

Investigative Interviewing



A GUIDE TO INTERVIEWING

A GUIDE TO INTERVIEWING**CONTENTS****CHAPTER 1.****The Interview Model.****Planning and preparation. 1-10**

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CHAPTER 1

PLANNING AND PREPARATION

INTRODUCTION

The aim of any interview is to establish the facts of the incident under investigation.

Some interviews are doomed to fail long before they begin because of the interviewer's lack of planning and preparation. This section describes those aspects of planning and preparation that will assist you to improve your interviewing of victims, witnesses and suspects. You will be introduced to some basic ideas on preparation together with several formal methods of working through the process,

The idea is to emphasise the importance of good planning and preparation for all interviews.

Do not look at each part of this section in isolation. Each should be considered as part of the whole process.

Planning:

This is the mental process of getting ready to interview.

Preparation:

This means considering what needs to be made ready prior to the interview. It includes such things as location, the environment and the administration.

PLANNING – THE BASICS

Planning for any interview must include the following:

- understanding the purpose of the interview;
- defining the objectives of the interview;
- understanding and recognizing the points to prove;
- analyzing what evidence is already available;
- assessing what evidence is needed and where it can be obtained, whether from an interview or otherwise;
- understanding P.A.C.E. and the Codes of Practice;
- designing flexible approaches.

Understanding the purpose of the interview.

Before conducting any interview, you should be able to answer the following question:

“Why do I need to interview this person?”

If none of the answers below fit, then there is no need to interview:

- to find out what a witness or victim has seen or heard;
- to obtain evidence to prove or disprove a suspect's involvement in an allegation;
- where evidence is available to prove a suspect's involvement in an allegation, to provide him/her the opportunity to explain or to test that evidence;
- where evidence is already available, to interview further witnesses and test or confirm such previously obtained accounts.

If there is no purpose, it is likely that your interview will be of no evidential value.

Defining the objectives of the interview.

To achieve your aim and purpose, you will need to prepare objectives. These will be the things that you want to achieve to progress your enquiry.

These may be a list of areas that you want to cover. They may be specific points that you want information on or they may be details that you want confirming. An understanding of the next three sections will enable you to make choices about your objectives.

Understanding and recognizing the points to prove.

A clear understanding of what offence(s) may have been committed and a knowledge of the legal points to prove and the defences available will assist you to decide on your objectives. This is relevant to witness/victim and suspect interviews. Ensure that in your desire to cover all the points to prove, you do not prompt the interviewee into offering an account about something which they did not see, hear or do.

Points to prove:

- Identify the offence(s) you are dealing with.
- Break down the definition of the offence(s) into its elements.

The two main areas to consider are:

- (i) intent – what was in the suspects mind at the time?
- (ii) Action – what did the suspect do.

Defences:

- Identify the defences to intent;
- Identify the defences to acts.

You must also consider possible lines of defence that a suspect may take, such as:

“It wasn’t me.” (eg. Somebody has mistaken me for somebody else)

“I was there, but I didn’t do it” (eg. I did not do what others say I did)

“I did it, but it’s not an offence because” (eg. I was justified in defending myself)

Remember, your suspect may be innocent.

Analysing what evidence is available.

This will involve the collection and collation of all evidence already available from a variety of sources. This will vary according to what stage you have reached in the investigation.

If you are the reporting officer, you will have no information immediately available. You will then be responsible for the initial evidence gathering for the investigation.

Conversely, you may have picked up this investigation part way through and have some evidence already available. In this case, before you can move forward, you will have to examine what you have and compare it to the list of points to prove which you have identified. (A model to assist in this process will be looked at later).

Assessing what evidence is needed and where it can be obtained.

Having looked at what evidence is already available you must establish what other information can be obtained and from where.

Rather than relying on the interview, it is better to exhaust other possible sources of information first. You should consider:

- Visiting the scene of the crime or incident;
- Examining exhibits and property found at the scene or in possession of the suspect;
- Speaking to the reporting officer;
- Making use of the P.N.C. and local intelligence records.

In relation to suspect interviews, you should also consider speaking to all witnesses, complainants and victims first. The detention clock, however, might limit your time. Consideration can always be given to the use of bail, either before the suspect interview, or after a preliminary interview to establish certain facts.

If you believe that the information is likely to be worthwhile or relevant to the investigation, and there is a realistic chance of it being available, then obtain it prior to the suspect interview.

Once this evidence has been obtained, analyse it and compare it with the points to prove to identify any further gaps, inconsistencies or ambiguities in the information.

Keep an open mind when collating information. Try to separate facts from preconceptions and opinions.

It is also important to consider that some of the information and evidence that you obtain may be to the suspect’s advantage. Do not just dismiss it because it does not point towards the suspect’s guilt. Witnesses can be wrong and it is part of your duty to keep an open and enquiring mind.

Understanding P.A.C.E and the Codes of Practice

A thorough knowledge of P.A.C.E. and the Codes of Practice is essential. Their importance cannot be stressed enough.

You may think that you have conducted a perfect interview and obtained all the information and evidence that you want. However, if you have broken one of the rules outlined in P.A.C.E. and the Codes of Practice, you may render all of that interview inadmissible.

This principle also applies to witnesses and victims as well as suspects. Some witnesses or victims may require an appropriate adult to be present at an interview. Failure to comply with this or any other requirement may render evidence obtained from the interviewee inadmissible.

Investigating with integrity.

Another point to consider is that evidence can be ruled inadmissible even where P.A.C.E. and the Codes of Practice are strictly followed. In fact, compliance with the letter of P.A.C.E. is necessary but not sufficient. In the case of *R v Mason, 1988*, the Court of Appeal held that an interview should be excluded even though there were no breaches of P.A.C.E. because the investigating officers lied about fingerprints having been found at the scene of the crime.

Design of a flexible approach.

If you are preparing to interview a suspects, consider the possibility that he or she may:

- Remain silent;
- Only answer selective questions;
- Totally deny the allegation;
- Tell lies;
- Tell the truth
- Not stop talking.

Similarly, in the witnesses or victim interview, some of these issues may be present.

The preparation of your questions should take these possibilities into account. For example, in a suspect interview, you may use one or more of the following strategies:

- (i) If the suspect remains silent, you still have the right to ask questions, providing they are not laboured or repetitive. It will be important to give prior thought to which questions you should ask. These might be aimed at:
 - a) explanations of actions observed by others;
 - b) giving the suspect an opportunity to comment on suspicions;
 - c) details of any alibi;
 - d) the points to prove;
 - e) any possible defences that the suspect may have;

- (ii) In general, apparent lies should always be tested within the interview to find out the reason for them.

If you believe that a suspect is lying, you should first ensure that s/he has not mistakenly answered.

- iii) Where the suspect does not stop talking, it is important to have a check list of the points that you want to cover.

PREPARATION – GENERAL POINTS

Location

Consider where the interview is to take place. If a suspect is being interviewed, this should only take place in a recognized and properly equipped interview room.

When interviewing a victim or witness, a police station may not be appropriate. Interviewees may feel more comfortable in their own home; some may not. You should take into account their wishes.

In some cases, the victim or witnesses may want to be accompanied by a friend or relative. If that person is also involved in the incident under investigation, it will be necessary for you to arrange for somebody else to be present instead.

Distractions

Wherever the interview takes place, ensure that there are as few distractions as possible. Choose a room that does not have a telephone.

At the police station, make the room tidy. Get rid of any old forms or paper lying around. It may not be possible for you to have complete control over an interviewee's home, but try to limit possible distractions. For example, ask that the T.V. or radio be turned off.

Going into the interview.

Make sure that you have all the correct forms that you will require during the interview. If you want to refer to other documents, such as a sketch plan or your file, have them with you.

If you are going to refer to exhibits, make sure they are correctly labeled and you have them at hand.

In all cases, you should consider whether an appropriate adult is needed. This is irrespective of whether it is a witness, victim or suspect interview. In the case of juveniles, this is a simple process. However, it is not easy to tell whether somebody is mentally disadvantaged. Special schooling may give you a clue but many disadvantages people attend normal schools and have learnt ways of disguising their difficulties. It is your job to ensure that such people are dealt with correctly. If you are not sure, an appropriate adult must be present.

Where an appropriate adult is required, consider who this will be. You will have to explain to them why they are there and their role in the interview. (See 'Appropriate Adult' in The Interviewer's Rule Book).

If a solicitor is requested, decide what you are going to tell him or her prior to the interview. Consider your reaction if you were told nothing by an investigating officer. Refer to the Interviewer's Rule Book.

Introduction of notes of earlier conversations.

Where you have had an earlier conversation with the suspect, you will have made a written record of it and offered that to the suspect for signature. Any refusal to sign that should be noted by you and any other officer present. During the subsequent taped interview, you should be prepared to introduce the notes, read them over to the suspect and allow him/her to comment on them. (Refer to the Interviewer's Rule Book).

Maps and Sketch plans.

You may find that an interviewee can describe positions and locations better by using a map. In other circumstances a quick sketch by the interviewee may help.

If maps or sketch plans are used, remember to exhibit them in the correct manner.

Timing

You may want to get the interview under way as soon as possible, but you should consider other factors that might dictate whether or not it is the appropriate time. In suspect interviews, these would include things such as meal times, review times, sleep times, or the availability of an appropriate adult or solicitor. (Refer to the Interviewer's Rule Book)

When dealing with witnesses or victim, you will have to consider their condition. Are they in shock, injured, or just tired. It may be more appropriate to obtain brief details and arrange to carry out a full interview at another time. However, this may be influenced by the detention of a suspect and require you to conduct a partial interview in order to obtain basic evidence.

Number of interviewers.

Ideally, two officers should conduct a suspect interview. (See the Interviewer's Rule Book).

Where two officers are going to conduct the interview, it is important that they work together in the preparation. The role and responsibilities of each other should be established before going into the interview room.

Thorough preparation will avoid the possibility of the second officer inadvertently interrupting or breaking a planned silence between questions.

If, during the interview, it becomes necessary for the interviewers to confer, e.g. if new and unexpected evidence comes to light, the interview should be terminated. The suspect should be returned to the Custody Officer and you will then be in a position to plan and prepare for a subsequent interview.

It is often better to have a couple of short interviews, than to continue along on an unplanned route.

A METHOD TO ASSIST IN PLANNING THE INTERVIEW.

The following process can be used to sort the information you have to identify areas that require further action.

Chronological examination.

Use a three column page and enter the information under the relevant headings. Use it to keep up to date and record what has happened as you go through the investigation.

Date, Time and Locations.	Events and Individuals Involved.	Other Information:
<i>This is self explanatory</i>	<i>What happened? What to? Who attended? Enquiries made</i>	<i>Personal Details Property stolen and/or damaged, descriptions, results of enquiries.</i>

An example is shown below:

Date, Time, Location	Event	Other information
7/5 2245 Scott St Sandford	Mrs. Jones – witness sees red Ford Escort being Taken from outside her home By male youth. P C Carter Attending	Mrs. Amelia Jones 63 years, 24 Scott Street, Sandford. Descr. Male, dressed in blue jacket, dark track Bottoms. May be Light stripe on Sleeves of jacket.
7/5 2255 Harefield Rd. Sandford.	Mr. Lewis – witness nearly run over by car – Ford Escort D256 NHY. Car made Off towards Bildston	
7/5 2300 MacAlpine Rd. Sandford	You are on patrol when you see D256 NHY. Turn around and followed	P.N.C. John Bennett, of 27, Scott St. Sandford N/T stolen
7/5 2305 Birkdale Place Sandford.	Escort abandoned. Driver made off. Key in ignition Taken as exhibit.	Check of area. Youth seen in alley. Wearing – Blue jacket with Light stripe on sleeves.

Comparing evidence and points to prove.

When defining the suspected offences during your preparation for your suspect interview, knowledge alone of the points to prove is not sufficient. It is essential that you break down each offence into the various points to prove. By doing this in a formal way (see the example opposite) you can establish a structure from which you can:

- i) assess what evidence you already have;
- ii) identify any gaps, ambiguities or inconsistencies in what you do have;
- iii) identify details that you may wish to establish or corroborate;
- iv) identify where you may have to go, or who to speak to in order to obtain those details.

While doing this, consider the following:

- 1. s/he may be innocent.
Who may be wrong or telling lies?
- 2. s/he is guilty.
What defences might s/he exploit?

Nothing detracts from the need to seek the facts.

This can be used as a framework for your questioning.

On page 10 overleaf, you will find a 'plan of interview' form. This can be prepared prior to interviewing and then used as a framework for your questioning.

POINTS TO PROVE POSSIBLE	AVAILABLE EVIDENCE	EVIDENCE TO BE OBTAINED	
Taking a conveyance			
Takes during Interview.	Mrs. Jones saw the blue jacket take the car.	Who was wearing the jacket at the time?	Suspect,
Own/another's use during Interview.		Why was the car Taken?	Suspect,
Conveyance	The car is in police Possession. There is no dispute that it is a conveyance.		
Lawful authority Statement from Consent of the owner owner.		Ownership of car. Authority to drive?	the
Drives during interview.	Mr. Lewis and Mrs Jones place blue jacket in car.	Who was wearing the jacket on each occasion?	Suspect,

PLAN OF INTERVIEW

INTERVIEWEE	INTERVIEW NO.	DATE
OFFENCE		
POINTS TO PROVE (eg dishonesty, intent etc.)	DEFENCES (including probable areas of defence)	
PURPOSE (of interview)		

RELEVANT ISSUESFACTS ALREADY ESTABLISHED

(eg. Suspect was wearing particular clothing)

FACTS TO BE DETERMINED

(E.G. Where was suspect at time of offence?)

SUMMARY.

The object of an interview is to get to the truth of the matter under investigation. Good planning and preparation is essential.

Planning.

- understanding the purpose of the interview;
- defining the aim and objectives of the interview;
- understanding and recognizing the points to prove;
- analysing what evidence is available;
- assessing what evidence is needed and where it can be obtained;
- understanding the P.A.C.E. and the Codes of Practice.
- recognizing when an appropriate adult is required.

Preparation.

- where the interview is to take place;
- when to carry out the interview;
- reducing possible distractions;
- having stationary and exhibits available;
- where required, making the necessary arrangements for the attendance of an appropriate adult;
- consider the benefit of sketch plans, either prepared by you or drawn by the interviewee;
- when interviewing suspects, be prepared to introduce notes made of any earlier conversations;
- when two officers conduct an interview, ensure that you both know your roles.

ENGAGE AND EXPLAIN

The initial introduction and the subsequent explanation of what is to happen during the interview are very important.

ENGAGE

All interviews must start somewhere. The first impression given by the interviewer is very important as it is often the longest lasting. A wrong impression created on initial contact, whether in person or on the telephone, could be disastrous.

The successful opening of an interview is dependent upon an introduction appropriate to the circumstances. It is desirable that a proper relationship is formed. This is done by your being aware and able to respond to a number of factors which may include the short and long term welfare of the interviewee and their particular needs, fears and expectations.

The end product should be a partnership between you and the interviewee. They should be made aware of the reason for the interview, the procedure which will be adopted and the path that the interview may take.

For interviews of suspects which are on tape, the Police and Criminal Act and the Codes of Practice dictate how such an interview should be introduced. All interview rooms should have a memo card close to the tape equipment which explains the procedure. An example is duplicated overleaf.

Courtesy.

Common courtesy is the key to all interviews. Introduce yourself.

Establish what the interviewee would like to be called. It may be best to start by being formal until the interviewee indicates otherwise. Once this has been done, use the suggested name throughout the interview. This helps to personalize the process.

When dealing with victims and witnesses, you should establish a working relationship. By doing this, you can create a bond which may enable them to trust you with their information.

How you establish this relationship will depend on you and the interviewee. The following paragraphs will provide a basis.

Reassure the witness that they are, in fact, a witnesses and not a suspect.

TAPED INTERVIEW MEMO CARD

TAPED INTERVIEWS

Introduction to Interview

"This interview is being tape recorded.

I am (Rank and name)

(The other police officer(s) present is/are

(Rank and Name))

I am interviewing

(Also present issolicitor, father. Etc.)

The date is / / . The time is
(make note on seal)

Before the commencement of this interview, I must remind you that you are entitled to free legal advice.

Do you wish to have a solicitor present?

This interview is being conducted in the interview room at Police Station.

At the conclusion of the interview, I will give you a notice explaining what will happen to the tapes.

**YOU DO NOT HAVE TO SAY ANYTHING
UNLESS YOU WISH TO DO SO
BUT WHAT YOU SAY MAY BE GIVEN IN EVIDENCE.**

DO YOU UNDERSTAND?"

An interviewee's character and the circumstances can determine the approach you should take. If witnesses or victims are very nervous, they will need a lot of sympathy and reassurance. If they are irate, they will require calming down. In all cases give assurance that you have their best interests at heart.

Remember, it may be your fifth interview of the day, but it is likely that it will be the interviewee's first. Do not let any fatigue or boredom show.

If you have been involved in a violent struggle or heated exchange with the suspect during the arrest, you may not be the appropriate person to conduct the interview. There may, of course, be some occasions where you have no alternative.

Individuals

Interviewees should be made to feel individual and that their information is wanted and valued. It is important to show that the interview is not just another job.

Language

During the interview, use *appropriate* language. Speak to people in a manner which they will understand. Be polite at all times. Avoid using clichés or police jargon as this can detract from the personalization of the interview.

Avoid judgmental statements. Commenting on a suspect's stupidity at committing an alleged offence will not result in the interviewee being relaxed and cooperative. Neither will telling a mini-skirted victim of an indecent assault that she invited the offender to touch her by her mode of dress. Inappropriate facial expressions and body language can have the same effect.

Welfare

In all interviews you must consider the welfare of the interviewee. Arrange things, such as refreshments, if the interview is lengthy.

What is the condition of the interviewee? Is this an appropriate time to actually conduct the interview? In the case of the suspect interviews, P.A.C.E. and the Codes of Practice dictate when interviews may or may not take place.

For witness and victim interviews, you will be the person who has to make the decision when to interview.

The following may affect when you interview:

- time of day;
- the suitability of the location of the interview;
- your and the interviewee's availability for the period of time required.

SUMMARY.

To summarise the 'Engage' phrase, remember:

- First impressions are very important. Do not spoil the chance of a good interview before you even start;
- P.A.C.E. and the Codes of Practice contain rules that must be complied with. All the information that you have obtained could be rendered worthless if you have broken any of the rules;
- Be courteous. It cost nothing to be polite. Treat people in the same way that you would like to be treated if you were placed in their position;
- Help the interviewee to feel like an individual;
- Use appropriate language. Avoid making judgmental statements;
- Consider the welfare of the interviewee.

EXPLAIN

This stage is concerned with the information given to the interviewee in order that the purpose and direction of the interview can be fully understood.

What follows is not designed to be used as an approach for every occasion, but as information that will help you to explain the procedure and formalities of the interview process.

Reason for the interview.

The interviewee is, by now, aware who you are. The next logical step is to explain why the interview is necessary, If this is with a witnesses, you may explain that you understand that s/he has witnessed an incident and you are there to obtain a more detailed account.

If you are interviewing a suspect, you should repeat the reason for the arrest so that the suspect is in no doubt whatever as to why s/he is in custody. (Refer to the Interviewer's Rule Book).

Routines

You may be familiar with the interview situation and the routines to adopt. However, the interviewee may not be. Care should be taken to explain some of the more basic things that may happen. This might include:

- how and why notes will be taken and who by;
- the introduction and reference to exhibits or other notes;
- the writing of a statement.

If a solicitor, appropriate adult or second officer is present, each should explain their role to the interviewee. In the case of a suspect interview, this should be done while the tape is running. Doing this helps the interviewee to understand the process and what is happening.

Basic outline of the interview.

By providing a basic outline of the interview, the interviewee has an idea of how the interview will progress. How you introduce this will depend on the choice of method of interview which is described in the next section. Essentially you should tell them what you want of them and how the interview will be structured. Take your guidance for this explanation from the advice in the next section.

When dealing with witnesses and victims, be realistic when you tell them how long you expect the interview to take. Do not underestimate the time required. If you estimate half an hour, but an hour later you are still conducting the interview, the interviewee may try to hurry things along and any further information not yet disclosed may be lost.

When dealing with suspects, it is still important to let them know the basic plan of the interview. At first, you may feel that all you want to tell them about is a few main topic areas. You are not restricted to these areas, nor to the areas considered during preparation. If other areas or issues appear relevant during the interview, then pursue them.

Flexibility.

Be flexible. Be prepared to follow up what is said and ask specific questions relating to what you are told. This is where the benefit of good preparation is highlighted.

If suspects ask you direct questions about what is likely to happen to them, answer them honestly. References to matters such as bail should be answered following the guidance given in the Interviewer's Rule Book.

SUMMARY

In the 'Explanation' phase, remember:

- Outline the reason for the interview.
- Explain the routines that will be adopted during the interview.
- Provide a basic outline of the interview.
 - Witnesses/victims
Say what is expected.
 - Suspects,
Identify the main areas that are going to be dealt with during the interview.
- Be flexible.

-

ACCOUNT

INTRODUCTION

This stage of the interview is where you obtain and deal with the interviewee's recollection of the events.

Two ways of obtaining this account are described. For the sake of clarity, they have been called the 'Cognitive Approach' and the 'Management of Conversation'. Briefly they are:

The 'Cognitive Approach'

The interviewee is asked to think back to the event and mentally re-live what happened; thus telling everything that is initially remembered with minimal interference (Free Recall). This is followed with at least one more attempt at 'Free Recall' using a different order or perspective. Areas of specific interest can be pursued when the 'Free Recall' attempts are concluded. This approach is designed to make use of how memory works and the way in which information is store and retrieved. See also Chapter 2.

'Management of Conversation'

The interviewee is asked to provide an account of what happened. The interviewer sub-divides this first account into a number of parts; each part being pursued in turn in a series of 'second accounts' to obtain more details. Before each 'second account' is concluded, the interviewer can probe for more detail and then link that section to the next area of second account.

Choice

The choice of method is in your hands. The guidance that follows will help you complete both of these methods but you need to decide which you are going to use before you 'Engage' with the interviewee. This is because you will need to prepare the interviewee in the appropriate way at the 'Engage' stage according to the choice you have made.

The cognitive approach provides an opportunity to obtain the interviewee's account with minimal interference. The process of seeking recall by different orders or perspectives provides an inbuilt means of checking on accuracy and developing detail. It is, however, dependent upon an interviewee who is willing and able to respond freely. Essentially, the interviewee has control over where the account will go.

The management of conversation puts the interviewer into the position of control. After the first account, the interviewer decides the sections of the interview and how the interview develops. For this reason, it is more suited to the reluctant interviewee. However, there are no natural inbuilt checks on accuracy in the process.

These brief descriptions might lead you to think that the cognitive approach is only suitable for witness/victim interviews and the management of conversation only for suspect interviews. Before you conclude this, consider an interview with a mentally handicapped suspect who is prepared to talk freely. In these circumstances, your problems centre on suggestibility and compliance. The lack of interference by the interviewer and use of different orders or perspectives in the cognitive approach will reduce the possibility of a distorted account. Similarly, there will be occasions when the interviewing of witnesses requires the more rigid approach of the management of conversation.

The choice of process therefore depends upon the person to be interviewed and the circumstances at the time. Do not fall into the trap of stereotyping these processes to either witnesses or suspects.

‘COGNITIVE APPROACH’

The approach starts by creating the right environment for the interviewee to re-live the events s/he is going to be asked to recall. This requires you to explain what is going to happen, put the interviewee at ease, encourage concentration, hard work and the recounting of everything however trivial.

- Encourage the interviewee to ask questions at any time, rather than to have doubts or uncertainties.
- Explain what you require of them. For example, you will be asking them to describe the incident they witnessed or suffered. This will involve them mentally re-living the time and place of the incident and recalling what happened.
- Ask them to speak slowly. This will not only assist recall, but it will help you to take notes without asking them to repeat themselves.
- Put the interviewee at ease. This is an important part of the process of obtaining information from a person's memory. It assists recall.
- Ask them to concentrate. The greater the focus and concentration, the more detailed will be the recall of information.
- Tell them to work hard. This will be necessary if the interview is to succeed.
- You will also have to work hard. You will have to process the information and note the areas to be probed.
- Explain that you will allow them to do most, if not all of the talking in the early stage of the interview. The idea is for them to exhaust their memory of the incident before you speak again.
- Explain that the questions you then ask will allow them to talk again. Reassure them that you will be actively listening to every word that they are saying.

Get the interviewee into context.

Start the cognitive approach by asking the interviewee to think back to the event under investigation and to picture it in their minds. Encourage them to feel again that they are part of what is taking place.

- How do they feel, e.g. happy, sad, frustrated?
- How do they picture their surroundings
- What sensations do they feel, such as the warmth of the sun on their faces, or the coldness of the wind.

Free recall

Ask them now to tell everything and not to edit anything out. What they may consider unimportant or unworthy of mention, may in fact be a vital piece of information. If you think it appropriate, suggest that they imagine they are speaking to a close friend or relative.

Let the interviewee control the flow of information. Your task at this stage is to listen.

Emotion

In cases where the interviewees have experienced a traumatic event, you should be prepared for them to become distressed. You may need to deal with their emotions before being able to continue.

Do not interrupt

Interrupting will interrupt flow and may cause information to be lost. Wait until the interviewee has completely finished before raising any points.

'Not interrupting' can be very difficult. The natural thing to do when you want certain information, is to keep asking questions. Try not to. It has been proved to disrupt flow, hinder the recall process and interfere with accuracy.

Effective use of pauses.

When interviewees think that they can remember no more, they stop speaking. This is the point at which many interviewers would naturally intervene and take control of the interview again. Instead, if a pause is allowed to develop, the interviewees may well continue to think and reach deeper into their memory. They may well remember new information. The importance of not interrupting during these pauses cannot be over emphasized.

Notes

Whilst you are taking notes, care should be taken to identify areas that will require further probing.

If you do take notes, keep them with the case papers. Their existence must be disclosed in the event of a prosecution.

Second free recall.

We are all capable of remembering more than we initially recall. Interviewees who believe that they have exhausted their recall, even after many pauses, should be encouraged to try again, but in a different order.

For example, start at the end of the incident and work backwards to the beginning. Alternatively, you could ask the interviewee to start at the most outstanding feature and work backwards and forwards from this point.

Again, you should be careful not to interrupt, but to use the effect of pauses to encourage them to continue.

Third free recall.

In many cases a change of perspective, either sensory or physical, may encourage further recall of information. The more attempts that are made at recall, the more an interviewee will remember.

Sensory perspective relates to colours, sounds, smell and touch. Interviewees can be asked to visualise colours and to describe them and the object with which they are associated. They can also be encouraged to actually smell the smells and hear the sounds. Where speech is recalled, it should be repeated in the actual words used.

Physical perspective relates to changes of the interviewee's position during the incident. For example, a woman who witnessed a car being taken whilst walking along the road from her house, may describe her account of what she saw from the point at which she was closest to the car. It may be that she first saw the offender as she was walking from her driveway. She should be encouraged to recall what she saw from the place at which she first saw the offender. This may add information that she has forgotten because of the car. The use of different 'starting points' builds up, refines and develops information. This process can help the interviewee with accuracy.

Probing

At the conclusion of these various recall attempts, you will have obtained comprehensive information from 'Free Recall'. Such information is usually more accurate than answers given to specific questions. However, it is at this stage that you can use open questions to clear up any ambiguity arising from the free recall. Differences in detail arising from the various accounts must be clarified. Questions at this point can also be used to prompt the interviewee to recall details of previously unmentioned features.

It may be an advantage to introduce points by using the interviewee's own words. For example, "You said that the car was a hatchback. What can you tell me about it?"

Open questions such as "what can you tell me about his eyes?" will prompt fuller and more accurate answers than "Did he have blue eyes?"

By using open questions, you are less likely to contaminate or interfere with the interviewee's response.

Remember that you still want the interviewee to be in control of the flow of information.

Leading questions and negative phrasing.

Care should be taken at all times to avoid using words or phrases that might indicate the anticipated answer.

Ask questions such as, "How would you describe his build?" rather than "Was he stocky?". By using the latter, there is a subtle implication that the suggested description is correct. It also might interfere with the interviewee's memory and subsequent recollection.

Similarly, use of negative questions such as "You don't remember his build?" instead of "do you remember his build?" can subtly imply that you believe that the interviewee does not know the answer to your question. This may discourage the interviewee from concentrating on retrieval. It may also invite the negative response "I don't remember".

Questioning sequence.

It is better to start with questions of a general nature and progress step by step to specifics.

When questioning about one particular feature of the event or person, keep your questions confined to that area. This will assist the interviewee to retain a mental image of what is being described. You should not jump from one unrelated area to another. For example, if a person's hair is being described, do not then ask for a description of the shoes.

If, however, the interviewee moves from the area to another which is unrelated, because of a suddenly remembered detail, then concentrate on that area until exhausted, and then move logically back to the original area. (See also Chapter 4 on Questioning).

Review

Once you have exhausted the interviewee's memory through the use of free recall and open questions, it is useful to review the information given. This can serve two specific purposes:

- i) it may prompt the interviewee to attempt one more retrieval attempt, and,
- li) It can allow you to check that you have accurately recorded every detail.

During reviews, be careful not to put words into the interviewee's mouths. Where possible, use their own words.

In interviews where the initial recall is lengthy, it is useful to conduct a review stage before proceeding to the next recall attempt.

Writing a witness statement.

By now, both you and the interviewee will have been working very hard. You will have obtained a full account of everything which can be remembered. However, it will not necessarily be in a neat chronological order. From your notes, a detail statement can be written. In a few cases, where the interview has been lengthy, it may be appropriate to finish the interview and arrange to complete the statement on another occasion.

Statements are generally produced with information in a chronological flow. Be careful that your wish to put the information into order does not lead to a sequence that the witness' memory cannot support.

SUMMARY

GET INTERVIEWEE
INTO CONTEXT

Mentally re-live. Tell everything. Edit nothing.

FREE RECALL

Do not interrupt. Use pauses. Do not hurry

2ND FREE RECALL

Change order of recall e.g. work backwards

3rd FREE RECALL

Change of perspective. More recall attempts, more information remembered

PROBE

Open questions. General to specific. Clarify ambiguities. Greater depth of response

REVIEW

Check accuracy. Prompt further recall.

WRITTEN STATEMENT

If applicable.

CONVERSATION MANAGEMENT.

The way you manage your conversations, the questions you ask and the way you listen will affect the quality and quantity of information obtained during an interview.

Question to obtain first account.

Open with a question to establish detailed information from the interviewee. A simple opening question to a witness might be:

“Tell me about the traffic accident that you witnessed last night in the High Street.

A question to a suspect might be:

“You were arrested earlier in Broad Street, on suspicion of causing criminal damage. What have you to say?”

The interviewee may reproduce the story or detail of the incident with a minimum amount of prompting. Obtaining information in this way has the following advantages:

- there is little distortion caused by the interviewer;
- interviewees can recall information in their own time;
- interviewees become accustomed to talking and giving information;
- the interviewer has considerable opportunity to listen.

This approach may provide a fairly full account of the incident from which you can work, or it may produce a very short summary of what happened. Where a short memory is given, you may find it useful to re-phrase the question or to ask further questions to fill in the missing detail.

Review.

Where a fuller account is given, or where the first account has been expanded, the following method of developing the information can be used.

Now that you have heard what information the interviewee has given, decide whether your objectives and interview plan are still relevant. Dependent upon the quantity of information that has been provided in the ‘first account’, you can now decide which areas, topics, events, things or people you require more information about.

Identify one section of this ‘first account’ you want to develop. Then move into second account.

Second account.

Use open questions to expand the selected section. Open questions give the interviewee more opportunity to provide information.

Probe

Probe the information which has been provided in the ‘second account’. Again the use of open questions will provide a greater depth of response.

Summarise.

On completing this second account phase, summarise what you have been told, giving the interviewee the opportunity to comment.

Check your comprehension and allow interviewee the opportunity to correct, alter or add anything they wish. It will also allow you to gather your thoughts before moving on.

Linking

Having obtained all the information about that section, you should logically link that information to the next section that you want to develop. You then repeat the process of second account, probe and summarise with the next section.

Do not change from one unrelated subject to another.

SUMMARY

1ST ACCOUNT

Open questions to establish detailed information

REVIEW

Decide if objectives and plan are still relevant. Select section of 1st account to be developed

ACCOUNT

Open questions to expand selected section

PROBE

Ask specific questions relating to previous account. Use open questions to obtain greater depth of response

SUMMARY

Check comprehension. Interviewee can check, alter or add

LINK

Return to review and select next section to develop

WRITTEN
STATEMENT

If applicable

GENERAL POINTS.**WITNESSES AND VICTIMS.**

When recalling details of suspects, the interviewee's recall should not be limited to a physical description. Stance, build and clothing are also important.

If the suspect reminded the interviewee of a particular person, they should be encouraged to say so. They should try to pin point those features that were similar and those that were dissimilar.

Voices and accents are often quite difficult to describe. In such cases, the witness or victim should be asked if the voice or accent remind them of anybody. Quite often the name of a television character will be given. From this it may be possible to identify the account.

Tape recording witness/victim interviews.

In more serious cases, such as fatal road accident or a serious assault, you may find it beneficial to support your note taking by tape recording the interview.

If you do use a tape recorded, as with your notes, the tapes must be kept with the case papers and their existence disclosed in the event of a prosecution.

R. v Turnbull.

When obtaining information from eye witnesses or victims, it is essential to consider the points made in the case of R. v Turnbull 1976. These points are outlined below:

- A Amount of time under observation;
- D Distance;
- V Visibility;
- O Obstructions
- K Known or seen before;
- A Any reason to remember;
- T Time lapse;
- E Error or material discrepancy.

The first description given by a witness should have been noted, for example, by a patrolling officer. Any discrepancies between this and subsequent descriptions should be accounted for, if possible.

All of the above should be included in the written statement of the witness or victim.

SUSPECTS.

Referring to exhibits or documents.

When conducting an interview with a suspect, you may have to refer to documents or exhibits. Remember that the interview is on tape and the tape is 'blind'. You will have to introduce and describe each document or exhibit carefully and refer to its reference number.

When an exhibit is being looked at, do not talk at the same time.

Do not hurry. Take your time.

Apparent lies.

When dealing with a suspect who is telling lies, it is important to allow him/her to continue. By doing this, the interviewee provides you with information that can be easily checked.

It is important when the suspect continues to lie, that s/he is not challenged at an early stage of the interview. Doing so may upset the flow, introduce facts of which the suspect is unaware or result in a denial by the suspect which s/he may later be reluctant to withdraw. However, it is important to test or check apparent lies in order to establish the reason for them, e.g. to ensure that the suspect is not mistaken.

Having listened to the explanation given by the suspect, and being in possession of evidence to prove that s/he is lying, you should then challenge the suspect regarding these lies. Evidence should be listed chronologically and presented in a positive and confident manner.

SUMMARY.

When dealing with witnesses and victims, it is important to remember the following:

- Stance, build and clothing should be included in all descriptions of suspects;
- Accents can possibly be identified by comparing that of the suspect to those of television characters, or people who they already know;
- In serious cases, consider using a tape recorder to support your note taking;
- Identification issues:- R v Turnbull.

When dealing with suspects, it is important to remember the following:

- P.A.C.E. and the Codes of Practice;
- When and why to challenge apparent lies;
- You will have a written record of the interview to prepare afterwards;
- Refer to documents and exhibits properly and allow time for them to be examined.

CLOSURE

Introduction

Although many interviewers consciously plan the opening of an interview, few actually take time to consider how the interview will be closed. As a result, unprepared or 'ad lib' closures often conclude an encounter in a way which is not to the total satisfaction of either the interviewer or the interviewee.

In some situations, the omission may occur purely as a result of an oversight. This may have been brought about because of a lack of, or a perceived lack of, available time to anticipate or to cover 'every aspect' of the interview. It may be mistakenly excluded because of the pressure of other demands or pending commitments associated with the overall investigation.

On the other hand, many interviewers may be totally unaware of the value of a properly conducted closure. As a result it is not viewed by such officers as being an area for prior consideration.

Learning from Information Meetings

Is a proper closure of importance? Consider a situation involving an informal meeting between you and one of your personal friends. At the end of the meeting, would you wish to leave that person without first attempting to conclude the interchange in an appropriate way?

Your friend would, no doubt, view the situation in a similar matter. In fact, at a subsequent meeting, the attitude between you, may well depend on the success of the chosen closure of this meeting.

Think about how you normally conclude such meetings. You may relate to previous meetings, discussions or knowledge of each other. You will probably ensure no questions are left unanswered and may proffer advice on a situation or describe action you are going to take. You will probably conclude by some reference to meeting again. All the way through, your non-verbal behavior will reflect what you are saying.

You may not have consciously prepared for such a closure but your knowledge of each other and your wish to have some form of continuing relationship would enable you to deal with this as an impromptu mental process. You will have experience of how previous meetings have been concluded and may have learnt to avoid inappropriate methods.

Formal interviews.

Although the above example is of a social nature, it is equally applicable to more formal interviews with witnesses, victim and suspects. By adopting similar practices, you will enhance the result you achieve.

The lessons from the informal social meeting would be:

1. Future attitude may be related to the success of the closure of the current meeting;
2. Knowledge of the interviewees situation will enable you to identify the points that should be covered;
3. All questions should be answered and advice given where necessary;
4. Reinforce what you say with your non-verbal behavior;

5. Have a planned closure – not an impromptu one;
6. Follow a pattern you find comfortable. Make it appropriate to the interviewee;

Item 1 is of particular significance and could have considerable influence on how the interviewee regards the interview and you. Regardless of how the interview actually progressed, the interviewee may have seen it as unsatisfactory merely because of the closing. S/he may regard a poor closure, including perhaps a failure to explain what is going to happen next, as an illustration of how you generally work. This might lead to a reluctance for them to have any future contact with you. The reaction may go as far as influencing whether to attend court or to continue with some criminal actions.

If you have established a satisfactory relationship during the interview, it would be counter productive for you to neglect this area.

Ensure that, before the interviewee leaves, you have a mutual understanding of what has taken place during the interview and what will happen in the future. Consider the following:

1. **Summarise**

You can check your perception of the way in which the interview has progressed by stating what you consider to be the main points established during the interview. This provides another opportunity for the interviewee to correct, alter or add to things previously stated. This should not be an attempt to summarise the contents of a raped suspect interview at its conclusion for the purpose of producing a record of taped interview;

2. **Check comprehension**

You can similarly check the interviewee's perception of the interaction by asking him/her to state what has taken place during the interview. During the task, the interviewee can also be encouraged to consider his/her present and future situation and needs;

3. **Invite Questions or Feedback**

Ensure that you offer the interviewee the opportunity to ask questions. When answering the questions, be honest. If you do not know the answer, say so.

Attempt to eliminate any anxiety on the part of the interviewee.

You may receive advice which could help in the future, if you invite comments about the way in which the meeting was conducted and the treatment the interviewee received.

When you are satisfied that the interview is drawing to a close, inform the interviewee that you will welcome future contact. Continue to be polite, but be positive. Offer a handshake if you consider it to be relevant to the situation and feel comfortable in doing so. Conclude with an appropriate "Thank you" or "Goodbye", and terminate the interview.

Witnesses

When dealing with witnesses, it is quite likely that you will spend a considerable time with each. On closing the interview, avoid rushing out of the door as soon as you have obtained the information which you required.

Take the time to reinforce your appreciation for their hard work and willingness to assist, particularly where witnesses have demonstrated complete co-operation.

Rather than apologising for the fact that you took up so much of their time, emphasise the importance of the task. Indicate the value that you place upon their assistance and go on to explain the need for the thoroughness involved.

Remember to provide the witness with a Witness Information Form A concerning the possibility of a court appearance arising from the incident and note details of the witness availability.

Victims

In addition to general witness considerations, some interviewee's e.g. victims of sexual offences may need further treatment or advice. Others may benefit from counselling or reassurance from someone professionally qualified to do so.

Before leaving ensure that if necessary, the victim is supported by a close friend or relative or by a member of an appropriate agency, e.g. Victim Support or Rape Crisis Centre. Many victims will have fears and doubts about what is likely to happen next and may wish to ask specific questions relating to the incident, e.g. "Will I be asked to identify the suspect or to explain what happened in court?" Make sure these questions are answered before you leave and allay their fears wherever possible.

Where relevant explain the Criminal Injuries Compensation system and offer advice on how to initiate applications to the Criminal Injuries Compensation Board.

You may occasionally find it necessary or desirable to volunteer brief advice on Crime Prevention or to arrange for a visit from the Crime Prevention Officer.

You must always remember to hand to the victim a copy of the letter describing court compensation.

Suspects

In the 'Engage' section, you were referred to an example of a memo card which explains the procedure for opening the taped interview. The reverse of this card (shown overleaf) describes the formal procedure which must be followed at the end of the interview.

TAPE MEMO CARD.

**At the conclusion of the interview
and in the presence of the suspect.**

1. "Do you wish to add anything further?"
2. "Here is the leaflet that explains the taped interview."
3. "The time is now.....". (Make note on seal).

.....

4. TURN OFF THE TAPE RECORDER.
5. Eject tapes from the recorder and write name and customer number on each tape. (If already completed.
6. Complete details on the tape seal forms. All persons present are to sign this form.
7. Take plugs off master tape, place in box and seal with tape seal.
8. Remaining tape becomes master copy, mark 'W'.
Officer in the case to run off a copy for his own use, mark 'C'.
9. Ensure that master copy is recorded on the custody record and in Book.
10. Complete record of interview.

The contents of this memo card may vary slightly from force to force.

EVALUATE

INTRODUCTION

The final stage of an interview is evaluation.

This evaluation should be in three parts. You should evaluate:

- i) the information obtained during the interview;
- ii) the whole investigation in the light of the information obtained during the interview;
- iii) your performance during the interview.

EVALUATION OF THE INFORMATION OBTAINED DURING THE INTERVIEW.

Look back at your aims and objectives and answer the following questions:

- a) in respect to all interviews:
 - Did you achieve your objectives?
If not, is there a need to re-interview?
 - What new information do you now have?
You will need to check this information against what you already have and/or, if necessary, make further enquiries.
 - Was the overall aim of your interview achieved?
If not, is there a need to re-interview?
- b) In respect to suspects:
 - What defences, if any, were put forward?
What do you need to do in order to check out any defence?
 - What alibi, if any, was put forward?
Can the alibi be tested?
 - Were admissions made?
Have you sufficient detail to check against the known facts?
Were they correct?
Can they be proved?

Having answered these questions, you must now look at how this fits into the whole investigation. Remember that the suspect may be innocent.

EVALUATION OF THE WHOLE INVESTIGATION

Before taking any further action, you will need to review all of the information obtained so far.

When evaluating the whole investigation consider:

- i) the offence;
- ii) the identity of the offender(s);
- iii) the defences to the allegation;
- iv) supportive evidence
- v) lawful police investigation.

The offence.

It must be shown that at a specific time and place, a person committed an act against the law. This must be proved beyond reasonable doubt.

The following must be shown in the evidence:

- the date, time and location of the offence;
- the points to prove for the alleged offence;
- the name of the accused;

The identity of the offender.

It must be shown that the person who committed the offence, is the accused. This can be shown by a combination of the following:

1. Eye witness(es) who have seen the offender:-
 - commit the offence, or some part of it;
 - at the scene at or about the time of the offence;
 - in the vicinity of the scene at or about the time of the offence.
2. Physical evidence discovered:-
 - at the scene showing that the accused was there or in contact with the victim at the time of the offence;
 - on the accused or his/her property that shows that s/he was there or in contact with the victim at the time of the offence.
3. Admissions by the accused either in writing or verbally.

The defences.

Does the evidence rebut the following possible defences?

- the accused did not do the things described because s/he is the victim of mistaken identity, coincidence, or faulty police work;
- the accused did the things described but it is excusable through self defence, provocation, a claim of right, an accident, or mental factors which diminished his/her responsibility;
- no crime was committed because the evidence is insufficient to show that the accused did all the acts required to complete the offence, the witnesses are wrong or lying, or the offences are not known in law.

Supportive evidence.

Supportive evidence adds weight to the value of the evidence. Consider:

- if the accused had a motive;
- if the accused had knowledge of the victim, the victim's activities or routine, especially if this knowledge is not generally known;
- if the accused can support an admission by providing the finer details of what happened, where it happened and how it happened;
- if there is a relationship between the parties which gives a background to what has happened;
- similarities between previous actions by the accused on known occasions and what happened on this occasion;
- partial implications: possession of a vehicle used in the offence, proceeds of the offence or weapons or implements used in the offence.

Lawful police investigation.

All evidence must be obtained by lawful means.

- nothing suggested or prompted to the witness or victim to influence their evidence, bearing in mind bias, prejudice, suggestibility and mental handicap;
- total integrity of the collection and preservation of evidence, physical or written;
- the evidence has been obtained using procedures in compliance with P.A.C.E. and the Codes of Practice;
- voluntary admissions using no improper interview practices;

Seek to check and confirm all evidence wherever possible.

What next?

Having reviewed the information, you should now consider what you should do next with the suspect;

- Present the evidence to the Custody Officer for consideration of charge;
- Insufficient evidence to support the allegation and no further avenues for investigation – inform the Custody Officer that the suspect must be released without charge immediately;
- Further enquiries necessary – present facts to the Custody Officer with a view to bail to return to the police station or remaining in custody while further enquiries are made.

Now you should consider what is the next step to take in the investigation:

- the investigation is complete – compile the file;
- test investigation obtained, such as admissions, alibis, defences, ambiguities, contradictions;
 - interview or re-interview suspect;
 - interview or re-interview witnesses;
 - search for property, weapons, other evidence;
 - obtain forensic evidence;
- identifying areas for further enquiries:
 - interview or re-interview suspect;
 - interview or re-interview witnesses;
 - search for property, weapons, other evidence;
 - obtain forensic evidence;

Having complete the further enquiries, the evaluation process should be repeated.

Remember, a written record of a taped interview with a suspect will be required.

SELF EVALUATION

If you are to improve and develop as an interviewer, it is essential that you reflect of the way that you conducted the interview. This way you can learn from what has taken place.

Do not restrict this to the interview itself. Look back at your planning and preparation. All aspects of the interview can be improved. The more interviews that you conduct, the better you will become.

Where possible, use a colleague or supervisor to assist in this part of the process. If you are working as a pair, de-brief each other on what has taken place.

SUMMARY

The evaluation process includes;

- Evaluation of the information obtained during the interview itself;
- Evaluation of the whole investigation;

Does it cover:

- a) details of and points to prove the offence;
- b) the identity of the offender, and how that is confirmed;
- c) any evidence of a defence to the offence;
- d) supportive evidence to back up the allegation;
- e) how the evidence was lawfully obtained.

This evaluation should identify what other areas need to be addressed during the investigation.

Each time new information is obtained, review it with all the available information.

Self evaluation: In order to improve your interviewing skills, you should reflect on your own performance and develop.

CHAPTER 2

MEMORY

INTRODUCTION

Human memory is a very complex process. Some of its theories and applications are explained in the following paragraphs.

MEMORY IS NOT TOTAL

Before you read any further, think back to your last journey to work. Try to describe all the vehicles and people you saw during your journey.

Unless you live next to your work place, you will probably find it impossible to recall every vehicle or person that you must have seen. If you travel the same route regularly, the chances are that you were on 'auto pilot' and can remember very little about the journey.

This should demonstrate that memory is not like a video recorder that records everything. In fact, memory is more like a pocket book in which you jot down references that will help you to write up a full report later.

When you come to write your full report, you will fill in the gaps. To do this you will rely on your knowledge. However, you will also be influenced by your prejudices, opinions, social and cultural background, expectations and even later experiences or conversations. Your final report, whilst being truthful, may not be absolutely factual.

Memory is selective - People do not remember everything that they see, hear or sense.

Memory is reconstructed - It is not reproduced like a video recording.

MEMORY IS ORGANISED

To understand this particular point, it will help if you list what you did from the time you woke up this morning to the time you left for work. Also, ask a friend to list what he or she did in similar circumstances a week ago.

The chances are that both of you will have produced a list which is similar to the following:

- Got out of bed
- Went to the toilet
- Had wash/bath/shower
- Shaved/dried hair
- Dressed
- Put kettle on/made tea or coffee
- Had breakfast
- Drew curtains
- Tidied up/washed dishes

Read mail/skim read newspaper
Got ready for work
Said goodbye to family
Left home

Most people will produce a similar list. Compare your list with that of your friend. Are they similar? Could anyone looking at both lists readily tell that they referred to two different people on two separate days?

Memory is organized to assist us to remember. One theory suggests that we organize knowledge in a similar way to a filing system. Whilst completing the list, your recall worked like a clerk. It went to the filing cabinet marked 'daily routine' and opened the drawer marked 'getting up!' Inside it found a number of labelled folders. You have written down the labels as your list. However, if you looked into each folder you may find a store of detailed information ready to be recalled.

The way memory is organised can have a powerful influence on what is remembered. When you experience a situation, you file the details in your memory. If the experience is repeated, new information may be added. Your memory is reinforced. Regularly repeating the experience influences your memory to the point that you respond without thinking about it. It becomes routine. This may even occur despite the fact that you have subsequently undergone a contradictory experience. The following example may demonstrate this.

Officers working at a police station were informed that the property office on the first floor was to be moved to the ground floor for a period of two weeks during redecoration. Despite that knowledge, many of the officers continued to visit the first floor office only to be reminded, on seeing the notice on the door, that the office had temporarily moved.

They had established the normal location of the office through continued use. When they wanted to see the property officer, the more recent information about the ground floor office had not been etched into their memory routine.

We organise the way we store information.

In a first attempt to remember an incident or specifics, we are likely to recall broad outlines but little detail.

Because of the way we organize the information stored, we may add or miss unexpected detail in a first attempt to remember what has happened.

MEMORY IS PROCESSED THROUGH STAGES

Another theory suggest that there are three types of memory i.e., short term, long term and working memory. For the purposes of understanding what witnesses may be able to recall, your interest is in their long term memory. However, a brief word about the other two may help you to understand how things can appear to go wrong with memory.

Information is processed by short term memory which lasts for less than a second. It is then used by the working memory to interpret what our senses are telling us that we can use the information to function effectively.

To read this sentence, your eye is sending messages to your brain. You can understand that sentence, because your brain is storing up the words until a string of words is understood. If we could only ever remember the last word, we would never make sense of anything we read or hear.

Working memory is that part of the process which allows us to understand what the brain is being told by the senses. It draws on knowledge stored in long term memory. Contained within working memory is an 'executive'. It decides whether or not information should be stored in long term memory, to be available for future recall.

Do you remember how you were unable to recall all the vehicles and people you saw on the way to work? The reason for this is that your short term and working memory were allowed to function safely, leaving your brain free to think about other matters.

However, there were some things that you did remember about your journey to work. It appears, then, that the 'executive' decided that some of the information from your senses was important and should be remembered.

When the 'executive' decides that the brain should remember something, the information is encoded and then stored. If we try to remember or recall that information, we search the store for it.

When using short term and working memory to make sense of what we are reading, we draw on learnt knowledge.

Consider the phrase, "Las llaves estan en la mess." Unless you have knowledge of Spanish, it is highly unlikely that you can make sense of it, although you recognise it consists of words and realise it is a language which must have meaning.

A witness who states, "I saw a man in a blue jacket get out of the car", is using knowledge previously gained to explain what was seen. i.e. it was a man not a dog, a blue jacket not a red jumper, and a car and not some other type of transport. In comparison, young children or people with learning difficulties may have a limited ability to describe detailed information about such an incident.

LONG TERM MEMORY.

Encoding

When your 'executive' decides to store something it simultaneously encodes many factors. When you witness an accident, what you see of the collision will be stored. This includes not only the impact, but a whole range of information, such as the location, lighting, weather conditions, movement of the vehicles, actions of people, sounds of the crash, screech of tyres, words spoken and the smell of petrol or burning rubber.

You are also likely to store your reactions and emotions. Similarly, details of colours, shapes and textures may also be encoded and sent to the brain for storage.

STORAGE

The encoded information is not retained in one place, but is stored throughout the brain.

Recall

The information which has been stored can only be recalled in detail by addressing each of the encoding paths. Many police officers invariably expect witnesses to recall information obtained through all their senses in one recall attempt.

However, it is impossible to remember everything at once.

RETRIEVAL

Context

One way you can help yourself and others to recall, is to recreate, as near as possible, the same conditions which existed when the information was stored.

Go back to when you woke up this morning. Now mentally put yourself back into bed. How were you feeling? If you were feeling fed up, then feel fed up now. If you were cold, feel cold now. Concentrate on going back and recreate the exact conditions that existed then.

Next concentrate on getting a clear mental picture of what you are doing.

Now, take your time, and write down everything you experienced as you relive what you did this morning, from the time you got up until you left for work. Do not edit anything out.

You should obtain a fairly detailed account of what you did. Compare this with your original list.

Free Recall

What you have produced is the result of free recall. Free recall produces information that is invariable accurate. Information obtained by questioning may be more complete, but is generally less accurate.

The more attempts you have at recall, the more you will remember. As interviewers we need to ensure that we increase the amount of accurate 'freely recalled' information, and minimize the need for questions.

Change of Order.

Remember, it is impossible to recall everything at once. Therefore we need to give the interviewee several attempts at recalling information.

Once again, put yourself back to this morning, but this time recreate the conditions that existed as you left home. Now, work hard at going backwards through the events, and write down everything.

Count up the items of new information that you have remembered. These are probably fewer in number than last time, but in a real witness situation these extra bits of information could be important.

Whilst you were working backwards, did you at any time find yourself correcting things that you put into previous account?

In the previous account, you may still have been using your 'filing cabinet' to assist you to recall details. Therefore you may have 'remembered' things that you would have expected to happen.

By working backwards, you may have identified errors or additional information enabling you to correct or to add to the previous account of what happened.

Change of Perspective

A change of perspective may also assist you to remember more details.

Again recreate the conditions of this morning. Re-live the whole experience. This time concentrate on all the colours you see and describe the colours and to what they refer. Alternatively, concentrate on sounds, words spoken or smells. Once again work hard and write down everything.

When you have completed this, count up all the new items of information. Compare the amount of detailed information that you now have with the information you had previously.

To conclude this section on retrieval you should now appreciate the following facts:-

Working hard and telling all without editing anything out, increases the amount of information you recall;

The more attempts you make to recall, the more you remember;

Recreating the original context of the encoding of the 'to be remembered' information assists your recall;

Changing the order of your recall not only produces more information, but may help you to identify inaccuracies in the previous account;

Changing your perspective also helps you to remember new information.

Consider also the affect that 'working hard' and 'telling everything' had upon your ability to recall.

THE WAY PEOPLE REMEMBER VARIES

Experience shows that the ability of witnesses to remember varies. There may be several reasons for this. Firstly, some people are naturally better at remembering certain facts than others. Secondly, the more attention that we pay to the 'to be remembered' event the more detail we are likely to encode. Also, rehearsal of detail is likely to strengthen the 'memory', making it harder to forget. Conversely, over a prolonged period of time, a failure to refer to an event may cause memory relating to it to deteriorate.

Memory is affected by our perception and attitudes. An example of this would be a man who believes that most 'muggers' are black. The man witnesses a handbag snatch and sees the back of a hooded person running off. When questioned by the police he may confidently state his genuine belief that he saw a black youth commit the offence. It is only by careful listening and subsequent probing that you may establish that he could not have known what colour the person was.

In this situation, the memory of the witness was affected by that perception. It follows that confidence in a witness does not guarantee the accuracy of what the witness says.

Forgetting.

So far we have been considering how we remember and recall information. However, we all forget things. There are many reasons for this.

Possibly the most common reason for not being able to recall anything, is that we never 'encoded' the information in the first place.

Another reason is, that during encoding and storage, the system broke down. The various retrieval paths may become temporarily or permanently blocked.

Blocks

Stress and trauma can often cause the temporary blocking of our retrieval paths.

Interruptions

Have you ever had experience of being interrupted whilst in full flow and then of not being able to remember what you were talking about? Consider the following situation.

Imagine that you are chatting with a colleague in a patrol car and are interrupted to listen to a radio message. When you return to the conversation you cannot remember what you were talking about or the stage you had reached in the conversation. Interrupting your flow can cause you to forget what you were about to say.

Research in America revealed that, on average, a police officer interrupts a witnesses within 7.5 seconds each time the witness speaks. If you want witnesses to remember, let them tell you. Do not interrupt. When they pause because they are trying to remember, do not interrupt or try to help them by guessing at what they might say. Give them time. They will not be consciously aware of what, to you, might be an 'awkward' silence.

SUMMARY

The main points of this section are outlined below:

Theories

- Memory is not total – a person cannot remember everything;
- A statement about past events may be truthful but not always factual;
- Memory is selective;
- Memory is reconstructed;
- We organize the way we store information;
- It is impossible to remember everything at once;
- Memory may deteriorate;
- Memory may be affected by our perceptions and attitudes;
- Memory may be affected by trauma.

Retrieval

- A first attempt at recall reveals broad outlines but little detail;
- People may add or miss detail in their first attempt at recall;
- Retrieval is aided by putting the person into context;
- Allow the person free recall;
- Changing the order and perspective of recall builds up accuracy and detail;
- The way people remember varies;
- Confidence does not guarantee the accuracy of what the witness says
- Don't interrupt.

CHAPTER 3

HUMAN COMMUNICATION WITHIN AN INTERVIEW

INTRODUCTION

The value of an interview is dependent upon the quality of the information or evidence which you obtain. This in turn is dependant upon:

- Your communication skills;
- Your ability to eliminate barriers between the interviewee and yourself;
- The relationship you establish with the interviewee.

An interviewee will approach an interview with an idea of the type of person you are likely to be.

Such ideas may have been formed from a number of sources which include past experiences with other police officers and /or portrayals in the media of good and bad conduct by officers.

The way you communicate with the interviewee will either reinforce those ideas or create an alternative impression.

You should, therefore, pay attention to:

Verbal Communication – the words used;

Non-verbal Communication – the way things are said or done, either consciously or unconsciously, during the conversation.

VERBAL COMMUNICATIONS

The spoken word during communication does not account for the total message sent to the interviewee. Non verbal communication plays its part.

The main function of verbal communication is to share facts or ideas with other people. To a lesser extent people use words to express how they feel about themselves or other people. However, an individual's personality or feelings are rarely identifiable from just the words that the person speaks.

Verbal communication includes language, dialect, accent, slang and jargon. It is the responsibility of the interviewer to ensure that what is said during an interview is understood.

NON VERBAL COMMUNICATION

In order to keep the content simple and relevant, this section is limited to its scope. It is important to bear in mind that you cannot rely solely on non-verbal signals in an interview situation. This form of communication should not be used to assess the evidential or quality value of what a person says.

Within an interview, non-verbal behaviour can account for a substantial part of the message sent from one person to another. It is a means by which people naturally express feelings. It is used to display attitudes, emotions and

disposition towards a subject and to reinforce or regulate conversation.

Sometimes we use non-verbal signs to replace words, e.g. a 'thumbs' up sign.

Features of non-verbal behaviour are that they either emphasise or contradict what is being said.

Non-verbal communication can be divided into two categories, vocal and non-vocal.

VOCAL NON VERBAL COMMUNICATION

Intonation of voice, rhythm, speed, pitch and volume can all affect understanding of what is being said.

Laughter, sighing, yawning and the use of 'Ums' and pauses also affect how individuals and their words are interpreted.

NON VOCAL NON VERBAL COMMUNICATION

This group may be divided into four main components:

Movement;

Distance;

Personal features;

Environment.

Movement

This includes posture, facial expression, gaze aversions or eye contact, gestures and the crossing of arms and legs. Caution must be exercised when interpreting such movements, particularly when attempting to infer guilt or innocence. For example, there are many cultural reasons for gaze aversion and other movements. Such cues may not be reliably interpreted. You must be careful of the messages that you are sending to the interviewee.

Distance

In this context, distance refers to the nearness of individuals to each other. Where you sit in relation to an interviewee may encourage or discourage conversation.

The following considerations fall into this category:

Space

Orientation

Touch

Space

We all maintain our own area of space around us. This area consists of three separate parts referred to as Public, Personal and Intimate Space.

Public space exists from a distance of 4' from a person's body and beyond. As a general rule, people are happy for others to be within their public space.

Personal space exists between 18" and 4' from the body. This is the distance generally observed as being appropriate between individuals in a social context.

Intimate space, as the name suggests, is the area closest to an individual, and it exists up to a distance of 18" from the body. This space is reserved for partners, close relatives and close friends. Anger or anxiety can be caused by any other person who purposely invades this intimate space.

Orientation – can be divided into two areas as follows:

Physical – refers to the position of the body in relation to another person. Sitting face to face in an interview may produce feelings of anger or anxiety in interviewees. Sitting at right angles or in a ten to two position tends to improve conversation and is less intimidating.

Personal – An open and co-operative businesslike approach, without critical comments or behaviour, will help to develop the interview. Unco-operative or negative behaviour will produce an inferior interview.

Touch – Reaching out to touch may provide comfort and encouragement to an interviewee. However, consider whether you are comfortable doing this, and if it is appropriate. Touching may be detrimental to the relationship or even offensive, and, is best avoided.

Personal Features

Here we are concerned with the body and articles worn.

Physical Features

Whether a person is tall, short, fat or thin may be a factor which leads you to stereotyping that person. First impressions associated with a person of a particular shape can be inaccurate.

Physical features may have little or no relationship to a person's attitude or behaviour. You should therefore avoid looking and listening solely for information which confirms first impressions.

Dress/Things worn

Be cautious of your first impressions. To assess people simply by their clothing can be inaccurate. Similarly, taking note of the way in which people adorn their bodies, e.g. wearing jewellery or displaying tattoos, may give a false impression. Bear in mind how you appear to the interviewee.

Environment

The place in which an interview takes place can considerably affect both interviewer and interviewee.

If at a person's home or workplace, avoid distractions and barriers to communication such as television sets, radios and cassette players. Use a room where others will not interrupt. Avoid sitting near to windows or within sight of any external distractions so that the interviewee can fully concentrate. Do not allow a table to be a barrier between you.

INFORMATION PROCESSING

There are four main problem areas which affect the quality of information obtained during investigate interviewing:

Environmental Barriers;

Personal Barriers;

Perceptual Barriers;

Processing Barriers;

Environmental Barriers

Environmental barriers can affect the quality of communication within the interview. Some are obvious and may be easily avoided or eliminated. No doubt you may be able to add others to the list below.

Distractions
Disruption
Poor lighting
Noise

Personal Barriers

Difficulties in communication may arise in interviews with individuals who have physical or mental disabilities – In certain circumstances; greater effort may overcome some of these difficulties. In others, this may not be so. The implications of a person's disability will have to be thought through and the relevant action taken, e.g. use of an appropriate adult or someone to assist the interviewee. Examples are:

Quality of speech
Blindness/Poor eyesight
Hearing problems
Mental handicaps (severe learning difficulties)

Perceptual Barriers

Selective Attention

People pay selective attention according to whether something is of interest or importance to them. This could lead to their receiving distorted information.

Part of the responsibility for this distortion lies with a person's frame of reference. This is an amalgamation of values, prejudices, attitudes, education, knowledge, beliefs and upbringing. It can influence the degree of importance placed on the occurrence.

The conscious effort exerted in observing or listening, can influence the quality of information obtained.

It is natural to constantly tune in and out of what is seen and said. Unless there is active observation, listening and checking, you cannot be sure to have understood the information received.

Approach to the interviewee

Previous knowledge or that 'feeling', which sometimes results in an individual immediately liking or disliking someone, should not be allowed to interfere with, or influence any of your dealings with that person.

You should consider the appropriateness of your dress, including jewellery and other adornments, which could adversely affect the perceptions of that interviewee, thus causing blocks to conversation.

You should avoid the use of complicated words or descriptions which make the task of listening more difficult. You should also avoid using a monotone voice.

Preoccupation with other matters of concern to you can interfere with your ability to listen. Whenever possible, attend to such matters prior to conducting the interview.

Tiredness on your part, or on the part of the interviewee, must also be given consideration. It may be unwise to commence an interview towards the end of your tour of duty or at a time when either you or the interviewee is in need of rest. It may be better to postpone the interview until both parties are fresh and available time is not restricted. However, bear in mind the restrictions placed on us by P.A.C.E. and the Codes of Practice.

Processing Barriers

Processing Rate

Sometimes people assume that if a person speaks quickly, then the other person cannot take all the information in. The average rate of speech for individuals is between 125 and 175 words per minute. The average 'thought rate', or the rate at which a person may process information, is between 400 and 800 words per minute. In view of this, you should normally have sufficient time to deal with information at the rate at which it will be retrieved.

Memory

It has been found that the average listener has the ability to remember only a small number of items at any one time. It follows that, without some means of recording the conversation, you will only remember a fraction of the words spoken.

ACTIVE LISTENING

Passive listening is where people merely hear because of the tuning in and out process. They often receive only parts of what is said which may result in the message being distorted or inaccurate.

When people demonstrate no sign of listening, it may appear that they are not listening. This gives little or no encouragement to the speaker and may have a detrimental effect of the conversation.

Skilled interviewers demonstrate that they are actively listening to what is being said. The four stages described below are a suggested approach to active listening.

Stage 1 – Concentrate

Your mind has the ability to cope with the rate of information which is usually passed to you;

Try to organize the information into categories or into a chronological order;

Stay in focus with the interviewee by avoiding inattentiveness;

Notes may be taken, but should not be allowed to affect the flow of the interview.

Stage 2 – Comprehend

It is an important aspect of listening that you gain a full and accurate understanding of which is being said and that you separate fact from opinion.

Active listening should encourage interviewees to tell how they feel about an incident or occurrence.

Stage 3 – Sustain

Reinforce your commitment to giving interviewees adequate time and space to talk by making use of open posture, eye contact, encouraging nods of the head and other non-verbal cues which indicate your continued attention.

Stage 4 – Summarise

An important part of active listening is to summarise what has been said. Its advantages are as follows:

- It helps concentration;
- It assist your comprehension and gives the interviewee the opportunity to confirm or contradict your understanding;
- It assists the transfer of information into your long term memory;
- When used in moderation, it illustrates your commitment to listening to the other person.

CHAPTER 4

QUESTIONING

INTRODUCTION

The object of questioning is to discover the truth about the matter under investigation, to gather information and to obtain evidence. A knowledge of questioning technique is a necessity for effective interviewing.

The subject is considerable, but an outline is sufficient for your current needs.

Questions should be:

Simple	Words used should be easily understood;
Short	Long-winded questions may be misinterpreted.

Questions should be put:

Logically	They are less confusing in a logical sequence;
Singularly	Put one question or make one point at a time;
Politely, Quietly, Calmly,	It will lessen the likelihood of unnecessary confrontation, set the tone of the interview and heighten your status with the other person.

You must consider the needs and conversational ability of the interviewee.

OPEN QUESTIONS

‘Elephant Child’ by Rudyard Kipling includes the following lines:

I keep six honest serving men,
They taught me all I know,
Their names are what and why and when,
And how and where and who.

Starting any question with one of these highlighted words usually invites an explanation. Consequently they are possibly the best type of question to ask if you wish to obtain new information.

They are also effective in encouraging interviewees to provide an account in their own words. The result provides a more accurate picture to build upon and usually reveals stronger evidence than answers to closed, narrow or leading questions.

An open question normally produces a considerable amount of information and sometimes interviewees may wander from the point. As a result, your full attention is necessary and you will need to observe, listen to and check everything.

CLOSED OR NARROW QUESTIONS

“Are you.....?”

“Did you.....?”

“Was it.....?”

“How many?”

Questions which start like the above example invite only a short, confined or even one word reply. They often restrict the information obtained to within the wording of the question.

There is very little opportunity for the interviewee to expand on a reply or to wander from the point in issue.

They are useful:

Where a “Yes” or “No” answer is required:

Where a selection between alternatives is required e.g. “Was it Sloane Street or Sloane Square?”;

When verifying identity;

When ascertaining a quantity;

When clarifying a point;

When confirming or contradicting understanding of what was said.

LEADING QUESTIONS

As a general rule you should avoid using questions which may suggest the answer in their wording. E.g. “Was the raiders’ car a red Sierra?”

Interviewees can be vulnerable and may give the expected answer just to be helpful because they are confused or because they are frightened. They may believe you know more about a subject that they do and feel unsure or foolish to contradict you. This is especially true of young children and people of a limited mental capability. Leading questions may easily put information into their minds about things of which they had no knowledge or produce ideas they have not previously formulated,

Such a question provides information and may assist an interviewee to assess what you know or believe has happened. If the information is inaccurate it may affect your credibility in the eyes of the interviewee.

However, leading questions can be useful to summarise or confirm information which has come to light during an interview.

ECHOING

This is the process of repeating a phrase or the last few words of a reply. Its effect is to act like a question to prompt elaboration of a specific point and invites the other person to continue speaking about the subject.

It can be particularly effective when a person who has been talking freely, stops speaking. It can show that you are listening and encourages the person to continue.

Select relevant phrases or words and do not overuse this technique. Mindless repetition of words and overuse will have the opposite effect to that which is intended and can show that you are not really listening. An interviewee may even perceive you to be a fool.

You should take care that any emphasis you place on words repeated does not unintentionally indicate any judgemental feelings about the other person.

ENCOURAGEMENT CUES

Nodding of the head, an open hand gesture or a brief “Yes” or “Uh huh” are examples of such cues. We use these naturally to encourage the speaker to continue. It tells the speaker you are interested in what is being said and that you do not wish to interrupt.

Insincere use, when you are not really listening, can easily be detected by the speaker.

USE OF SILENCE

Silence in an interview can be unnatural and uncomfortable for both interviewer and interviewee alike. We all have a natural urge to fill pauses and gaps.

Having asked a question, pause so that the interviewee may process it. During such pauses, interviewees may then begin to think about how they are going to answer before they actually reply. Questions which begin with “Why did you do it?” or “How do you feel?” require individuals to search for words which will adequately describe which they did it or how they felt. It may take longer for them to begin to answer such questions, so allow them this time.

You should also allow the interviewee and yourself space and thinking time to assimilate information and formulate questions or replies. Breaking eye contact may encourage this to occur. However, a listener who uses an encouraging gesture and refrains from speaking can supportively invite the speaker to continue.

When people concentrate hard, they remain silent and normally focus on a neutral space such as the floor or ceiling. Do not interrupt this process and you may obtain that extra piece of information.

Coupled with eye contact, silence can be a powerful tool to prompt an interviewee to speak. After a question has been put to a person who is reluctant to answer, or after receiving a reply which you want elaborating, consider remaining silent. The interviewee may break the silence.

Finally, remember that no police officer may try to obtain answers to questions by the use of oppression, so use silence with discretion.