

Royal Mail Group

Royal Mail Internal Information
Investigation Team

Appendix 2 to 5.4 Managing the Witness and Structure and Contents of a Witness Statement

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Contents

Key Accountabilities	3
1. Managing The Witness	4
2. Structure and Contents of a Witness Statement	5
Change Control	7
Glossary	8

Key Accountabilities

Who is accountable?	What do I have to do?	When do I have to do this?	How do I do this?
All members of Royal Mail Security	Ensure you comply with these procedures	Ongoing	As detailed within these procedures

Managing the Witness and Structure and Content of Witness Statements

1. Introduction

- 1.1** When taking a statement Investigators may find that not everybody will want to be completely open and frank with them. Their reasons may be many, but the ability to understand and empathise may assist in breaking down the 'barriers'. Examples of such barriers are;
- | | |
|---|--|
| 1.1.1 A natural dislike for authority. | 1.1.2 Fear of going to court. |
| 1.1.3 Fear of intimidation. | 1.1.4 Negative previous experience. |
| 1.1.5 Sympathy for the suspect. | 1.1.6 Language difficulties. |
| 1.1.7 A 'too trivial' crime. | 1.1.8 Hearing or speech impairment. |
| 1.1.9 Too busy to allow interview. | 1.1.10 Sign language user |
- 1.2** Handling a witness well and breaking down any barriers draws on all of the Investigators' skill as a good communicator. Witnesses are likely to be more co-operative if the relationship is friendly and relaxed. An essential task is to make the witness feel at ease, as people who are relaxed speak more freely and it will help them calm down if they are anxious or traumatised.
- 1.3** Investigators must be open-minded and information obtained from the witness should always be tested against what the Investigator already knows or what can reasonably be established. Witnesses may be economical with the truth or even dishonest. Where there is good reason for suspicion, it is right to be persistent on these grounds alone. Equally, Investigators may be persistent because they feel there is more information that could be provided. Careful and continued questioning may ensure all the relevant information is provided.
- 1.4** **Vulnerable & Intimidated** witnesses must be treated with particular consideration at all times. For full details on the treatment of vulnerable and intimidated witnesses see Appendix 1 "Witness Care and Expenses" to Procedures & Standards 9.4 Magistrates and Crown Court Procedures.
- 1.5** There is a set of techniques for obtaining a good statement via an interview as detailed below;
- 1.5.1** Arrangements to interview a witness should be made at a mutually convenient time for all parties, ensuring that there will be sufficient time for the statement to be completed.
- 1.5.2** Any special needs of the witness must be established and catered for.
- 1.5.3** Investigators must plan and prepare for the interview by ensuring they have, if possible, a private location with no distractions and conducive to providing best evidence.
- 1.5.4** Investigators should have a good knowledge of the facts of the case, understand the points to prove and be in possession of all the relevant exhibits and documents.
- 1.5.5** When first meeting the witness it is important for the Investigator to introduce themselves and let the witness know how the Investigator wants to be addressed. Having done this, Investigators should find out how the witness would like to be addressed themselves.
- 1.5.6** Investigators should let the witness know that they are genuinely interested in their comments, views and statements. Maintaining eye contact, using non-verbal signs of encouragement, effective listening and summarising, all help to demonstrate the Investigator's interest.
- 1.5.7** In order to obtain good evidence from eyewitnesses, Investigators should use Cognitive Interview techniques, encouraging free recall of events and using active listening skills.
- 1.5.8** Investigators should check understanding by summarising at appropriate intervals. They should then decide what is relevant for the statement. Any notes made are 'relevant' for disclosure purposes in England, Wales and Northern Ireland and may be relevant in Scotland and must therefore be retained.
- 1.5.9** The witness will want to know about possible future events. Investigators should tell them, using as appropriate the GS041 Giving a Witness Statement What Happens Next? form.
- 1.5.10** When obtaining evidence from witnesses properly structured open questions should be used, avoiding closed or leading questions, except to confirm what the Investigator has already been told. The Investigator should also avoid the following;
- | | |
|-------------------------------|---|
| a Using their opinions | b. Speculating why the offence was committed |
| c. Value judgments | d. Jargon |

- e. Double negatives
- g. Multiple questions
- e. Restricted choice questions
- f. Topic hopping.

2. Structure and Content of a Witness Statement

2.1 There is a five-part model to remember when an Investigator is structuring his or her own or an eyewitness' statement. This model can be remembered by the mnemonic **"INSIDE"**.

2.2 **Part 1 - Introduction**

Open with time, day, date, location of the witness at the time of the incident and if applicable the responsibilities of the witness.

2.3 **Part 2 - Set the scene**

Setting the Scene may include the following information.

2.3.1 **Background information.** This should include such things as what the witness was doing, as well as physical and descriptive features of the scene.

2.3.2 **Arrival of the suspect, including an "Identifying description".** People referred to in the statement should be named if the witness knows their names. Otherwise they must be described in a way that identifies them clearly, e.g. 'the overweight woman in the blue jacket'. Experience has shown that physical identifications enable the reader to follow movements of people and suspects more clearly. Full descriptions of suspects should not be given until Part 4 of the statement as it interferes with the telling of the story.

2.3.3 **Where the suspect came from?** In order to assist the reader it is advisable to use fixed locations rather than points on a compass to denote directions or locations. For example. "The postman came in my direction, down the hill from Anytown Railway Station.

2.3.4 **In what manner?** Was the suspect running or looking around?

2.3.5 **Was anyone with them?**

2.3.6 **Did they have anything with them?**

2.3.7 **What route did they take?**

2.3.8 **What did they do en route?**

2.4 **Part 3 - The Incident**

A full description of the incident itself may include the following;

2.4.1 **What did the suspect actually do?** Include as much detail as relevant to the enquiry.

2.4.2 **What did the suspect say?** Anything said by the accused must be recorded in direct speech if possible, exactly as they said it. Record anything the witness said to the accused in the same way (or what the Investigator said to him if it is the Investigator's statement).

2.4.3 **What did they use?**

2.4.4 **What was the result of what they did?**

2.4.5 **Were they assisted by others?**

2.4.6 **In what manner?**

2.4.7 **How did the suspect leave the scene?**

2.4.8 **Did the suspect leave anything behind?**

2.4.9 **What did the witness do?** If appropriate produce items of evidence

2.5 **Part 4 - Descriptive or Identification Issues**

Following a narrative of the incident full descriptions should be recorded. When identity and descriptions are issues in the case the following models should be used;

2.5.1 The mnemonic ADVOKATE should be used to describe "eyewitness" events, (the mnemonic ADVOKATE comes from a stated case of R v Turnbull and others 1976).

2.5.2 The ten-point description should be used to describe people.

2.5.3 The six-point description should be used to describe a vehicle.

2.6 **ADVOKATE**

Amount of time under observation?

Distance between the eyewitness and the event?

Visibility: including time of day, street lighting etc?

Obstructions: was there anything obstructing the view?

Known or seen before: did the witness know, or had they seen the suspect before and if so when?

Any reason to remember: was there something specific that made the person memorable? This might be a distinguishing feature or peculiarity of the person, or the very nature of the incident itself that made the person memorable. This can relate to a previous or the present sighting.

Time lapse: between the first and any subsequent identification?

Errors or material discrepancies should be explained?

2.7 Ten Point Person Description

1. Colour?
2. Sex?
3. Age?
4. Height? - Use 'between' heights or 'about 1.75 meters or about 5 feet 8 inches, rather than a precise height. It is useful to relate height to a fixed object, e.g. the person was 'shorter than me' or 'taller than the fence'. You can then find the height of the witness or the fence. All measurements in Investigator's statements should be in metric units. Height is an exception to this and should be more in the terms of the unit that is most familiar to the author of the statement.
5. Build?
6. Hairstyle and colour?
7. Complexion?
8. Distinguishing features, e.g. tattoos, scars, beard etc. and include if they wore spectacles?
9. Clothing (always work from head to foot)?
10. Carrying anything?

2.8 Six Point Vehicle Description

1. Colour?
2. Make, e.g. Ford?
3. Model and whether a saloon, hatchback, estate etc.?
4. Type, e.g. motorcar, car derived van, motorcycle, minibus etc.?
5. Registration number or part registration?
- 6 Features of vehicle, e.g. different colour door, damage, spoilers, roof rack etc.?

2.9 **Part 5 - Ending – Signatures and administration Descriptive or Identification Issues**

The statement should be signed as appropriate then ensure that all other relevant details on the front, reverse and all continuation sheets are completed. Also ensure the witness has been given a GS041 Giving a Witness Statement What Happens Next? form.

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Glossary

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Document Summary

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