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**ROYAL MAIL GROUP SECURITY – PROCEDURES & STANDARDS**

<b>WITNESS STATEMENTS</b>		<b>P&amp;S Doc. 5.4 V2</b> <b>Jan 10</b>
<b>1. PURPOSE</b>		
<p>The aim of this document is to provide Investigators within Royal Mail Group Ltd (RMG Ltd) with a clear understanding of the procedures to be followed when recording witness statements and producing exhibits as evidence. It also covers victim personal statements and witness care.</p>		
<b>2. CONTENTS</b>		
<p>Section 3     Introductions.</p> <p>Section 4     General Considerations.</p> <p>Section 5     Recording a Witness Statement.</p> <p>Section 6     Producing Items of Evidence.</p> <p>Section 7     Victim Personal Statements.</p> <p>Section 8     Witness Care.</p>		
<b>3. INTRODUCTION</b>		
<p><b>3.1</b>     Victims and witnesses are fundamental to the criminal justice system. They provide the information, intelligence and evidence to Investigators, which enable offenders to be brought to justice. Witness statements are used to capture evidence in written format and as a means of introducing evidential items into court proceedings. They also;</p> <ol style="list-style-type: none"><li>1. Allow the prosecution and defence lawyers to evaluate the level and strength of the evidence.</li><li>2. Allow the evidence in the witness statement to be read and produced in Court, (if agreed by the defence lawyer) thereby excusing the witness from appearing in person.</li><li>3. Assist the prosecution &amp; defence lawyers and the Judge or Magistrates during the oral examination of a witness, if they are required to give evidence at Court.</li></ol> <p><b>3.2</b>     <b>Rules &amp; Continuity of Evidence.</b>     Success in a case may well depend on the Investigator's skill and thoroughness in taking statements which accurately describe the matter in question. However this in itself is not enough statements must also be recorded in accordance with the "Rules of Evidence" and evidence obtained stored in a manner which demonstrates continuity. Further information on the rules and continuity of evidence can be found in Appendix 1 to these P&amp;S.</p> <p><b>3.3</b>     <b>Scotland and Northern Ireland.</b>     These P&amp;S deal with recording witness statements in all jurisdictions. However references to advice from the Criminal Law Team (CLT) should be directed to the Procurator Fiscal in Scotland and the Public Prosecution Service Northern Ireland.</p> <p style="text-align: right;">Back to Contents</p>		
<b>4 GENERAL CONSIDERATIONS</b>		
<p><b>4.1</b>     <b>Health &amp; Safety.</b>     Before witnesses are interviewed, Investigators must have regard for Health &amp; Safety and act in accordance with the Criminal Investigation, P&amp;S 4.1 Criminal Investigation Duties, Safe Systems of Work, found on the GSD under Criminal Investigation P&amp;S.</p>		

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- 4.2 Eye Witness & Finders.** In the case of "eyewitness" or "finders" evidence, Investigators should endeavour to obtain witness statements at an early stage to prevent potentially vital information being lost and to ensure that continuity of evidence is maintained.
- 4.3 RMG Ltd Friends at Witness Interviews of RMG Ltd Employees or Agents.** Any member of staff, Post Office Ltd agent or agent's assistant being interviewed as witnesses by a RMG Ltd Investigator must be offered the presence of a friend at the interview. The process is managed by the completion of a GS003 form 'Friends at Interview'. For further information on 'Friends at Interview' see P&S, 7.4 Interviewing Suspects, Section 7 found on the GSD under Criminal Investigation P&S.
- 4.4 Friends at non RMG employee/agent Witness Interviews.** In some circumstances an Investigator may find it beneficial to offer or allow the presence of a friend at other witness interviews. A friend should be a person independent of the RMG Ltd Security Community, who is not involved in the case being investigated. They may be a friend or relative, but not necessarily so. Friends must be clearly instructed not to take part in the interview and may be asked to leave if they behave inappropriately.
- 4.5 Juveniles & their Appropriate Adults.** In England, Wales and Northern Ireland a juvenile is a person who has not reached their 17<sup>th</sup> birthday. In Scotland a juvenile is a person who has not reached their 16<sup>th</sup> birthday. Juveniles should not be asked questions or asked to sign any documents in the absence of an appropriate adult, whether they are a witness or suspect. The appropriate adult should be informed that they are not there simply as an observer; they are there to ensure that the juvenile is treated correctly and to facilitate communication. Appropriate adults should be asked to sign the statement as a witness after any signature by the juvenile.
- 4.6** Children under 14 may not understand the importance of taking a sworn oath to tell the truth, as such they should not be asked to sign the declaration at the top of the statement form GS011. Investigators should however include in the statement the fact that the juvenile knows what has been said is true.
- 4.7** Further details on who is and is not suitable as an appropriate adult are contained within Appendix 8, Juveniles & Appropriate Adults, to P&S 7.4 Interviewing Suspects found on the GSD under Criminal Investigation P&S.
- 4.8 Royal Mail Group Ltd Young People.** RMG Ltd has granted all staff and agents who have not reached their 18<sup>th</sup> birthday, special treatment when they are to be interviewed as a witness. The young person concerned should be met in the presence of a responsible supervisor who is known to the witness and who has not been involved in the enquiry. The supervisor should make introductions, explain the nature of the inquiry and proposed interview and fully explain the rule which gives the young person the opportunity to have a friend present. If a friend is required the responsible supervisor should remain if practicable until the friend arrives.
- 4.9 Vulnerable & Intimidated Witnesses, (including mentally disordered persons) & Special Measures.** The treatment of vulnerable and intimidated witness, including the provision of Special Measures, is dealt with in Appendix 1 Rules & Continuity of Evidence.
- 4.10 Interpreters.** An interpreter will be required to record a statement from a witness who has difficulty in speaking or understanding English. If a foreign language interpreter is required the interpreter should record the statement in the preferred language of the witness. The statement should commence with the declaration at the top being translated into the relevant language. In the case of a sign language interpreter the statement should be

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recorded by the Investigator. In both circumstances the statements should then be signed by the witness. In the case of a foreign language statement the interpreter should be asked to make their own statement exhibiting both the witness's statement and its translation. They should also be the person who witnesses the witness's signature.

- 4.11** For details on how to obtain a qualified interpreter see Appendix 9, Interpreters at Suspect Interviews, to P&S 7.4 Interviewing Suspects found on the on the GSD under Criminal Investigation P&S.

- 4.12 Blind Persons.** Blind witnesses should be interviewed as normal and a statement recorded from them, which, on

completion should be read out to the witness. They should not be asked to sign the statement. If they agree the statement and they can read braille then a braille translation statement should be prepared and the witness should be asked to sign the braille translation. If they cannot read Braille then the procedure in the paragraph below should be followed.

- 4.13 Persons Who Cannot Read.** Prior to recording the statement the declaration at the top should be read out to the witness in the presence of a third person. The Investigator should then (below the declaration at the head of the statement) record the following: "(Name of witness) being unable to read, I (name of Investigator) read the above declaration to (him or her) in the presence of (name of third person)". The declaration should then be signed by the Investigator and the third person. On completion of the statement the contents should be read out in the presence of a third person. The witness should be asked if they want to add or alter anything. If any alterations or additions are made the amended statement should read out again. Once the statement is agreed, all persons present who can read should certify and sign to the effect that the statement was read out and agreed by the witness in their presence.

- 4.14 Competence and Compellability of Witnesses.** Witnesses who are considered to be competent can be compelled to give evidence by obtaining a witness summons. Spouses and civil partners are an exception and cannot be compelled. Witnesses cannot however be compelled to give a statement. If a witness refuses to give a statement and it is thought that their evidence is necessary, advice should be sought from the Criminal Law Team. Further details on competence & compellability of witnesses can be found in Appendix 1 Rules & Continuity of Evidence.

- 4.15 Managing the Witness and the Contents & Structure of a Witness Statement.** Appendix 2 to these P&S contains practical guidance on the management of a witness and the content and structure of witness statements.

- 4.16 Assistance to Witness.** You are entitled to assist the witness to keep their statement confined to what is relevant and admissible. However, you must not influence what they say in its content or convert the words they use into 'official' language or jargon. Always use their words unless they make the meaning doubtful. If it is necessary to alter them, explain why and get their agreement to the alternative phrasing. Always remember it is their statement and must contain what they will say if called upon to give evidence.

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**4.17 Rough Notes & Sketch Plans.** During the statement taking process it may also be useful to make rough notes or draw sketch plans of scenes. If a sketch plan is drawn to assist the investigator to complete the statement it is not an exhibit, it is unused material and should be signed and dated by the person who has drawn it. However, if the sketch plan, or the position of an item or person marked on it, is referred to in the statement; it becomes direct evidence and should be exhibited. Rough notes should be retained as they are "relevant" for disclosure purposes.

**4.18 Persons Present.** To avoid undue influence, statements should not be taken in the presence of someone who may become a witness in the same case.

**4.19 Unreliable Witnesses.** Investigators must be open-minded and information obtained from the witness should always be tested against what the Investigator already knows or what can reasonably be established. If an Investigator considers that for any reason the witness's credibility is in doubt then they must discuss the matter with the Criminal Law Team (CLT).

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## **5. RECORDING A WITNESS STATEMENT**

**5.1 Statement Forms.** Statements are recorded on forms GS011 and GS011a (the continuation sheet). The forms come in both lined and unlined formats and there are versions for England & Wales, Scotland and Northern Ireland. In addition there are statement forms in the Welsh Language. Templates for all forms are on the GSD

under Numerical Index of GS Forms.

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**5.2 General rules for Witness Statement forms GS011.**

1. **Full Title.** The full title, full forenames and surname of the witness should be entered at the top of the statement and at the top of each continuation sheet.
2. **Age of Witness.** If the witness is under 18 years of age the Investigator must enter their age and date of birth in the space provided. If the person is over 18 they should write "over 18". (In Scotland the preamble requires the witnesses' date and place of birth).
3. **Declaration.** Before beginning the statement, Investigators should draw the witness' attention to the declaration. The certificate should be explained if necessary. The witness should not be asked to sign that certificate until the statement has been completed. (There is no such declaration in Scotland).
4. **Black Ink.** Statements should be completed in black ink.
5. **Margins.** The margin on the witness statement forms are left blank to enable lawyers to make notes.
6. **Spacing.** The spacing on typewritten statements should be 1.5 or double-spaced, again allowing lawyers to make notes.
7. **Abbreviations.** If abbreviations are used then the first time they are used they should be written in full followed by the abbreviation in brackets. The abbreviation can then be used throughout the statement.
8. **Terminology.** Specific Royal Mail Group Ltd (RMG Ltd) terms should be fully explained to enable a jury to understand what has been written.
9. **Addresses;**
  - a. In **England and Wales** if a business address is relevant it can be written in the body of the statement. The home address of a witness must not be in the body of a statement (unless it is an addressee statement where the home address is already on the exhibit that is referred to in their statement).
  - b. In **Scotland** the home and business addresses are written in the preamble of the statement form.
  - c. In **Northern Ireland** witness details are recorded on the "Witness Personal Details Form" GS007.
10. **First Person.** Although it is the normal practice for the Investigator to write the statement, it must be in the first person singular as if the witness had written it.
11. **Relevant Information.** Investigators must include all the relevant information the witness can provide, even if it tends to disprove the offence.
12. **Detailed Points.** If witnesses are not sure of a particular point of detail Investigators must include this in the witness statement, e.g. I am not sure of the colour of the car. This shows that the point has been considered even if the witness is unable to give exact details. The witness may be able to say the car was dark or light even if they cannot state the colour.
13. **Chronological Order.** The statement should be in chronological order in paragraph form, using separate paragraphs for each element of the witness' account.
14. **Blank Lines/Spaces.** To avoid any suggestion of words being later added, blank lines must not be left between paragraphs and any blank spaces on lines of the statement should be struck through with a line.
15. **Alterations.** Any alterations or mistakes made during the preparation of the statement must be carefully crossed out with a single line, so what was originally written can still be read. The correction can then be written after the error or above it if necessary. The witness must initial errors and corrections.
16. **Completion of Statement.** At the completion of the statement;
  - a. In **England and Wales** the number of pages should be entered in the declaration at the top of the statement. The declaration should then be signed by the witness and dated. The "Page...of..." should be completed on all the continuation sheets. The witness should sign their name after the last word and where indicated at the lower left hand corner of all pages. A witness to the signatures should sign where indicated at the bottom right hand corner of all pages.
  - b. In **Scotland** the Investigator should complete the details in the box at the end of the statement. "Page...of..." should be completed on all sheets. The witness should sign their name after the last word and where indicated at the lower left hand corner of all pages. A

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- recorded the statement should then sign their name where indicated under the declaration. "Page....of...." should be completed on all the continuation sheets. The witness should also sign their name after the last word and at the lower right hand corner of all pages.
17. **Blank Spaces.** When the statement does not occupy a whole page the blank space below should be crossed through with a diagonal line initialled by the witness.
18. **Reverse of Statement.** Completion of the reverse of a statement form (and if applicable the GS007) in **England, Wales & Northern Ireland.**
- a. All boxes on the forms must be completed If there is information that is not known, endorse the section 'Not known' or 'Not applicable'.
  - b. The witness should be informed that the defence will not be given the personal details on side B (or the GS007) under any circumstances.
  - c. The personal details must be recorded in the relevant spaces. It can be explained to the witness that the details are required to enable checks to be carried out to establish whether the witness has any previous convictions. This is a legal requirement for prosecution witnesses.
  - d. The witness should be given form GS041 Giving a Witness Statement - What Happens Next? (ensuring that appropriate box is ticked).
  - e. They should also indicate whether they consent to the statement being used in Civil or Disciplinary cases.
  - f. It should be established if the witness has any specific needs i.e. healthcare, childcare, transport, disability, language difficulties, visual impairment, restricted mobility or other concerns which will need to be addressed should they be required to give evidence at court.
  - g. The witness and if applicable the appropriate adult should be asked to sign to confirm the responses.
  - h. The details of the Investigator recording the statement should be entered at the bottom of the form
19. In **Scotland** the details of the witness are recorded on the front of the statement. At the end of the statement there is a section for Investigators to confirm with the witness whether or not they are happy for the statement to be used in civil/disciplinary proceedings. Additionally Investigators should inform witnesses that if they are cited as a witness by the Procurator Fiscal's Office they will receive a booklet entitled "Being a Witness". However, if they want further information prior to that they should contact the Investigator or they can obtain it from the following website,  
<http://www.copfs.gov.uk/Witnesses/WitnessesattendingCourt>
20. A witness can be provided with a copy of their statement should they wish.
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## 6. PRODUCING ITEMS OF EVIDENCE

- 6.1 England Wales & Northern Ireland.** Any witness who refers to an item that is to be produced as evidence at court must describe it and say how it is identified in their witness statement. The item identifying mark is to be unique and will normally be the initials of the person producing it followed by a chronological number. For example, Andrew Brian Cox finds several items of evidence then they should be identified as ABC/1, ABC/2, and ABC/3 etc. If a larger exhibit, say ABC/1, is broken down then the sub exhibits should be marked ABC/1a, ABC/1b, ABC/1c etc.
- 6.2** After an evidential item has been given an identity reference mark it should retain that reference mark throughout the investigation. If the evidence is shown to another witness and referred to in their statement they should describe it and identify the item and confirm that they have signed and dated the identification label attached or exhibit bag.

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- 6.3** Identification labels GS035 (non adhesive) and GS035B (adhesive) can be found on the GSD under the Numerical Index of GS Forms
- 6.4 Productions in Scotland.** In Scotland items of evidence are referred to as productions. However productions are not given production numbers until the case is being prepared for submission to the Procurator Fiscal's (PF) Office. Accordingly to assist in identifying productions during the investigation they should be given an "interim" reference mark, which should be made up as described in paragraph 6.1 above (ABC/1, ABC/2 etc.). When recording a witness statement any productions referred to should be fully described and reference made to the interim reference mark. Additionally a production label, describing the item and including the interim reference mark, should be attached to the production. Production labels are numbered GS035A and they can be found on GSD, Numerical Index of GS Forms, Investigation and Prosecution Forms.
- 6.5 Producing Evidence of Recovered Postal Packets.** Recovered postal packets should be scheduled in accordance with P&S 5.3 Schedules of Recovered Postal Packets.
- 6.6 Producing documents England, Wales and Northern Ireland.** If during the course of a suspect interview a suspect is shown documents, such as signing on sheets or a P13 and they identify their signature on the document, or they agree its contents, then, if the document has not already been produced by a witness it will be appropriate for the Investigator to produce it in their statement, describing what it is, what it is for and what it shows.
- 6.7** However, if documents have not been verified by the suspect in interview then the principle of best evidence applies and the person who made the document or record, or can speak about the facts of the document or record should produce it if at all practicable. If not the contents of the document being produced may amount to hearsay and as such the contents of the document will only be admitted in evidence if it satisfies the provisions of the Criminal Justice Act 2003. Further details on producing documents containing hearsay can be found in Appendix 1 Rules and Continuity of Evidence.
- 6.8 Producing documents in Scotland.** Documents such as business records which are being produced in Scottish cases are described by the witness, identified by the local reference mark and produced in their witness statement. In addition each document that is produced in evidence has to have a Documentary Production Sheet GS035C completed. This GS035C should be folded in half vertically and the production placed inside the sheet.

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**7. VICTIM PERSONAL STATEMENTS**

- 7.1 England & Wales only.** Victims of crime who have provided an evidential statement in relation to an offence have an additional voluntary right to make a "Victim Personal Statement" (VPS) if they wish. Although a VPS is generally used in more immediately personal offences such as murder, rape, serious assault etc, there is no barrier to them being used in relation to other crimes, especially if the offence has had a particularly negative impact on the victim. The decision to offer the facility to the victim will be left to the discretion of Investigators who can judge from a person's reaction to the crime whether to suggest it to them. If there is a doubt the CLT will provide guidance.
- 7.2** Its primary purpose is to allow a person to comment on the impact that the crime has had on them, which may include such things as;
1. **Physical impact.**
  2. **Emotional impact**

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**3. Financial impact****4. Social impact**

An example of a VPS is embedded at 7.7 below.

- 7.3** A VPS may also be used to state a victim's wish to be kept informed of the case progress, or if extra support is required when appearing as a witness, or if they are worried about the consequences of an offender being given bail. Should an Investigator believe that a VPS is appropriate in the case they should hand the witness a copy of the Home Office leaflet "Making a Victim Personal Statement" and go through the leaflet with them. A copy of the leaflet is embedded below. (Investigators should ensure that the references to the Police and CPS should be interpreted as the Investigator or Criminal Law Team RMG Ltd as appropriate). When asking a victim if they wish to make a personal statement the Investigator must emphasise that that it is entirely voluntary, and that no inferences will be drawn if the victim chooses to make a VPS or not.



VPS Leaflet.pdf

- 7.4** The VPS should be recorded after the evidential witness statement has been completed. It should be clearly identified on the GS011 witness statement form by ruling a line under the evidential section of the form. The investigator should then write the following declaration;  
***"I have been given the Victim Personal Statement (VPS) leaflet and the VPS scheme has been explained to me. What follows is what I wish to say in connection with this matter. I understand that what I say may be used in various ways and that it may be disclosed to the defence."***
- 7.5** The victim may wish to discuss with the Investigator what information to put in the VPS. The Investigator can give general advice, but must take care not to lead the victim in a way that might subsequently prejudice the integrity of their evidence. The Investigator must make it clear that it is ultimately for the victim to decide what information to include in their personal statement and then record the statement in the victims own words.
- 7.6** The CLT will take into account the VPS when making decisions on whether to prosecute (as well as the normal Public Interest considerations). The court will also take the statement into account when considering bail applications and also when sentencing. In addition the defence will be able to question the witness about the contents of their VPS.
- 7.7** A victim may wish to add to a VPS after the initial one has been recorded. If this is the case then it should be recorded on a blank Witness Statement form GS011. An Example of a VPS is embedded below.



Example of VPS.doc

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**8 WITNESS CARE**

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- 8.1** When a witness has given a statement there are four occasions when they should be informed of the progress or outcome of case. They are;
1. The case does not proceed for any reason.
  2. If the suspect admits the offence and is cautioned or pleads guilty prior to a Committal or Trial at Magistrates Court.
  3. The witness is needed to go to Court.
  4. The final outcome of the case following Committal or Trial at a Magistrates Court.
- 8.2** In **England and Wales** the lead Investigator is responsible for informing the witness regarding the progress of, or final outcome of the case. However, in Royal Mail Letters and Parcelforce Worldwide cases where circumstances 3 & 4 (above) apply, the PSO will take over responsibility for notifying the witness.
- 8.3** In **Scotland** the lead Investigator must ensure that witnesses are informed of the progress of a case and its final outcome. This includes cases prosecuted by the Procurator Fiscals (PF) office. (It is thought that the PF office will inform witnesses of the outcome of their prosecutions but Investigators should confirm this is the case). The PF office will deal with witness expenses.
- 8.4** In **Northern Ireland** the lead Investigator must ensure that witnesses are informed of the outcome of any case
- which is not prosecuted by the Public Prosecution Service (PPS). This includes cases which are submitted to the PPS but the decision not to prosecute is taken. If a case is prosecuted by the PPS they take over responsibility for informing the witnesses of the progress and final outcome. The PPS will deal with witness expenses.
- 8.5** **Witness Expenses in England and Wales.** When cases go to Court and a witness attends the Investigator must ensure that the matter of witness expenses is addressed. If the witness is a Royal Mail Group Ltd employee they should claim their expenses in accordance with normal business processes.
- 8.6** For non-RMG Ltd employees it is the responsibility of the Investigator in the case to ensure that witnesses understand what they are entitled to claim. The claim form should be returned to the Investigator to be certified and forwarded to the PSO for payment. Appendix 3 to these P&S deal with Witness Expenses.

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