? Write it down in the space provided below:

*The wording of the caution is:*

*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?*

Q2. There are four criteria which have to be met for it to be appropriate to issue a caution. Three are:

- You must have reasonable grounds to suspect that a criminal offence has been committed.
- You must be intending to put questions to that person regarding his involvement in that offence.
- The possibility must exist that any replies given by the person (or the fact that they remained silent) may be given to a Court in a prosecution.

What is the missing criterion? Write it down in the space provided below:

*The missing criterion for issuing a caution is:*

*You must have grounds to suspect the person concerned of committing that offence.*

## SECURITY FOUNDATION PROGRAMME

## Section 1: The Caution

Let us return to the graphic we used to summarise the position for when a caution should be issued:



Here are a couple of Post Office related examples to help consolidate your understanding of this aspect:

## Case Study Example 1

*A postman was seen to throw mail away in a skip, and you have obtained a witness statement from a member of the public. The mail was recovered, and it was established that the postman was the due course Delivery Officer.*

## Considerations

In this case:

- you have reasonable grounds to believe a criminal offence has taken place;
- you have reasonable grounds to suspect that the postman has committed the offence;
- you intend to put questions to the postman regarding his involvement in the offence;
- the possibility exists that the postman's replies to your questions, or the fact of his silence, would be given in Court.

## Verdict

The postman in this example should be cautioned.

## SECURITY FOUNDATION PROGRAMME

## Section 1: The Caution

## Case Study Example 2

*You are investigating the loss of Priority Service Letters from a Mail Centre and are interviewing all five Postmen Higher Grade who had access. There are no clues to the identity of the offender, although you know the losses definitely occurred in that office.*

## Considerations

In this case:

- You have reasonable grounds to suspect a criminal offence has been committed.
- You have NO specific grounds to suspect any of the five PHGs.
- You are intending to put questions to them about the offences.
- You would NOT, at this stage, plan to use either their replies, or the fact of their silence, in Court.

## Verdict

None of the PHGs should be cautioned before being interviewed, as not all four of the criteria have been met. However, if during questioning the position changed, for example, if someone made admissions, they should immediately be cautioned. As soon as the admissions were made, the four criteria would have been met.

**You should keep practising the caution until you are word perfect!**

## SECURITY FOUNDATION PROGRAMME

## Section 1: The Caution

## Incorrect Wording

On the last page the recommendation was made to keep practising the caution until you are word perfect. What happens, though, if you do use wording which is not exactly as shown?

Minor deviations from the prescribed wording do not constitute a breach of the Codes of Practice provided that the sense of the caution is preserved.

The PACE Codes of Practice – Code C 10.4 – gives some guidance on this aspect. Locate and read this reference now.

## Why does the Wording Matter?

The wording is crucial because, as said in the Introduction to this module, evidence of admissions can be ruled inadmissible if it was not obtained properly. The Judge might take the view that a badly-worded caution did not get the meaning over properly, and therefore resultant admissions should not be allowed as evidence, with the case possibly being lost as a result.

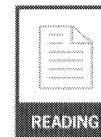
## Examples of Acceptable and Unacceptable Variations

Here are examples of what would probably be regarded as acceptable and not acceptable as variations of the correct wording of the caution.

## Example 1

*“You are not obliged to say anything but it may harm your defence if you fail to tell me something when I ask you questions which you later rely on in court. Anything you do say could possibly be given in evidence.”*

You will see that all the important phrases of the caution have been included, with just minor variations in the wording. It is therefore highly unlikely that any criticism could be made in Court of the wording used.





## SECURITY FOUNDATION PROGRAMME

## Section 1: The Caution

## Example 2

*"You do not have to say anything but what you say may be given in evidence."*

It will be seen that a significant part of the caution has been omitted in this example, and it could quite fairly be argued that the person being cautioned did not receive a fair description of their rights.

## More Detailed Explanation

What if someone says they do not understand the meaning of the caution?

The PACE Codes of Practice – Code C Notes for Guidance 10C – gives some guidance for when this type of situation arises. Locate and read this reference now.

The key points to explain are that the person **does not have to say anything** and can remain silent. However, if they are prosecuted and in Court **give an explanation that they could have mentioned at the time they were questioned**, the Court may not consider the explanation has much credibility.

The wording of this further explanation could therefore be:

*"You have the right to say absolutely nothing. However, if you are taken to Court and you then say something in your defence to explain your actions, and claim you are innocent, the Court may draw its own conclusions if you have not mentioned it when questioned. They might think you are only saying it in Court because you have had time to think of what to say, whereas if you do have an explanation you should mention it when I question you. Anything you do say may be given in evidence."*

If there is any doubt in your mind about the person's full understanding of the caution it is vital to explain it in sufficient detail for it to be shown you have acted fairly.

## SECURITY FOUNDATION PROGRAMME

## Section 1: The Caution

## Second Caution

There is also a second caution which we will refer to now even though it is used towards the end of an interview. If you have sufficient evidence to support a prosecution, you inform the suspected offender that they may have rendered themselves liable to prosecution, and administer the second caution. The wording is:

*"You do not have to say anything, but it may harm your defence if you do not mention now something which you later rely on in court. Anything you do say may be given in evidence. Do you understand?"*

There will be further information on this aspect later in the module regarding interviews.

This caution is also used if someone is charged at a Police Station, and it will be seen that the key word changed is "...if you do not mention **now** something which...".

The criterion for issuing this caution during an interview is the existence of what you consider sufficient evidence to support a prosecution. **It is not necessary for admissions to have been made.**

SECURITY FOUNDATION PROGRAMME

## Section 1: The Caution



To check your understanding of the module so far, please answer the following questions:

Q3. When should you issue a caution?

Q4. Write down the wording of the second caution.

Q5. When do you issue the second caution?

SECURITY FOUNDATION PROGRAMME

## Section 1: The Caution

Q6. Write down the wording of the caution.

Q7. Explain the meaning of the caution in your own words.

Q8. Which PACE Codes of Practice refers to the procedure for cautioning?



## SECURITY FOUNDATION PROGRAMME

## Section 1: The Caution

Check your answers with the following:

Q3. When should you issue a caution?

*The criteria for issuing a caution are as follows:*

- 1. You must have reasonable grounds to suspect that a criminal offence has been committed.*
- 2. You must have grounds to suspect the person concerned of committing that offence.*
- 3. You must be intending to put questions to that person regarding his involvement in that offence.*
- 4. The possibility must exist that any replies given by the person (or the fact that they remained silent) may be given to a Court in a prosecution.*

Q4. Write down the wording of the second caution.

*The wording of the second caution is:*

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

Q5. When do you issue the second caution?

*You would use the second caution towards the end of an interview, if you consider there is enough evidence to support a prosecution. It is not necessary for admissions to have been made during the interview for you to issue the second caution.*

## SECURITY FOUNDATION PROGRAMME

## Section 1: The Caution

Q6. Write down the wording of the caution.

*The wording of the caution is:*

*“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?”*

Q7. Explain the meaning of the caution in your own words.

*There is no definitive answer to this question, but yours should read something like:*

*You have the right to say absolutely nothing. However, if you are taken to Court and you then say something in your defence to explain your actions, and claim you are innocent, the Court may draw its own conclusions if you have not mentioned it when questioned. They might think you are only saying it in Court because you have had time to think of what to say, whereas if you do have an explanation you should mention it when I question you. Anything you do say may be given in evidence.*

*Consider your answer again and see if it covers all these points, particularly that the person does not have to say anything and an explanation given later might not have as much credibility given to it in Court as it would if given during an interview.*

Q8. Which PACE Codes of Practice refers to the procedure for cautioning?

*PACE Codes of Practice, Code C, refers to the procedure for issuing cautions.*

## Section 2: The Interview

This section looks at the interview stage of an investigation. It aims to explain the process you need to follow to ensure that the evidence you obtain at an interview is in line with the PACE Codes of Practice.

### What is an Interview?

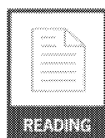
An interview is the questioning of a person regarding their involvement (or suspected involvement) in a criminal offence or offences which, by virtue of the PACE Codes of Practice (paragraph 10.1 of Code C), is required to be carried out under caution.

The PACE Codes of Practice – Code C Section 11.1 A – refers to this definition. Locate and read this reference now.

However, there is a separate Code which deals with the procedures involved when tape recording interviews. This is Code E, and we shall look at this in more detail in the next section of this workbook.

Please read the PACE Codes of Practice – Code C Section 11. The four pages of this section cover a lot of the general principles of interviewing prior to the tape-recording procedures which are covered in Code E.

Although the definition of an interview shown above is quite clear, it is necessary to stress that the word “interview” is to be given a wide, rather than a narrow, interpretation.



## Section 2: The Interview

### Rules Relating to Interview

There was a Court of Appeal case of “Matthews, Dennison and Voss” where the following ruling was made:

- Any discussion or talk between a suspect or prisoner and a Police Officer would amount to an interview, whether instigated by the suspect or the Police Officer.

Other Court of Appeal cases over the years have laid down the following principles:

- The fact that the exchange consisted merely of a “quick chat” does not prevent it being an interview.
- Where an Officer asks a question which produces an incriminating response the exchange can be an interview, even though the Officer had no real grounds for suspicion when he put the question.
- The fact that the exchange takes place in the street or at the scene of a crime does not prevent it being an interview.
- The fact that the questions put by the Officer are designed to give the arrested person or suspect an opportunity to give an innocent explanation (as opposed to eliciting admissions) does not prevent the exchange being an interview.
- The fact that the suspect has asked for the interview to be “off the record” does not prevent it being an interview. The Code does not allow for “off the record” conversation, even in the form of a general chat, though if the suspect is not warned of this, a resulting admission may be excluded on the grounds that its admission would be unfair.

All references in PACE to Police Officers apply to other people involved in investigative work, such as Post Office Security Managers. Section 67 para 9 of PACE states “that persons other than Police Officers who are charged with the duty of investigating offences or charging offenders shall in discharge of that duty have regard to any relevant provision of such a code”.

What the above Court of Appeal ruling means is that interviews have to be conducted on a formal basis following the correct procedures. The days of “The Sweeney”, with cosy little chats as a means of obtaining admissions are over!

Interviews must always be conducted strictly in accordance with the PACE Codes of Practice.



## Section 3: Tape – Recorded Interviews



READING

Prior to 1978, all interviews were conducted in writing in the form of “Notes of Interview”. In that year, trials of tape recording commenced, and The Post Office started their own trials in 1986 in Leicester and Croydon. This section looks at how tape-recorded interviews should be conducted.

In accordance with Section 60 of PACE, all interviews have to be tape recorded, with limited exceptions.

The PACE Codes of Practice – Code E refers to Tape-Recorded Interviews. Locate and read all 12 pages of this reference now.

### Advantages of Tape-Recorded Interviews

Tape Recording of Interviews has several advantages over Notes of Interview. These include:

- no need to write notes;
- interview proceeds at conversational speed with considerable time savings;
- disputes in Court are reduced due to the greater accuracy compared with written notes;
- reduces allegations of duress/oppression;
- the suspected offender has less time to think before answering questions.

### Disadvantages of Tape-Recorded Interviews

There are, however, also some disadvantages, namely:

- more preparation is required before the interview;
- weaknesses in interview technique can be exposed;
- summarising the tapes can be time-consuming and cancel out some of the benefits described above;
- equipment is expensive.

## Section 3: Tape – Recorded Interviews

### Tape-Recording Equipment

Even if you have not seen a Post Office interview being recorded, you will probably have seen “The Bill” on television, and have some idea of what the equipment looks like. In any event, during the Practical Skills Course classroom sessions, further training will be given on this subject, including practical exercises.

The standard equipment is supplied by “NEAL”. Here is some general information about the equipment we use:

- Two standard cassettes are used. Post Office tapes last 45 minutes, but most Police tapes are only 30 minutes duration.
- The machine records both tapes simultaneously.
- The machine has a counter which records in minutes.
- The machine has red and green lights which react to the sounds of the talking.
- The microphone is sensitive, and where it is placed is therefore a consideration.

In addition to the above, other equipment is required to complete the interviewing task, for example:

- Tape copier – this is a machine which copies tapes at high speed when extra copies are required. However, some Police Stations now use tape-recording machines with three tapes thereby automatically providing a spare copy.
- Playback machine – this is a machine whereby you can play back one of the two tapes when a summary or transcript is being prepared.

## Section 3: Tape – Recorded Interviews

### Preparation for an Interview

Before you commence any tape-recorded interview you have to make appropriate preparations. This preparation is described in what is known as the “PEACE” process:

- Planning and preparation
- Engage and explain
- Account
- Closure
- Evaluate

### Planning and Preparation

**Planning** is the mental process of getting ready to conduct the interview. Your planning must include the following:

- understanding the purpose of the interview;
- defining the objective of the interview;
- understanding and recognising the ‘points to prove’ of the offences being investigated;
- analysing what evidence is already available;
- assessing what evidence is needed, and where it can be obtained;
- understanding PACE and the Codes of Practice;
- designing a flexible approach to the interview.

## Section 3: Tape – Recorded Interviews

**Preparation** is dealing with the physical things necessary before an interview can start, for example:

- make sure that the interview room is properly prepared;
- have all the appropriate PACE forms available;
- allocate identification numbers to all the exhibits you plan to show the interviewee, and ensure they are correctly labelled;
- have sufficient tapes and tape seals.

We will return to the remaining parts of the PEACE process as we go through the interview procedures in the next section of this workbook.

## Section 3: Tape – Recorded Interviews

### Quick Reference Guide

You have already been issued with a laminated version of the “Quick Reference Guide” to Tape-Recorded Interviews.

The guide takes you through the whole tape-recorded interview process and is a **vital document** which you should have with you at all times when you are about to conduct an interview.

The guide is colloquially known as the “Idiot’s Guide” because it covers the procedures for most eventualities that can occur in an interview.

Please read through this guide very carefully now.

Having read the guide you will see that it deals with the following interview procedures:

- preliminaries and introductions;
- what to do if the interviewee objects to the interview being tape recorded;
- explanation of legal rights;
- what to do if a Solicitor is requested;
- offer of a Friend;
- questioning;
- visitors to the interview room;
- if interviewee has to leave the interview room;
- breaks for searches;
- when the tapes are full;
- how to end the interview when questioning is complete.



## Section 3: Tape – Recorded Interviews

To gain a fuller understanding of the procedure to be followed when conducting tape-recorded interviews read Code E of the PACE Codes of Practice again.

When you have done this, answer the following questions to test your understanding of the procedures involved in tape-recorded interviews:

Q9. List the matters you need to attend to for the physical preparation of a tape-recorded interview (remember this is dealing with the practical matters, not the mental process such as considering objectives or points to prove).

Q10. What preliminary procedures do you have to carry out involving the tape-recording equipment to actually start the interview?





SECURITY FOUNDATION PROGRAMME

## Section 3: Tape – Recorded Interviews

Q11. What procedures would you need to follow if an interviewee objects to the interview being tape recorded?

Q12. Detail the procedures you would adopt at the end of an interview, from the end of the questioning to the point when the tape machine is turned off.

Q13. What procedure do you follow when the buzzer sounds towards the end of the tape, but you have further questions to ask?

SECURITY FOUNDATION PROGRAMME

## Section 3: Tape – Recorded Interviews

Q14. What is the wording of the second caution which you may need towards the end of an interview?

Q15. What form do you hand to an interviewee at the end of the interview, and what is its purpose?

## SECURITY FOUNDATION PROGRAMME

## Section 3: Tape – Recorded Interviews



Check your answers with the following:

- Q9. List the matters you need to attend to for the physical preparation of a tape-recorded interview (remember this is dealing with the practical matters, not the mental process such as considering objectives or points to prove).

*Your answers may have included:*

- ensure the interview room is properly prepared, for example, put a “do not disturb” notice on the door, disconnect the telephone, etc.;
- have appropriate PACE forms available;
- give all exhibits identification numbers;
- label all exhibits;
- have sufficient tapes available;
- have sufficient tape seals available.

- Q10. What preliminary procedures do you have to carry out involving the tape-recording equipment to actually start the interview?

*Your answers may have included:*

- unseal two tapes in the presence of the interviewee;
- put the tapes in the machine;
- write the starting time on the master tape seal;
- press the start/record button and wait for the buzzer to stop.

## SECURITY FOUNDATION PROGRAMME

## Section 3: Tape – Recorded Interviews

- Q11. What procedures would you need to follow if an interviewee objects to the interview being tape recorded?

*You state:*

*“I will be free to make a note of the interview anyway, but the recording will provide a clear and undisputed account of what takes place.”*

*If the objections continue, state:*

*“My instructions require that your objections should be recorded on tape.”*

*After the interviewee has stated his objection or made no reply, state:*

*“I am going to stop the tape because... (reason for objection)... The time is...”*

*You should then stop the machine, seal the master tape with the tape seal and continue the interview in writing.*

- Q12. Detail the procedures you would adopt at the end of an interview, from the end of the questioning to the point when the tape machine is turned off.

*If appropriate, issue the second caution. If the second caution is not given, the interviewee should still be asked if he wishes to add or clarify anything that has been said.*

*After reply, hand the interviewee form CS019. State:*

*“Here is a leaflet that explains what will happen to the tapes. I am about to stop the machine. One of the tapes will be sealed. Will you please sign the seal before I stop the machine.”*

*After the tape seals have been signed, turn the machine off and seal the master tape in the presence of the interviewee.*

## SECURITY FOUNDATION PROGRAMME

## Section 3: Tape – Recorded Interviews

Q13. What procedure do you follow when the buzzer sounds towards the end of the tape, but you have further questions to ask.

*State:*

*“This tape is due to end, please sign this seal before I stop the machine, the time is...”*

*Sign the tape seal, stop the machine, remove and seal master tape. Unseal new tapes in the presence of the interviewee, and start in the usual way.*

*State:*

*“I am continuing this interview, the time is...”*

*Remind the interviewee he is still under caution and of the content of form CS001. Each person present to re-introduce themselves for voice identification.*

Q14. What is the wording of the second caution which you may need towards the end of an interview?

*The wording of the second caution is:*

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

Q15. What form do you hand to an interviewee at the end of the interview, and what is its purpose?

*Form CS019 should be handed to the interviewee. The purpose of this form is to explain to the interviewee what happens to the tapes.*

## SECURITY FOUNDATION PROGRAMME

## Section 4: Miscellaneous

This final section looks again at the PEACE process, and also considers the distribution of the tapes at the end of an interview.

#### “PEACE” Process

Earlier in the module we looked at the Planning and Preparation stage of the “PEACE” process. We now look at the remaining parts.

#### Engage and Explain

The “engage” stage is the initial introduction and subsequent explanation of what is to happen during the interview. They are very important areas, and all interviews have to start somewhere. The first impression given by the interviewer is critical – common courtesy is the key and is likely to result in a far more successful interview.

The “explain” stage is concerned with the information given to the interviewee in order that the purpose and direction of the interview can be fully understood. This would include the reasons for the interview, the routine it will follow and the basic outline of the interview.

#### Account

This is the stage where you deal with the interviewee’s recollection of the events, and is the time when questions are asked. There are different methods of questioning called the “Cognitive” approach and the “Management of Conversation”. These will be discussed in more detail in the Practical Skills Course, along with practical exercises.



## Section 4: Miscellaneous

### Closure

It is important to close an interview properly, and amongst the points to consider are:

- to summarise what has been said;
- to check your understanding of what has been said;
- to invite questions or feedback.

### Evaluation

The final part of the interview is the evaluation, where you refer back to your objectives from the planning stage and see if they have been met.

It is appreciated that the above explanation of questioning techniques seems very formal and complicated. No amount of theory can take the place of practical interviewing experience, and any concerns you have about this matter will be addressed in great detail during the exercises on the Practical Skills Course.

Every Security Manager has to conduct their first interview sometime, and it will be a less daunting prospect after your practise sessions!

### Distribution of Tapes

The security of the two tapes is of prime importance, and this is fully covered in both the PACE Codes of Practice Code E, and the Quick Reference Guide to Tape-Recorded Interviews.

In simple terms, one tape is sealed and becomes the Master Tape. The seal has to be signed by all parties before the interview has concluded. The Master Tape is retained as an exhibit for any prosecution.

The second copy becomes the working tape and is used for preparing tape summaries or transcripts. It can also be copied if additional copies are required.

## Notes

## Summary

This module focused on how to caution and interview suspects in accordance with PACE.

In Section 1 we looked at the caution, which you as a Security Manager will need to give in the course of your duties. We looked at the exact wording required when issuing the caution, when the caution is appropriate and acceptable variations to the official wording of the caution. The section finished by looking at the second caution issued at the end of an interview.

Section 2 focused on the interview stage of the investigation. We looked at the definition of an interview and the rules which need to be followed at all times.

Section 3 explored how tape-recorded interviews need to be administered. We looked briefly at the advantages and disadvantages of tape recording.

Finally, Section 4 explored some of the general matters you will get involved in when conducting interviews. We looked at conducting a structured interview, and the distribution of tapes following a tape-recorded interview.

There is no specific follow-up reading recommended with this module. However, the importance of understanding the PACE Codes of Practice C and E and the Quick Reference Guide for Tape-Recorded Interviews cannot be over stated.

There are a lot of procedures and legal matters referred to in these documents, and it is recommended that you plan time to read them again to consolidate your understanding of this vital subject area.



READING

## Progress Check



To check your understanding of the complete module, please answer the following questions and case studies:

Q1. State the exact wording of the caution.

Q2. When is it appropriate to issue the caution?

Q3. When does an interview not have to be tape recorded?

Q4. What happens to the master tape and the working tape at the end of the interview? What are each subsequently used for?

## SECURITY FOUNDATION PROGRAMME

### Progress Check

Q5: Quote the wording which is used as an introduction at the very beginning of a tape-recorded interview.

Read the Case Studies and then answer the questions that follow:

#### Case Study 1

*You are conducting a voluntary tape-recorded interview with a suspect offender. During the interview the suspect asks to leave the interview room to go to the toilet. You are satisfied the request is genuine, and there is no suggestion that the suspect has any stolen property on his person. You agree to the request but need to continue the interview when he returns.*

- a) What do you have to do with the tapes?

## SECURITY FOUNDATION PROGRAMME

### Progress Check

#### Case Study 2

*You are conducting a voluntary tape-recorded interview with a suspect offender. When you explain his legal rights the suspect says that he wishes to consult a Solicitor, but he does not know one, and cannot afford one.*

- a) What course of action do you take?

#### Case Study 3

*You are conducting a voluntary tape-recorded interview with a suspect offender. You have now completed the questioning and the suspect has made various admissions.*

- a) State all the procedures you have to adopt from then to the conclusion of the interview, quoting the words you would use.



## SECURITY FOUNDATION PROGRAMME

## Progress Check

## Case Study 4

*During an interview with a suspect offender a Friend was initially not required. However, during the questioning, the suspect changes his mind and asks for a Friend to be present. You ask the Support Officer to go and contact the Friend.*

- a) What happens to the tapes whilst he is doing so?

## Case Study 5

*During an interview with a suspect offender he states he is not going to answer any questions at all, and says there is no point continuing because he will make no comment.*

- a) What do you do?

## SECURITY FOUNDATION PROGRAMME

## Progress Check



Check your answers with the following:

- Q1. State the exact wording of the caution.

*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?*

- Q2. When is it appropriate to issue the caution?

*There are four criteria for issuing a caution, these are:*

- *you must have reasonable grounds to suspect that a criminal offence has been committed;*
- *you must have reasonable grounds to suspect the person concerned of committing that offence;*
- *you must be intending to put questions to that person regarding his involvement in that offence;*
- *the possibility must exist that any replies given by the person (or the fact that they remained silent) may be given to a Court in a prosecution.*

## SECURITY FOUNDATION PROGRAMME

## Progress Check

Q3: When does an interview not have to be tape recorded?

*Interviews do not have to be tape recorded when:*

- the interviewee objects to it being tape recorded;
- the equipment breaks down during the interview and can not be repaired, or other equipment cannot be located, in a short period of time;
- it is clear from the outset that no prosecution will ensue;

*Note: There are also exceptions regarding interviews with terrorists, which do not apply to Post Office Security Managers.*

*Authority should be obtained from your Line Manager before conducting any interview in writing.*

Q4: What happens to the master tape and the working tape at the end of the interview? What are each subsequently used for?

*Master Tape: Sealed in the presence of the interviewee and retained as an exhibit for use in any prosecution.*

*Working Tape: Used for preparing tape summary or transcript and any copies that might be required.*

## SECURITY FOUNDATION PROGRAMME

## Progress Check

Q5: Quote the wording which is used as an introduction at the very beginning of a tape-recorded interview.

*"This interview is being tape recorded. My name is... my colleague is...we are Officers of the...employed to investigate possible criminal offences. Also present is... (name of interviewee and any other person present). The date is... the time is...This interview is being conducted in the... office at... I want to ask you some questions about... At the end of the interview I will give you a notice explaining what will happen to the tapes. Have you any objection to the interview being tape recorded?"*

Read the Case Studies and then answer the questions that follow:

## Case Study 1

a) What do you have to do with the tapes?

*Having agreed to the request, you must seal the master tape before the interviewee leaves the room. You would therefore state, "We are taking a break in the interview because.. (name of interviewee)... wishes to use the toilet. Please sign this seal before I stop the machine. The time is..."*

*After the master tape seal has been signed you would stop the machine, remove the tapes, seal the master tape with the tape seal and label the working tape. Everyone else signs the tape seal as well.*

*The interviewee would then be allowed to leave the room with appropriate safety considerations taken into account (for example, being accompanied to the toilet).*

*On his return you would resume the interview using two new tapes and following the procedures adopted at the start of the interview. In addition to the usual introductions you would re-caution the interviewee, remind him of the contents of form CS001 and ask him to sign it accordingly. You would also ask each person to re-introduce themselves for the purpose of voice identification.*

## SECURITY FOUNDATION PROGRAMME

## Progress Check

## Case Study 2

- a) What course of action do you take?

*This is a difficult situation to deal with during a voluntary interview. If the suspect/offender was under arrest, the interview would be conducted at a designated Police Station, and the Custody Officer would automatically offer them the services of a Duty Solicitor.*

*However, if this situation arises during a voluntary interview in your own office, you are duty bound to try and comply with the interviewee's request.*

*You should firstly state "I am going to stop the tape while you arrange for your Solicitor to attend. The time is now...". You should then stop the recorder – but not remove the tapes. When the Solicitor arrives, the machine should be re-started.*

*There are several options open to you if the interviewee does not have a Solicitor:*

- *You could invite the interviewee to look at a copy of the local Yellow Pages and a Solicitor may be telephoned. That Solicitor may be able to attend the interview and provide his services pending a Legal Aid application.*
- *You could suggest the interviewee consults his Union Representative to see if they are able to provide a Solicitor.*
- *You could telephone the nearest designated Police Station ask the Custody Officer for the name of the Duty Solicitor and speak to him.*
- *You could consider continuing the interview at the Police Station (on a voluntary basis rather than as a result of arresting the suspect) where the services of the Duty Solicitor would be provided free of charge.*

*This is a difficult area and further discussion will take place during the Practical Skills Course. Do remember, however, that if you are ever placed in a position such as this and need advice, contact your Line Manager or the SIS Helpdesk/out-of-hours emergency number.*

## SECURITY FOUNDATION PROGRAMME

## Progress Check

## Case Study 3

- a) State all the procedures you have to adopt from then to the conclusion of the interview, quoting the words you would use.

*You would start by issuing the second caution:*

*"I have to inform you that you may have rendered yourself liable to prosecution. You do not have to say anything but it may harm your defence if you do not mention now something which you later rely on in court. Anything you do say may be given in evidence. Do you wish to clarify anything you have said or add anything else before the end of the interview."*

*Then hand the interviewee form CS019 and state:*

*"Here is a leaflet that explains what will happen to the tapes. I am about to stop the machine. One of the tapes will be sealed. Will you please sign the seal before I stop the machine."*

*After the seal has been signed by all parties present you stop the machine, seal the master tape and label the working copy of the tape.*

## Case Study 4

- a) What happens to the tapes whilst he is doing so.

*The tapes do not need to be changed provided the interviewee remains in the interview room until the Friend arrives. You would normally turn the tapes off and restart them when the Support Officer returns with the Friend. If the break was expected to be very short, however, there would be no problem with leaving the tapes running.*

*If you do turn the tapes off, it is advisable to ask the interviewee to confirm, when the interview resumes on tape, that no questions have been asked during the break.*



## SECURITY FOUNDATION PROGRAMME

# Progress Check

### Case Study 5

- a) What do you do?

*You continue to ask all the questions you had originally intended to. Obviously there would be fewer "follow-up" questions, which flow naturally when an interviewee is answering questions.*

*Even if a Solicitor says at the start of an interview that they have advised their client to make no comment, you still continue to ask the questions.*

*The reason for this is that if a prosecution results, you must be able to demonstrate that the interviewee was given the opportunity to answer questions on the whole area of the offences involved.*