

<b>INTERVIEWS UNDER PACE (England &amp; Wales only)</b>	
<b>1.</b>	<p><b>PURPOSE</b></p> <p>The aim of this policy is to give guidance to investigators when conducting interviews.</p>
<b>2.</b>	<p><b>LINK TO ACCOUNTABILITIES</b></p> <p>Security Managers</p>
<b>3.</b>	<p><b>POLICY</b></p>
<b>3.1</b>	<p><b>PREPARATION</b></p> <ul style="list-style-type: none"> <li>Where legal proceedings are to follow an interview, a summary of the interview should be prepared by the interviewing officer. The preparation of the summary may be carried out by other staff however the interviewing officer shall be responsible for the accuracy of the written record which he/she should certify. In certain complicated cases, and at the specific request of Legal Services, it may be necessary to provide a full transcript of the interview.</li> <li>The main purpose of the record of interview is to provide a balanced, accurate and reliable summary of what has been said which contains sufficient information to enable Legal Services to decide whether a criminal prosecution should proceed, to draft appropriate charges, identify lines of defence and advise on mode of trial. In addition, the record of the interview will be used:- <ul style="list-style-type: none"> <li>as an exhibit in the officer's witness statement pursuant to section 9 of the Criminal Justice Act 1967 or section 102 of the Magistrates' Courts' Act 1980;</li> <li>to enable the prosecutor to comply with the rules of advance disclosure;</li> <li>for the conduct of the case by the prosecution, the defence and the court where the record of interview has been accepted by the defence.</li> </ul> </li> </ul>
<b>3.2</b>	<p><b>BEFORE THE INTERVIEW</b></p> <ul style="list-style-type: none"> <li>In all cases, it is essential that before starting an interview, interviewing officers remind themselves of the main elements of the offence(s) they believe to have been committed. This will enable officers to be clear, when framing questions and directing the course of the interview, about which points it is necessary to be able to prove. A checklist may assist which should be retained as unused material.</li> </ul>
<b>3.3</b>	<p><b>THE INTERVIEW</b></p> <p>In order to ensure that the interview flows smoothly and yet that particular parts of it may easily be recorded verbatim afterwards, either the interviewing officer or, if present, a colleague should note during the interview the counter times at which anything was said which might later need to be retrieved for verbatim recording or in order to check the accuracy of a third person report. Information which is likely to need to be retrieved for either of these purposes is as follows:-</p> <ul style="list-style-type: none"> <li>any admissions and the questions and answers leading up to them. (Verbatim in all cases)</li> <li>statements or questions about intent, dishonesty, or possible defences. Matters such as knowledge of key facts or assertion that others were involved should also be noted. (Main salient points.)</li> <li>factors which might make the offence be considered more serious, e.g. targeting of birthday card type postal packets or a particular addressee, abuse of position of</li> </ul>

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	<p>responsibility. (Aggravating factors.)</p> <ul style="list-style-type: none"> <li>• matters which might tell in favour of the suspect, e.g. illness, unemployment, regret. (Mitigating circumstances should be fully dealt with.)</li> <li>• failures to answer questions, whether adequately or at all, which deal with a material part of the allegation. (Verbatim in complex cases).</li> </ul> <p>NB. It will assist if item references are quoted and recorded if suspects are shown exhibits during the course of the interview.</p>
<b>3.4</b>	<p><b>AFTER THE INTERVIEW</b></p> <ul style="list-style-type: none"> <li>• The tape summary must include verbatim all admissions relating to the offence or offences under investigation and the questions and answers leading up to them. These will include ambiguous admissions (e.g. one of the main elements of the offence may be missing - "I borrowed the money but would have put it back") and qualified admissions (e.g. raising a potential defence - "I delayed the door to door items as the supervisor said the deadline for delivery was not important")</li> <li>• When any admission is made to an offence which is not the immediate subject of investigation but which might be taken into consideration, the tape counter time(s) should be noted and a brief description given in the record of interview. The tape should contain sufficient information to enable Legal Services to formulate charges which adequately reflect the gravity of the offender's conduct and how the case might best be presented in court.</li> <li>• Main salient points must be recorded verbatim. These will include statements or questions about intent, dishonesty or possible defence, as well as matters such as knowledge of key facts, any description of duties/procedures or assertion that others were involved. In the case of youth offenders, it is of course necessary to prove that they had the requisite mental intent, ie where there is an offence of theft, that they had dishonest intent. A court will have regard to the age and understanding of the youth. <ul style="list-style-type: none"> <li>a) The officer will also include specifically any questions or answers relating to the following sections of the interview (if applicable): a failure by the suspect to account for any object, substance or mark which was found at the time of his arrest <ul style="list-style-type: none"> <li>• in or on his person, clothing or footwear; or</li> <li>• in the place where he was arrested; or</li> <li>• otherwise in his possession.</li> </ul> </li> <li>b) a failure by the suspect to account for his presence at the same place, at or about the same time that the alleged offence occurred;</li> <li>c) any other failure by the suspect to answer questions, whether adequately or at all, which deal with a material part of the allegation.</li> </ul> </li> <li>• The issue of whether a prosecution will follow should not normally be discussed in the context of an interview but, if it is, it must be recorded verbatim. The remaining matters mentioned in 3.3 above (i.e. aggravating factors and/or mitigating circumstances) may be summarised in the third person, with relevant tape counter times recorded in the margin of the written record.</li> <li>• In deciding whether or not to record parts of the interview verbatim, officers should bear in mind the duty of Legal Services to make an independent decision as to whether prosecution is justified. There</li> </ul>

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<b>3.5</b>	<p>will be some cases which are so complicated that a record of interview will not be the best method of supplying the information to Legal Services or eventually the court. In such cases a transcript of the interview under caution will be required.</p> <p><b>STRAIGHTFORWARD CASES</b></p> <ul style="list-style-type: none"> <li>The record will include the time, date and place of interview, a note of its duration, the full name of the offender and the names and rank (where appropriate) of all persons present. The summary of interview or transcript must include a verbatim record of the preamble up to the point where the 'friend' is offered. It will also include the fact that the suspect was reminded of his legal rights upon recommencement of interview after a break. The explanation of the legal rights on tape must be set out in full on a summary of the interview. It is no longer sufficient just to say "Rights explained CS001 completed". Where any significant statement or silence occurs before the start of the tape-recorded interview and is put to the suspect during the tape recorded interview (paragraph 4.3B of Code E), this and the reply should be recorded verbatim. Courts, in certain circumstances, may now take account of the defendant's failure or refusal to answer a question or to answer it satisfactorily. It is important that prosecutors are provided with any relevant information which may have a bearing on how such evidence may be used. Whenever direct speech is referred to in the record the identity of the speaker and the tape counter time should be indicated in the margin. Where reported speech is used, the counter time of salient points, aggravating factors, or mitigating circumstances, should be noted in the margin. The record of interview should also contain a note of any reminders given by the investigation officer to the suspect concerning his entitlement to legal advice and that the interview can be delayed for him to obtain legal advice.</li> <li>If a suspect's rights for some reason (and it needs to be a good reason) are explained off tape; then the reasons for going off tape and details of the full conversation must be recorded in the investigator's notebook, given to the suspect to sign and reference made to this on tape.</li> <li>The tape recording of an interview does not preclude a suspect from electing to make a written statement under caution. Such a statement should be taken whilst the tape is running. When this occurs, the record may be shorter if, in the officer's opinion, the written statement under caution accurately summarises what the suspect said during the interview.</li> <li>When it is necessary for an investigator to submit a statement of evidence, reference will be made to the fact that following a taped interview a Record of Taped Interview was prepared and this will be an exhibit produced by the officer preparing the record of taped interview (it should be noted that in cases where a record of the interview is prepared by a third party e.g. a typist in the PSO, the record remains the evidence of the officer in the case and should be treated no differently as to if he/she had prepared it themselves). In cases where two officers are involved in an interview the record will be prepared by one officer and one officer only will refer to it in his statement. The support officer will merely state that he/she was present at the interview and will make the normal reference to the tape exhibit. Record of Taped Interviews will be entered on a form CS 015.</li> </ul> <p>Controlling Groups should ensure that checks are made of records of taped interviews and corresponding tapes show consistency.</p>					
	<b>4.</b>	<b>Links to other reference material (policies, processes and procedures, etc.)</b>				
		<b>Title</b>	<b>Author</b>	<b>Located</b>	<b>Version</b>	<b>Type</b>
	<b>4.1</b>	Criminal Justice		HMSO	1967	Act
	<b>4.2</b>	Magistrates Courts - Section 102			1980	Act
	<b>4.3</b>	PACE (Code E) - para 4.3B		HMSO	1984	Act
	<b>5.</b>	<b>Document details</b>				
	<b>5.1</b>	<p>Author : <b>Programme Manager, Law &amp; Legislation</b></p>				

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