

## ROYAL MAIL GROUP SECURITY – PROCEDURES &amp; STANDARDS

APPENDIX 4 – INTERVIEWING SUSPECTS USING NOTES OF INTERVIEW  
QUICK REFERENCE GUIDE – ENGLAND & WALESP&S Doc 7.4 Appendix  
4 V1

- The record of interview must be accurate and should be a contemporaneous record of what has been said.
- Any errors made when recording the notes should be corrected by a line being drawn through the error. The error should not be completely obliterated.
- Each page should be timed when completed at the bottom.
- Any actions or events which occur in the interview which are not direct questions or answers about the offence, such as introductions, handing out forms or producing items of evidence should be timed and recorded as per the examples below:

| Person speaking | TEXT   |
|-----------------|--|
|                 | 15.25hrs Mr Brown is handed form GS001 Explanation of Legal Rights,<br>15.34hrs Mr Brown is shown item MFM/2 a white envelope in an open condition. The item is addressed to Mr Henry GREEN, GRO on the 28 Aug 2008  |
|                 | <ul style="list-style-type: none"> <li>• When asking direct questions about the offence they and the answer should be recorded verbatim. The questions and answers are recorded as per the example below with the initials of the person speaking in the relevant column.</li> </ul> |
| Person speaking | TEXT   |
| ABC             | Have you always been employed at Anytown Delivery Office?  |
| XYZ             | No I started work at Hightown Delivery Office and I was there until 2007 when I moved to Anytown.  |

## INTRODUCTION

|               |   |
|---------------|---|
| Memo          | Complete appropriate sections of the preamble of the form GS000.  |
| State & Write | "My name is.... My colleague is.... We are Investigators employed by Royal Mail Group Ltd to investigate possible criminal offences. Also present is.... (name of suspect and any other person present and their role). I want to ask you some questions about.... (detail precisely, for example, the theft of postal packets which they were due to deliver between...date...and...date... and that they are suspected of the theft of the items)." |
| Memo          | The suspect must be under no misapprehension that they are facing a criminal investigation because the Investigators suspect that they have committed a criminal offence.   |

## PROCEDURE TO FOLLOW WHEN AN APPROPRIATE ADULT IS PRESENT

|                   |   |
|-------------------|---|
| State & Write     | "As an appropriate adult I must inform you that you are not expected to act simply as an observer during this interview. The purpose of your presence is to advise the person being questioned, observe whether or not the interview is being conducted properly and fairly, and to facilitate communication with the person being interviewed." Please confirm you have been given written guidance form GS001A. |
| (To the Juvenile) | The duties of the appropriate adult include giving you advice and assistance. Also you can consult privately with your appropriate adult at any time."  |

## LEGAL RIGHTS &amp; THE CAUTION

|               |  |
|---------------|--|
| Note          | Hand the suspect a form GS001, ensuring that it is identified by an item reference number and the time and date shown is recorded on the form. (A note to this effect should be made in the interview record). Go through the form with the suspect by reading it with and to them. After cautioning the suspect and asking if they understand they should be asked to write their response in the appropriate place and asked to sign and time the reply. |
| Note          | If the interviewee states or indicates that they do not understand the caution, or if the interviewer has any doubt as to their understanding, they should explain the caution as follows, recording the explanation and responses on the notes of interview:  |
| State & Write | You do not have to say anything; you do not have to answer my questions. Do you understand that?   |
| Note          | Record the suspect's response.   |
| State & Write | However if this matter goes to court and you then give an explanation which you have not told me about today the court may wonder why you are saying it then. They may think you needed time to think up an explanation, they may in fact think you are lying. So if you have an explanation now is your opportunity to give it. Do you understand that?   |
| Note          | Record the suspect's response  |

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|---|--|
| State & Write   | Anything you do say may be recorded and given in evidence. Do you understand that?   |
| Note  | Record the suspect's response.   |
| Note  | Should the suspect still not understand the caution then legal advice must be recommended.   |
| Note  | Go through the remainder of the form GS001 side A with the suspect. If the suspect has any doubts about their legal rights then further explanation should be given and recorded verbatim, along with any responses in the notes of interview. Following completion of the GS001 side A a note should be made in the notes of interview detailing that the suspect had been offered their legal rights and the form GS001 completed.   |
| <b>OFFER OF FREIND</b>  |  |
| Note  | Show the form GS003 to the suspect and go through it with them recording in the notes this fact and action taken. If there is a significant delay awaiting the arrival of the friend the suspect should be re-cautioned and reminded of their legal rights.  |
| <b>QUESTIONING</b>  |  |
| Note  | Commence questioning suspect. At the beginning of questioning, the Investigator shall ask the suspect to confirm or deny or add to any significant statements or silences made by the suspect in the hearing of Investigators prior to the interview. (A significant statement is one that is capable of being used in evidence against the suspect such as an admission of guilt. A significant silence is a failure or refusal to answer a question or answer satisfactorily when under caution).  |
| Note  | All items shown to the suspect should be described in the notes concisely and given item identification numbers.   |
| <b>VISITORS TO INTERVIEW ROOM</b>   |  |
| Note  | Ensure it is clear that an interview is being conducted in the interview room with a sign on the door, so that other people do not enter the room unnecessarily. If someone does enter room make a note of the time, who it is and why they have entered the room.   |
| <b>BREAKS IN INTERVIEW</b>  |  |
| Note  | Make a note in the record of the reason for the break.   |
| <b>WHEN INTERVIEW IS BEING STOPPED IN ORDER THAT SEARCHES CAN BE MADE</b> |  |
| Note  | Inform the suspect of the purpose of the searches and deal with consent and the forms GS004, GS005. Remind the suspect of their right to have a friend present at the searches. Then suspend the interview in order that searches can be conducted, ensuring that all decisions and actions are recorded in the notes.   |
| <b>RESUMING THE INTERVIEW AFTER BREAKS</b>                                |  |
| Note  | Resume the interview making a record in the notes and covering the following; <ol style="list-style-type: none"> <li>1. Everyone present should be introduced along with the place, date, time.</li> <li>2. Remind the suspect what they are being questioned about.</li> <li>3. Re-caution/remind the suspect they are under caution. Additionally remind them of their legal rights.</li> <li>4. Re-offer the presence of a friend.</li> <li>5. The reason for the break should be stated.</li> <li>6. Confirm that no questions about the offence, (apart from those documented) were asked during the break.</li> <li>7. Commence questioning by dealing with any significant statements made during the break and cover any documentation completed.</li> </ol> |
| <b>TO END THE INTERVIEW</b>   |  |
| Note  | If it is appropriate to inform the suspect that they may have rendered themselves liable to prosecution and be given the second caution they should be told the following;   |
| State & Write   | "I have to inform you that you may have rendered yourself liable to prosecution. You do not have to say anything, but it may harm your defence if you do not mention now something which you later rely on in court. Anything you do say may be given in evidence. Do you wish to clarify anything you have said or add anything else before the end of the interview?"  |
| Note  | Record the suspect's response. If as a result of the interview it is not appropriate to mention the first two sentences the suspect should still be asked if he/she wishes to add or clarify anything that has been said.  |
| State & Write   | ...(Time)...I am now going to read the notes of interview to you and I want you to read them afterwards. If you agree with the interview record sign it as correct. If you consider that the interview record is incorrect you should indicate how you consider it incorrect."   |

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|---------------|---|
| Note          | When reading the notes the interviewee should initial any errors identified in the notes and they should be asked to sign the bottom left side of each page. At the end of the notes the suspect should be asked to write one of the following certificates;  |
| State & Write | These notes have been read to and by me. I was told that I could indicate any inaccuracies, adding why I disagreed with the notes. I agree that these notes are a correct record of the interview....(signed, name, time & date).<br>Or<br>These notes have been read to and by me. I was told that I could indicate any inaccuracies, adding why I disagreed with the notes. I disagree with some of the notes and I have marked those passages with which I do not agree. This is my version of what was said...(The interviewee should then continue with their written explanation...(signed name, time & dated)) |
| Note          | If the interviewee cannot read or refuses to read the record and sign it the Senior Investigator present shall read the notes to them and ask whether they would like sign it as correct or make their mark or indicate how they consider it inaccurate. The Investigator shall certify on the interview record itself what has occurred, sign it and write their name the time and date.   |
| Note          | If an appropriate adult, solicitor or friend is present they should also be given the opportunity to read the record and certify it as correct or otherwise as they consider appropriate. They should then sign it and write their name the time and date.  |
| Note          | The Investigator who made the notes should certify that they took the notes and that they were read to the suspect. They should also record, as appropriate, if the suspect read and/or signed them in the Investigator's presence. The Investigator should then sign the notes and write their name the time and date. Any other witnesses should certify that they witnessed the interview then sign the notes and write their name the time and date.  |