



**Royal Mail Internal Information
Criminal Investigation Team**

7.4 Interviewing Suspects

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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

Interviewing Suspects

1. Introduction

- 1.1 A suspect interview is the questioning of a person regarding their involvement or suspected involvement in a criminal offence with the aim to obtain facts and evidence in a search for the truth. The model used to obtain this evidence in a fair and proper manner is the PEACE model which has been acknowledged as the best practice model. PEACE stands for;
- Planning & Preparation
 - Engage & Explain
 - Account
 - Closure
 - Evaluation
- 1.2 **Planning & Preparation.** Planning is the mental process and preparation is the physical aspect of getting ready for the interview.
- 1.3 **Engage & Explain.** Engage is the human element of building a rapport with the interviewee and explain deals with the formalities, e.g. legal requirements, interview processes etc.
- 1.4 **Account.** Is the core of the interview where the suspect has the opportunity to provide an account/explanation about the matter under investigation. The interviewer will want to clarify and summarise the account and challenge any inconsistencies.
- 1.5 **Closure.** This is the formal interview closure element where the interviewer will explain what happens next and answer any questions the suspect may have.
- 1.6 **Evaluation.** This has three elements, the first is a review of the information obtained during the interview and how it fits in with other accounts, secondly a review of the evidence accumulated over the whole of the investigation, and finally it is where the interviewer reflects on their own personal performance to identify improvement opportunities.

2. Interviewing General

- 2.1 **Under Section 67(9) PACE 1984 "Persons other than police officers who are charged with the duty of investigating offences or charging offenders shall in the discharge of that duty have regard to any relevant provision of such a code".** Therefore all suspect interviews in England and Wales must be conducted in accordance with PACE 1984 Codes of Practice (CoP), Codes C & E. In Northern Ireland interviews should be conducted in accordance with PACE (NI) Order 1989 CoP, which practically mirrors the provisions in England & Wales. PACE does not apply in Scotland nevertheless the provisions of PACE should be seen as best practice guidelines.
- 2.2 **Quick Reference Guides (QRG).** QRG have been produced as aide memoirs that Investigators may wish to use during suspect interviews. The QRG cover both interviews on tape and notes of interview and can be found as Appendices to these P&S as follows;
- Appendix 1 - Interviewing Suspects on Tape QRG England & Wales.

- Appendix 2 - Interviewing Suspects on Tape QRG Scotland.
- Appendix 3 - Interviewing Suspects on Tape QRG Northern Ireland.
- Appendix 4 - Interviewing Suspects using Notes QRG England & Wales.
- Appendix 5 - Interviewing Suspects using Notes QRG Scotland.
- Appendix 6 - Interviewing Suspects using Notes QRG Northern Ireland.

- 2.3 Two trained Investigators shall be present at suspect interviews.** If any additional Investigator/trainee is present and the interviewee agrees to them remaining they should be inconspicuous and not take any part in the questioning. They will be required to identify themselves on tape and explain their role at the interview.
- 2.4 Support Investigators (Second Officer).** The reason for the presence of a support Investigator (second officer), apart from health & safety reasons, is to assist in the effective conduct of the investigation. The support Investigator would be expected to intervene if there is a breach of PACE or the rules. They will be part of the interview process taking notes as appropriate. Additionally they may ask questions, deal with forms and exhibits and may be required to attend court to verify the interview proceedings. Support Investigators can make use of the Support Investigator Aide Memoir, form GS014, during suspect interviews.
- 2.5 Legal Advice.** At all interviews with suspects under caution the suspect has the right to legal representation and advice. The suspect is entitled to consult and communicate privately with a solicitor, whether in person, in writing or by telephone **and suspects must be informed of this right.**
- 2.6 Facilitating Legal Advice.** The suspect must be informed or reminded of their right to legal advice at the outset or recommencement of the interview following a break. In addition they must be informed that;
- 2.6.1** The Investigator can provide assistance in contacting a solicitor if the suspect wishes.
 - 2.6.2** The interview can be delayed while legal advice is obtained.
- Accordingly Investigators can obtain lists of solicitors by visiting the following internet sites;
- 2.6.3** England and Wales - <http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>
 - 2.6.4** Northern Ireland - <http://www.nilsc.org.uk/solicitors.asp?on=solicitors>
 - 2.6.5** Scotland - <http://www.lawscot.org.uk/find/>
- Or alternatively in Scotland legal advice can be sought from the Public Defence Solicitors Office on GRO or through the Duty Solicitor Scheme by contacting a police station.
- 2.7 Interview rooms.** As far as practical suspect interviews should be conducted in rooms which are adequately heated, lit and ventilated and the suspect shall not be required to stand. The room should additionally afford privacy for the suspect and if they are not under arrest the door must remain unlocked.

- 2.8 Tape recorded interviews.** It is 'Business' policy that interviews with suspect offenders are tape recorded, (or recorded using another recognised recording media such as CD or DVD at police stations). There will be times when tape recording is not possible and where hand-written Notes of Interview are an acceptable alternative. The occasions are set out in paragraph 2.9 below.
- 2.9 Written Notes of Interview.** Hand-written Notes of Interview are acceptable in the following circumstances;
- 2.9.1** Malfunction of the tape machine where no alternative is available and the interview cannot reasonably be delayed.
- 2.9.2** Interviews conducted where the interviewee objects to the tape recording.
- See paragraphs 4.21 and 4.22 below. Authority must be sought to use Notes of Interview.
- 2.10 Smoking** in interview rooms is not allowed. Should an interviewee ask to smoke, consideration should be given to suspending the interview and directing the suspect to an area where smoking is permitted.
- 2.11 Refreshments and breaks.** Consideration should be afforded to the suspect in the provision of food at habitual meal times or at other times that take account of when an interviewee last had a meal. Regular drinks should be provided and short refreshment breaks of at least 15 minutes should be taken at two-hourly intervals.
- 2.12 Sleep.** Interviews with suspects should not be conducted when they would normally be sleeping unless the suspect, and if applicable, their legal representation and appropriate adult agree.
- 2.13 Special Warnings under the Criminal Justice and Public Order Act 1994, Sections 36 and 37.** RM Security Investigators are not able to issue "Special Warnings" as the power is only conferred on constables. However, Investigators should be aware of them in case they believe in arrest cases a Special Warning from a constable is appropriate. An adverse inference may be drawn by a Jury if, after due warning from a constable, the suspect fails or refuses to account for any objects, marks or substances, or marks on such objects found;
- 2.13.1** On their person;
- 2.13.2** In or on their clothing or footwear;
- 2.13.3** Otherwise in the possession or,
- 2.13.4** In the place they were arrested.
- Or the arrested suspect was found at a place at or about the time the offence is alleged to have been committed, and the suspect fails or refuses to account for their presence there.

3. Planning and Preparation

- 3.1 Pre Interview Disclosure.** If a legal advisor attends a suspect interview they will request disclosure of available evidence prior to the interview commencing. The Investigator should decide at the planning stage how much to disclose and when. Further information on pre interview disclosure can be found in Appendix 7 to these P&S.
- 3.2 Bad Character Evidence.** The Criminal Justice Act 2003 introduced new procedures in respect of the admissibility of Bad Character evidence. If the defendant's Bad Character is relevant to the case

then the courts and juries can be made aware of such character. Such evidence can be used in the interview to challenge a defence which is not plausible. Prior to introducing evidence of this nature into a suspect interview advice should be sought from the Criminal Law Team (CLT). Further information on Bad Character Evidence can be found in P&S 5.3 Rules and Continuity of Evidence.

4. Engage and Explain

- 4.1 Nature of the Enquiry.** At the outset of the interview the Investigator must inform the suspect of the nature of the enquiry and explain in detail the reasons why they wish to interview them. **This includes detailing the specific offence in simple terms and explaining why the Investigator wishes to speak to that particular suspect.**
- 4.2 Recording equipment.** In England and Wales Investigators should tell the suspect about the recording process and point out the illuminated lights on the recording machine which show that the recording equipment is activated and recording.
- 4.3 Caution.** If there are reasonable grounds to suspect a person of a criminal offence they must be cautioned before any questions or further questions are put to them about that offence or their suspected involvement in it.
- 4.4 Explaining the caution.** The caution must be administered clearly. The wording of the caution is different in England and Wales, Northern Ireland and Scotland. The exact wording is contained in PACE (if applicable) and replicated in the relevant QRG detailed in paragraph 2.2 above. After being cautioned a suspect must be asked if they understand it. If the Investigator has any doubt whether the suspect understands the caution or not then it should be explained to them. A suggested explanation is given on the QRG. If the suspect still appears unsure of the meaning of the caution Investigators must consider recommending Legal Advice.
- 4.5 Breaks.** After any break in the interview, the suspect must be reminded that they remain under caution. If there is any doubt the caution should be given in full when the interview resumes.
- 4.6 Arrest Status.** Each time a suspect who is **not** under arrest is cautioned or reminded that they are under caution they must also be **informed or reminded that they are not under arrest and are free to leave.** A record of this must be made either on tape or in the notes of interview.

- 4.7 Legal Rights.** Prior to commencing or recommencing an interview under caution a suspect must have their legal rights explained to them. If the suspect is not under arrest this is done by completing the Legal Rights form, (GS001, GS001(S) or GS001(NI) as appropriate). It is at the discretion of the Investigator whether the form is initially completed at the outset of a taped interview with the tape machine running or, to encourage a free flowing conversational management style interview, completed prior to turning the tape machine on. If this second option is chosen **Investigators must ensure that all the legal rights are reiterated in full on tape.** Should the suspect be under arrest they will be offered their legal rights by the Police custody staff. Again the appropriate legal rights should be reiterated at the commencement or recommencement of the interview.
- 4.8 Declining Legal Advice.** Should the suspect waive their right to legal advice in England, Wales and Northern Ireland the Investigator should ask them if there is any reason why they don't want legal advice and a record made of any reason given. Once it is clear that a suspect does not want to speak with a solicitor in person or on the telephone they should cease to be asked their reasons. A suspect is not obliged to give reasons for declining legal advice and should not be pressed to do so.
- 4.9 Declines Legal Advice because they cannot afford it.** If a suspect indicates that they do not want legal advice because they cannot afford to pay for it then they should be reminded that that a solicitor will give them advice regarding legal aid. If they still decline legal advice in England, Wales and Northern Ireland the suspect should be informed that publicly funded legal advice is available under the Defence Solicitor Scheme, if the interview is conducted at a Police Station, with the suspect attending voluntarily, not being under arrest. In Scotland they should be informed that publically funded legal advice may be available through the Public Defence Solicitor's Office (PDSO) on **GRO** **GRO** or if the PDSO does not operate in that particular area then arrangements can be made with the local police to see if the Duty Solicitor can be contacted.
- 4.10 Continuing Right.** The suspect should be informed that if they do not exercise their right to legal advice at the outset of the interview they can change their mind at any stage during it. This point must be reiterated if the suspect indicates that they do not think they need legal advice. If during the course of the interview, the suspect indicates in any way that they may need help, or they want or need legal advice, or are considering using a solicitor, or specifically asks for a solicitor then no further questions must be asked until the matter of the suspect receiving legal advice has been addressed. **No Investigator should at any time, do or say anything with the intention of dissuading the suspect from obtaining legal advice.**
- 4.11** If the solicitor that the suspect has nominated or selected from a list;
- 4.11.1** Cannot be contacted;
 - 4.11.2** Has previously indicated that they do not wish to be contacted or,
 - 4.11.3** Has been contacted but declined to attend.

Then Investigators should offer to assist the suspect in obtaining another solicitor. If the suspect declines the offer of consulting with another solicitor the suspect should be treated the same as in paragraph 4.8 and 4.9 above. If they still decline the offer the reason should be recorded in the relevant section of Part 1 of the GS002, or in Scotland the GS002(S). Additionally in these circumstances the interview may only commence or recommence if a Senior Investigation Manager (SIM) has given authority for the interview to continue without legal advice. When such authorisation is given the Investigator must record full details of the authority, including the name of the SIM in both the authority form and the interview record. Following the interview the GS002 or GS002(S) should be forwarded to the authorising SIM, to retrospectively complete Part 2 and return to the Investigator. If in police custody advice should be sought from the Custody Officer.

- 4.12** If a suspect who initially wanted legal advice subsequently changes their mind the Investigator must;
- 4.12.1** Ensure that the suspect is advised of the availability of the Defence Solicitor scheme if they attend a police station voluntarily, or in Scotland they may qualify for publicly funded legal advice through the PDSO or through the Duty Solicitor scheme as appropriate. If they still wish to continue without legal advice they should be asked their reasons and must agree in writing that they do not want legal advice. Again the relevant section of Part 1 on the GS002 or GS002(S) should be completed.
- 4.12.2** Authority must then be obtained from a SIM to commence or recommence the interview without legal advice. The SIM is obliged to inquire as to the reason why the suspect has changed their mind before authorising a continuation of the interview. When such authorisation is given the Investigator must record full details of the authority including the name of the authorising SIM on the relevant GS002 or GS002(S) and in the interview record. Again, following the interview the GS002 or GS002(S) should be forwarded to the authorising SIM, to complete Part 2, and return to the Investigator. Again if in police custody advice should be sought from the Custody Officer.
- 4.13** A solicitor may give advice over the telephone. In these circumstances the Investigator should confirm that the suspect is happy with the advice they have been given and are content to be interviewed without their solicitor being present.
- 4.14** Information on dealing with defence solicitors and complaints by suspects can be found in Appendix 7 to these P&S.
- 4.15 Friends.** Every member of RMG Ltd staff and every Post Office Ltd agent or agent's assistant, interviewed by an RM Security Investigator, for whatever purpose, must be offered the presence of a friend at interview. It should be made clear to suspects that the offer of a friend is an additional right, not a replacement of the right to have a solicitor present. The suspect has the right to take up the offer at any stage of the interview.
- 4.16 Acceptable Friends.** If the offer of a friend is accepted, the person to be interviewed should be asked to nominate a friend. It should be carefully explained that friends are defined as follows;

- 4.16.1 A friend invited to attend an investigation interview must be aged 18 years or over and;
- 4.16.2 Cannot be someone involved in the inquiry and;
- 4.16.3 They must be an employee (for Post Office Ltd agents and agents assistants this may be extended to include other agents or agent's assistants) who may be the local union representative or an official of the recognised union.
- 4.17 The response to the friend offer should be recorded on the GS003 by the suspect. If a friend attends the interview they should be asked to read and sign form GS003 agreeing to the conditions imposed on them.
- 4.18 Investigators should exercise discretion as to how long any enquiry may properly be delayed in order to secure the attendance of a friend. If it is clear that the enquiry will not be adversely affected, all reasonable latitude should be allowed. However, if the Investigator believes the expected delay to be unreasonable the suspect should be asked if they want another friend who is more readily available.
- 4.19 Prior to conducting searches if a friend is present the suspect should be asked if they want them to remain. If no friend has been present the suspect should be asked if they want one specifically to attend the search(es). When an interview recommences after a break the suspect should be reminded of their right to have a friend present.
- 4.20 The friend rule does not apply where a person is in custody at a police station.
- 4.21 **Suspect objects to the interview being tape recorded.** If the suspect objects to the interview being taped the Investigator can continue on tape, if they feel this best serves the interest of the investigation, (they may well have to justify this decision at any subsequent court proceedings) or they may record the objections, turn the tape machine off and continue by way of Notes of Interview.
- 4.22 **Authority to use Notes of Interview.** Should the circumstances detailed in paragraph 4.8 be applicable then authority should be sought from a SIM to proceed by way of written notes of interview. A record of reason and the authority should be made in both the SIM's and the Investigator's notebook. Should the interview be conducted within a police station then authorisation of the custody officer is required.

5. Account

- 5.1 **Principles of Investigative Interviewing.** When interviewing suspects (or witnesses) there are established principles that interviewers should observe (Home Office Circular 22/1992 refers);

Principle 1	The role of the Investigative Interviewer is to obtain accurate and reliable information in order to discover the truth about the matters under investigation.
Principle 2	Investigative interviews should be approached with an open mind. Information obtained from the person who is being interviewed should always be tested against what the interviewing officer already knows or what can

	reasonably be established.
Principle 3	When questioning anyone an Investigator must act fairly in the circumstances of each individual case.
Principle 4	The interviewer is not bound to accept the first answer given. Questioning is not unfair merely because it is persistent.
Principle 5	Even when a suspect exercises the right of silence, Investigators still have the right to put questions.
Principle 6	When conducting an interview, Interviewers are free to ask questions in order to establish the truth.
Principle 7	Vulnerable people must be treated with particular consideration at all times.

- 5.2 Comments made outside interviews.** Investigators must make a written record of any significant statements or comments, including unsolicited comments made by a suspected person, which are outside the context of an interview but which might be relevant to the offence. Details of such significant statements should be recorded in the Investigator's notebook, dated, timed and signed by the maker. The suspect should be given opportunity to read the notes and invited to certify them as a correct record, or indicate any respects which they consider them to be inaccurate. Any refusal to sign the notes should be recorded. Significant statements and comments should be referred to on tape or in the notes of interview, when the interview commences.
- 5.3** During an interview any items of evidence shown to the suspect must be described and be given an item identifying mark, usually the initials of the person first producing the item followed by a number, e.g. AB/1. If the exhibit consists of multiple items (e.g. documents, postal packets) and the Investigator subsequently refers to a specific item from within that exhibit, this document/postal packet should be allocated a reference number that links it to the original, e.g. AB/1a, AB/1b etc.
- 5.4 Suspect wishes to tell the Investigator about other matters.** If the suspect indicates they want to tell the Investigator about matters not directly connected with the offence and they are unwilling for these matters to be audio recorded or recoded in the notes of interview the suspect should be given the opportunity to tell the Investigator at the end of the formal interview.

6. Closure

- 6.1 Ending the Questioning.** The interview or further interview of a person about a suspected criminal offence must cease when the Investigator in charge is satisfied that all the questions they consider relevant to obtaining accurate and reliable information about the offence have been put to the suspect and/or sufficient evidence exists to prove the offence. At the end of the questioning interviewees must be given the opportunity to add to or clarify anything that has been said.
- 6.2 Second caution England, Wales and Northern Ireland.** If the Investigator in charge of the investigation reasonably believes that there is sufficient evidence to provide a realistic prospect of conviction for the offence they should inform the interviewee that they may be prosecuted and caution them. In England and Wales the 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".
The second caution for Northern Ireland is on the relevant QRG.

- 6.3 At the end of a tape recorded interview Investigators must hand to the suspect a form GS019, Notice to Person Whose Interview Has Been Tape Recorded, or the Police equivalent. The notice explains what will happen to the tapes and how the suspect or their solicitor can obtain copies should the suspect be charged with an offence or informed that they will be prosecuted. There are different forms GS019 for Scotland and Northern Ireland. If a suspect is charged at a police station they should also be handed a Notice to Persons Charged or Summoned form GS044.

7. Evaluation

- 7.1 All Investigators should conduct an evaluation following a suspect interview. Specifically they would want to:
- 7.1.1 Review the information obtained during the interview and consider how it fits with other accounts.
 - 7.1.2 Review the evidence accumulated during the whole investigation with a view to deciding what further enquiries are necessary.
 - 7.1.3 Reflect upon their performance during the interview to identify improvement opportunities.

8. Special Considerations

- 8.1 **Juveniles and their Appropriate Adults.** In England, Wales and Northern Ireland a juvenile is a person who has not reached their **17th birthday**. In Scotland a juvenile is a person who has not attained the age of **16**. All juveniles must have an appropriate adult present at suspect interviews. All appropriate adults must be given a form GS001A "A Guide for Appropriate Adults" prior to interview. For further information on Juveniles and their Appropriate Adults see Appendix 8 to these P&S.
- 8.2 **Royal Mail Group Young Persons.** Investigators are reminded that employees who have not reached their 18th birthday are given special consideration when they are to be approached in order to be invited to attend an Interview. The detailed process can be found in the Criminal Investigation Procedures & Standards (P&S) 7.1 Suspect Approach and Arrest Procedures. In addition they should be afforded the Juvenile "Duty of Care" provisions detailed in Section 4, of Appendix 8, Juveniles & Appropriate Adults, to these P&S.
- 8.3 **Interpreters.** In order to establish effective communication in suspect interviews it may be necessary to obtain the services of an interpreter. Interpreters may be required for both sign & foreign languages and for suspect and/or the appropriate adult. Further information on Interpreters can be found in Appendix 9 to these P&S.
- 8.4 **Blind Suspects or persons unable to read.** If the suspect is blind, seriously visually impaired or unable to read, the Investigator shall make sure that a solicitor, friend, relative, appropriate adult or any person likely to take an interest in them and not involved in the investigation is available to help check any documentation. When anything requires written consent or signing the person assisting may be asked to sign instead.

- 8.5** Investigators should seek advice from a SIM or the CLT before any interview commences where;
- 8.5.1** A suspect appears to have a mental disorder or be otherwise mentally vulnerable. A suspect appears to have a medical condition that may require a medical assessment.
- 8.5.2** A suspect appears to be under the influence of alcohol or drugs.
- 8.5.3** A suspect is on sick leave.
- If an interviewee is on regular medication and they have it with them at interview they should be allowed to administer it. Investigators should attempt to identify the prescribed dose or at least be aware of the amount of medication taken.
- 8.6 Partner of Suspect.** The questioning of a partner in order to obtain information that may adversely affect the other partner in the relationship lends itself to criticism, but it is recognised that it must be left to Investigators to use their discretion according to the circumstances of each case. Before taking this action Investigators must seek advice from the CLT.
- 8.7 UK Border Agency.** At certain Offices of Exchange postal packets are examined for customs purposes by UK Border Agency staff. If such staff are suspected of theft from the post or other offences against RMG then they must not be interviewed by RM Security Investigators. The matter must be reported urgently to a Senior UK Border Agency Officer and a course of action agreed.
- 8.8 Interviewing suspects in prison.** Should Investigators wish to interview suspects in prison then the authority of the Prison Governor will have to be granted. The process to be followed can be found in Appendix 10 to these P&S.

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Glossary

Abbreviation or Term	Meaning
CLT	Criminal Law Team
PDSO	Public Defence Solicitors Office
SIM	Senior Investigation Manager

Document Summary

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