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

WRITTEN RECORDS OF TAPE RECORDED INTERVIEWS		P&S Doc 8.3, V5 Jun 10
1. PURPOSE		
The purpose of these Procedures & Standards (P&S) is to provide Investigators within Royal Mail Group Ltd, with clear understanding in relation to producing written records of tape recorded interviews.		
2. CONTENTS		
Section 3	Introduction.	
Section 4	Short Descriptive Notes.	
Section 5	Taped Interview Summary.	
Section 6	Full Taped Interview Transcript.	
3. INTRODUCTION		
3.1	In most circumstances following a tape recorded interview with a suspect an Investigator will be required to prepare a written record detailing what occurred during the interview. The purpose of the record is to;	
	1. Provide a balanced, accurate and reliable record or summary of the interview.	
	2. Identify possible lines of defence and mitigation.	
	3. Assist Casework Management Teams (CMT) to decide if a case should be forwarded to the Criminal Law Team (CLT) or in Scotland and Northern Ireland the appropriate Prosecutor.	
	4. Assist the CLT or Prosecutor to decide whether a criminal prosecution should proceed and, if so, what charges and mode of trial are appropriate.	
	5. Enable the CLT or Prosecutor to comply with "Advance disclosure".	
	6. Assist the prosecution, the defence and the court in the conduct of the case. (This is only where the written record of interview has been accepted by the defence).	
3.2	A written record will be required in respect of every interview that Investigators conduct with suspects except;	
	1. Where the case is deemed suitable for a Simple Caution.	
	2. Where there is to be no prosecution. (Cases where no further action is to be taken or the interviewee is returned to duty to be dealt with under the conduct code).	
3.3	Investigators must seek agreement of the CMT in their business unit before the decision not to produce a written record of interview is taken. Once it is agreed the pertinent facts of the interview should be included in the Suspect Offender Report.	
3.4	There are three types of written record of taped interview and these are;	
	1. Short Descriptive Notes (SDN) - to be used when paragraph 4.1 applies.	
	2. Taped Interview Summary - to be used when paragraph 5.1 applies.	
	3. A Full Taped Interview Transcript - to be used when paragraph 6.1 applies.	
3.5	The lead interviewing Investigator is responsible for ensuring that the written record of interview is accurate.	

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- 3.6** All written records of interview should be recorded on form GS015 "Record of Tape Recorded Interviews" and form GS015A the continuation form. There is a version of the forms for England, Wales & Northern Ireland and a version for Scotland. The preamble of the form should be completed in full in all written records.

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**4. SHORT DESCRIPTIVE NOTES**

**4.1** SDN are a brief account of what was said and done during an interview. **They must only be used when there have been full, unambiguous and unqualified admissions to all provable offences and guilty pleas are anticipated.** This is so even in cases where there are denials to some matters, as long as the denials appear to be incapable of proof. (Should the Investigator believe that any denials are capable of proof then a summary or transcript should be produced as appropriate).

**4.2 Ambiguous and Qualified admissions.** An ambiguous admission would be where one of the main points to prove is missing. A qualified admission is where the suspect is raising a defence. The following are examples of when SDN should not be used because the admission is ambiguous or qualified:

**Ambiguous Admissions**

1. A suspect admits taking surcharge or other official money to pay for their lunch but states that they did not think anyone would mind as they were intending to pay the money back the next day.
2. A suspect interviewed for intentional delay states that they were unable to perform their delivery in the time given and as a result they had left mail in their locker and forgotten about it.

**Qualified Admissions**

1. A suspect interviewed for intentional delay states that he did delay the mail, but it was delayed because of his involvement in industrial action.
2. A suspect admits going into a colleague's desk and removing £10.00 without the colleague's knowledge, but states that he believed that he had a right in law to recover the money that was owed to him.

**In essence SDN should only be used when the suspect admits being fully responsible for their criminal actions.**

**4.3** SDN should commence with the facts that the interviewee was cautioned and offered their legal rights. Mention should also be made of any significant statements or silence made before the taped interview commenced. Each tape should have its own SDN.

**4.4** SDN must include details of the following 5 subject matters;

1. **Admissions.** Investigators must ensure that the SDN accurately reflect what was specifically admitted. The admissions should be summarised in detail, thus enabling the Criminal Law Team to draft **all** the appropriate charges in the case. This means;
  - a. That **all** points to prove of the offence are detailed.
  - b. That the circumstances of the offence are **fully** detailed. This includes making clear what has actually happened, for example, has the suspect admitted stealing postal packets, or stealing **from** postal packets or even stealing items (such as money) which were found loose. It also includes in theft of mail cases details of where the recovered mail was located, its type, age and condition.
  - c. If a suspect admits stealing 20 to 30 postal packets a day then this fact must be detailed in the notes. Investigators must not "round up" the admission and only refer to the theft of 30 items per day. Investigators will find it easier to produce SDN if they get in the habit of summarising the circumstances of each admission, prior to moving on to the next topic during the interview. **Whilst producing SDN it is not sufficient to say that the defendant fully admitted the offence.**
2. **Description of exhibits.** If items of evidence are shown to the suspect during the interview and they are relevant to the charges then details (including the item reference number) should be included.

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3. **Aggravating Factors.** For example the defendant was stealing from a charity, or very personal items. It would also include such things as previous warnings about relevant previous behaviour. If the suspect was shown a P13 this should also be included in the SDN detailing when it was signed.
4. **Mitigating Circumstances.** Any circumstances which might tell in favour of the suspect must be included. Examples of which could be illness, sincere regret, attempt to repay etc. Care must be taken however to distinguish between mitigation and lines of defence. If a line of defence is offered then the case is **not** suitable for a SDN and a Record of Taped Interview Summary should be prepared in accordance with section 5 below.

5. **Other Important Points.** These are other matters not detailed above which are considered important and relevant and should be included to effectively describe the circumstances of the case.

**SDN need not include conversations about potential offences that that have been denied and cannot be proved.**

- 4.5 SDN should be written in reported speech in the third person. To enable the CMT and the CLT to verify statements made in the SDN, the tape counter time, relating to the point of the interview where this is most clearly demonstrated must be noted in the appropriate column on the GS015. There is no requirement to use the 'person speaking' column. **For reference, examples of SDN are contained within Appendix 1 to these P&S.**

- 4.6 **Important Note.** Although SDN are a brief account of the interview it is imperative that they contain enough detail of the admissions to allow both CMT and the CLT to advise on the future conduct of the case and appropriate charges, (including offences "Taken Into Consideration"). **If it is thought that the SDN does not have sufficient detail then the CMT within the relevant business or the CLT may request a Record of Tape Interview Summary.**

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## **5. TAPED INTERVIEW SUMMARY**

- 5.1 A Taped Interview Summary should be produced in all cases where;
1. The interviewee has given partial, ambiguous or qualified admissions (see 4.2 above).
  2. A "not guilty plea" to some or all of the potential charges is anticipated.
  3. A "not guilty plea" is entered at Court.
  4. No plea is entered at Magistrates Court and the defendant elects trial at the Crown Court.
- 5.2 It is therefore possible that having completed an SDN because a "guilty plea" was anticipated, the Investigator will have to produce a Taped Interview Summary.
- 5.3 Each Master Tape and each Taped Interview Summary must be produced as individual exhibits in the lead interviewing Investigator's witness statement. The second interviewing Investigator will merely state that they were present at the interview and will make reference to the tape exhibit(s) in their witness statement.
- 5.4 The Taped Interview Summary will include aspects which should be recorded verbatim and other aspects which may be summarised. The following should be recorded **verbatim**.
1. **Admissions.** All admissions and the questions leading up to them including partial, ambiguous or qualified admissions (see 4.2 above).
  2. **Reference to bail and alternative pleas or charges.** These should

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not be discussed during the interview. However, if this is raised by the suspect their questions and the replies should be recorded verbatim.

**3. Details of Special Warnings (if given by a Constable), or the failure or refusal by the suspect;**

- a. To account for any object, substance or mark which was found at the time of his apprehension, either on his person; or in or on his clothing or footwear; or otherwise in his possession; or in the place where he was apprehended.
- b. To account for his presence on apprehension at the same place, and at or about the same time, which the alleged offence occurred.
- c. To answer questions whether adequately or not at all, which deal with a material part of the allegation.

**5.5** Wherever verbatim direct speech is referred to in the Taped Interview Summary the tape counter time should be recorded at the start of the direct speech in the relevant column. The identity of the speaker should also be recorded in the second column by using their initials.

**5.6** The following points may be summarised.

1. **Denials.** Details of offences that the suspect is denying.
2. **Aggravating Factors.** (See 4.4.3 above).
3. **Mitigating Circumstances.** (See 4.4.4 above).
4. **Any other relevant point which has not already been included.** (See 4.4.5 above).
5. **Events in the Interview.** Such as periods of significant silence, changing the tapes or breaks in the interview.

**5.7** When Investigators summarise parts of the interview they should do so in reported speech in the third person. Additionally they should record the start time on the tape counter of the information summarised.

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**6. FULL TAPED INTERVIEW TRANSCRIPT**

**6.1** Full Taped Interview transcripts are to be produced in the circumstances detailed below;

1. In all cases being referred to the Criminal Law Team for advice where the suspect offender has declined to answer any, or the majority of questions put to them.
2. The CLT (or the prosecutor) requests a full transcript due to the complex nature of the investigation.
3. An Investigator requests transcripts due to significant operational commitments or the complex nature of the enquiries.

**6.2** Post Office Ltd have their own arrangements for producing Full Taped Interview Transcripts, details of which can be obtained from the Casework Management Team. Royal Mail Letters & PFWW Investigation Team members should follow the process detailed in 6.3 to 6.8 below.

**6.3 No Comment Interviews.** Copies of the "working" tape(s) to be transcribed should be forwarded to the Prosecution Support Office (PSO) along with a completed GS108. (The original "working" tape(s) should be retained with the file).

**6.4 Requests by the CLT or Prosecutor.** Following a request the PSO will obtain from the Investigator a copy of the working tape(s) and a completed form GS108.

**6.5 Requests from an Investigator.** The Investigator must in the first instance make a request to a Casework Manager. If it is agreed that a transcript

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should be prepared the Investigator must complete form GS108 and send it with copies of the working tape(s) to the PSO.

- 6.6** The PSO will then send the tapes to the external supplier; The Essential Secretary. The completed tape transcript will be returned by email to the PSO who will forward it to the Investigator by the next working day. Once checked and amend as necessary the Investigator is required to return a copy of it to the PSO, who will send it by email to the Criminal Law Team. Where the PSO is in possession of the case file, a copy of the transcript will be paginated in and a further copy placed in Appendix B. Investigators will do the same if they hold the file.
- 6.7** **Important Note** Case files should not be delayed merely to await the Full Tape Transcript. They should be forwarded as normal but commenting in the report that the transcripts will be associated as soon as practicable
- 6.8** Any copies of the "working" tapes submitted for transcripts to be prepared must be hand-delivered or sent to the PSO by Special Delivery.

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