

INTERVIEWS, INTERVIEW RECORDINGS, WRITTEN RECORDS AND STATEMENTS POLICY

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INTERVIEWS, INTERVIEW RECORDINGS, WRITTEN RECORDS AND STATEMENTS

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Legal Basis

Legislation specific to the subject of this policy document:

- Police & Criminal Evidence Act 1984 (PACE) Code C
- Police & Criminal Evidence Act 1984 (PACE) Code E & F
- Youth Justice and Criminal Evidence Act 1999 - Chapter 1

Other relevant legislation which you must check this document against (required by law)

- Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
- Equality Act 2010
- Crime and Disorder Act 1998
- Health and Safety at Work etc. Act 1974 and associated Regulations
- General Data Protection Regulation (GDPR) and Data Protection Act 2018
- Freedom of Information Act 2000
- The Civil Contingencies Act 2004

Other documentation which you must check this document against:

- College of Policing – Code of Ethics
- Norfolk and Suffolk Constabularies' Standards of Professional Behaviour
- College of Policing – Authorised Professional Practice

Other Related Documents

- The Code for Crown Prosecutors 2018
- A guide to statement taking (v02)
- College of Policing Investigative Interviewing
- Ministry of Justice Achieving Best Evidence
- Home Office Interviewing Suspects

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1. Statement of Policy

- 1.1 A substantial proportion of the provisions of the Police and Criminal Evidence Act 1984 and the Codes of Practice are directed specifically towards the manner in which persons are dealt with whilst in Police Custody and the various processes utilised to gather evidence.
- 1.2 A balance should be sought to preserve the dignity and the rights of the individual whilst affording adequate provision to regularise and authorise the obtaining of admissible evidence.
- 1.3 This policy and its associated procedures have been formally agreed via the approved policy development/review process. It will be maintained by the Joint Justice Services Command in conjunction with the Central Policy Unit.
- 1.4 The policy and its associated procedures are intended to promote equality, eliminate unlawful discrimination and actively promote good relations regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status.
- 1.5 Managers have a responsibility to ensure this policy and its associated procedures are applied fairly, and unless otherwise stated, all policies and procedures are non-contractual.

2. Applicability

- 2.1 Unless otherwise stated, this policy and procedure applies to all police officers (including officers of the Special Constabulary) and all members of police staff (including police support volunteers).

3. Codes of Practice

- 3.1 Officers and police staff employees authorised to report offenders, will comply with the Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers (Part C) when interviewing and taking statements from persons suspected of having committed any offence. Copies of the Codes of Practice have been issued to every regular officer and member of the Special Constabulary and are available at every police station.
- 3.2 Police officers and police staff investigators carrying out interviews at police stations or elsewhere where portable recording can occur of persons suspected of offences which are triable on indictment (including offences triable either way) will comply with the Code of Practice on Interview Recordings (Part E and F).

4. General

- 4.1 Officers interviewing persons suspected of an offence will pay particular attention to paragraphs 10-14 of the Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers (Part C). Note should be taken of the fact that following a decision to arrest a suspect they must not be interviewed about

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the relevant offence except at a police station unless the exceptions mentioned in paragraph 11.1 of the Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers apply.

- 4.2 A written record should also be made of any comments made by a suspected person, including unsolicited comments, which are outside the context of an interview, but which might be relevant to the offence. Any written record must be made and completed during the interview, unless this would not be practicable or would interfere with the conduct of the interview and must constitute either a verbatim record of what has been said or, failing this, an account of the interview which adequately and accurately summarises it.
- 4.3 If the record is agreed as accurate, the suspect should be asked to endorse the record with the words "I agree that this is a correct record of what was said." Any alleged inaccuracies must be recorded. Verification should be sought as soon as practicable after the record is written. Where a detained person has requested legal advice, verification should not be sought until after that advice has been provided.

5. Recording of Interviews

- 5.1 The Custody Officer may authorise the Interviewing Officer to progress an interview by way of contemporaneous written notes rather than recorded digitally, on disc, or tape, but must detail the rationale for this within the detention log.
- 5.2 Code E does not apply to the conduct and recording in England and Wales, of:
- Interviews of persons detained under section 41 of, or Schedule 7 to, the Terrorism Act 2000; and
 - Post-charge questioning of persons authorised under section 22 of the Counter-Terrorism Act 2008.
- 5.3 These mentioned in 5.2 must be video recorded with sound in accordance with the provisions of the separate Code of Practice issued under paragraph 3 of Schedule 8 to the Terrorism Act 2000 and under section 25 of the Counter-Terrorism Act 2008. If, during the course of an interview or questioning under this Code, it becomes apparent that the interview or questioning should be conducted under that separate Code, the interview should only continue in accordance with that Code.
- 5.4 In all cases it is essential before starting an interview to be fully prepared, and interviewing officers should be aware of the main elements of the offences any suspect has been arrested for or seek to remind themselves of these. This will enable officers to be clear, when framing questions and directing the course of the interview, which points it is necessary to be able to prove, by evidence, if a prosecution is to be sustained. Officers should check that the recording machinery is in working order, that they know how to operate it, and that they, or any other officer present at the interview, can see the time counter on the recording machine.

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5.5 In order to ensure that the interview flows smoothly and at the same time allowing for particular parts of it to be easily recorded verbatim afterwards, either the interviewing officer or, if present, a colleague should note during the interview the counter times at which anything was said which might later need to be retrieved for verbatim recording or in order to check the accuracy of third person reporting. This will include any admissions, all salient points, aggravating factors and any matters which might tell in favour of the accused (see section 13 below). Times should later be noted in the margin of the record of interview. This avoids the need to listen to the whole recording at a later stage.

6. Interview Recording Procedure

6.1 If you are recording an interview with a suspect you must do so using the equipment provided in the rooms set aside for that purpose. No unauthorised equipment will be used, and the recording equipment provided in the interview rooms will not be removed, except in cases of replacement, repair or maintenance. This will only be done by authorised personnel, for example custody officer or ICT.

6.2 At the stage that you decide to question a suspect in respect of an appropriate offence, with the objective of obtaining evidence which may subsequently be given to a court, any further questioning will be subject to recording procedures.

6.3 The custody officer will advise the interviewing officer which interview room or rooms will be available for the recording. If the interview is being conducted digitally the recorders will require the interviewing officer to input the custody reference number to the meta data screens. This is generated from the Athena Custody System at the time of booking the suspect into custody. The custody record number is made up from the Force Number and Two Letter Station Code/Number Generated from Athena/Year. e.g. - 37MA/1234/16.

6.4 When interviewing a suspect, the PEACE model should be adhered to. Guidance on this can be found through this link: [Pages - Interview Guidance \(norfolk.police.uk\)](http://Pages-Interview-Guidance.norfolk.police.uk)

6.5 In the case of a voluntary attender, the recording reference number will be the next voluntary attender number generated from the Athena Custody System. Athena will provide brief details of the voluntary attender, (name, age, address and officer in case) alongside the allocated reference number. In addition, you must complete the notes section of the recording in the Digital Asset Management System (DAMS) to indicate that the interview was a voluntary attendance.

6.6 In respect of persons attending police bail at a Police Investigation Centre (PIC) and being interviewed or re-interviewed, you should use the reference number for the original offence. This will not overwrite any previous recordings and notes can be added in DAMS to annotate the fact that it is an interview occurring after the date of the original offence.

6.7 It is expected that with most cases of an interview or re-interview, and where more than one recording is required, you should ensure the same custody record number is used, with the exception being when a suspect has been further arrested on fresh evidence and a new custody record has been created, in which case use

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the newly generated number. The notes section in DAMS can then be annotated as to the sequence of recordings. This will also be visible by the times that are displayed in the metadata.

- 6.8 Investigating officers, who are not members of either Suffolk or Norfolk Constabularies wishing to interview persons detained at any Suffolk or Norfolk PIC, will conduct those interviews using the approved digital recording devices in the interview rooms. The 'external foreign' police officer will be issued with a copy of the Policy if deemed necessary, and, once the custody officer is satisfied the officer conducting the interview is conversant with the local procedure, the interview can take place in accordance with the remaining parts of this order.
- 6.9 In the event of a mechanical failure of the recorder, and audible warning will sound, and the procedure detailed in paragraph 4.12 of Code of Practice (E) should be followed. The interview may continue with a replacement recorder or in a different room. If no alternative recording facilities are available, the interview may be continued using contemporaneous notes.
- 6.10 Unnecessary interruptions should be avoided whilst recording an interview. However, if you are the interviewing officer when a person does enter the room during an interview, you must identify that person on the recording. For example, say: - "Police Constable SMITH has just entered the room. This interview is being recorded. Please introduce yourself and explain your reason for coming in".
- 6.11 If the suspect indicates a desire to give information about matters not directly connected with the offence (TICs), it is appropriate to complete the relevant matters relating to the offence first and deal with the other information at the end. Obviously, if the suspect does not want this further information on record the recorded interview will be concluded.
- 6.12 Should it be deemed appropriate to refer to an individual's bad character, this too should be conducted towards the end of the interview after all the salient questions have been put to them, along with any required caution reminders or special warnings before resorting to it.
- 6.13 At the end of the interview the recording will transfer over the secure network to be stored in DAMS. The machine will notify of the transfer taking place and will signal that it has been successfully delivered. If it has not been transferred due to a network outage the recorder will store the recording locally and attempts to re send once the network is restored.
- 6.14 The recording will produce a reference number at the end of the recording, unique to the concerning officer consisting of their initials, and the date/time of recording that will ensure the integrity of the file.
- 6.15 If an interview is paused then it will generate two files when transferring to the data store. If there are two pauses, there would be three files and so on. These recordings should be clearly annotated in the notes section to indicate the sequence. For example: Part 1 of 2.

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7. Post-Recording Procedures

- 7.1 At the conclusion of the interview the interviewing officer will serve a copy of the "Notice to Detained Person" Form C262 that explains their rights in obtaining access to a copy of the interview itself.
- 7.2 When a file is prepared for prosecution, a working copy of the interview will be used as part of the advanced disclosure given to the defence lawyers.
- 7.3 When using an authorised removable recording media device (tape or disc recording equipment) one recording, the master recording, will be sealed in the suspect's presence. A second recording will be used as a working copy. The master recording is any of the recordings made by a multi-deck/drive machine or the only recording made by a single deck/drive machine. The working copy is one of the other recordings made by a multi-deck/drive machine or a copy of the master recording made by a single deck/drive machine.
- 7.4 For officers using either disc or tape they will need to be correctly labelled with the labels provided and submitted to the Tape Librarians.

8. Sensitive Material

- 8.1 If a recording contains sensitive, prejudicial or inadmissible material then it is the interviewing officer's responsibility to take steps accordingly.
- 8.2 Sensitive material contained within a recorded interview should be classed as "inadmissible" if:
 - It deals with matters of national security; or it is by, or discloses the identify of, a member of the Security Services who would be of no further use to those services once their identity became known.
 - It is by, or discloses the identity of, an informant and there are reasons for fearing that disclosure of their identity would put them or their family in danger.
 - It is by, or discloses the identity of, a witness who might be in danger of assault or intimidation if their identity became known.
 - It contains details, which, if they become known, might facilitate the commission of another offence or alert someone not in custody that he/she was a suspect; or it discloses some unusual form of surveillance or method of detecting crime.
 - It is supplied only on condition that the contents will not be disclosed, at least until a subpoena has been served upon the supplier, e.g. a bank official.
 - It refers to other offences by, or serious allegations against, someone who is not an accused, or discloses previous convictions, or other matters prejudicial to him/her.
 - It contains details of private delicacy to the subject or third person and/or might create risk of domestic strife.

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- 8.3 If you are the officer in the case and using tape or disc recording equipment, you must endorse all labels relating to the master and working discs in red with the words 'sensitive material'.
- 8.4 No sub-copies of tapes or discs marked sensitive material will be made or released.
- 8.5 When considering digitally recorded interviews the interviewing officer should seek authorisation from an officer of the rank of Inspector or above to 'secure' the interview in DAMS. The Inspector or officer authorising should add a case note or enquiry log entry explaining that the interview has been secured in accordance with this policy.
- 8.6 If access is required, please liaise with data admins, (supervisors with permissions from DAMS), who can assist with access. CJ Summarisers have permissions within DAMS to access secured assets that are sent through as a workflow.
- 8.7 It is an accepted principle that the prosecutor must be made aware of all aspects of the prosecution case, and any edited or sub copy of an interview should be brought to the prosecutors' attention prior to any release to the defendant or their solicitors.

9. Professional Standards Investigations: Interview of Police Officers and Police Staff

- 9.1 Interviews following the service of misconduct notices will be dealt with by way of digital recordings. Provisions for access to advice from staff associations will be afforded in the normal way and in line with Police Regulations and the Police Staff equivalent.
- 9.2 Confidentiality should always be ensured. The names of Police officers / staff will not be entered onto any labels should discs be used, and if digitally recorded the footage will be secured on DAMS.

10. Inclusion of Recorded Interview in Evidence

- 10.1 When an interview which has been recorded is concluded, the interviewing officer(s) should make a record in their pocket note book in accordance with Paragraph 3.22 of Code E.
- 10.2 The officer will then prepare a case file, as appropriate, in accordance with the National File Standard, which may include a record of interview (Form MG15). A marginal note must be made on the record of interview of the recording time track reading at the point where any quoted conversation may be found. There is not a requirement for this evidence to be written in a pocket book as the officer will be allowed to refresh their memory at a subsequent trial from the record of interview made.

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11. Record of Recorded Interview

11.1 Where an officer records an interview with a detainee or voluntary person, it will be progressed by the CJU Case Summarisers for a transcript to be prepared should the case proceed to court, and a not guilty plea be entered.

11.2 The main purpose of the record of interview is to provide a balanced, accurate and reliable summary of the interview. The fact that an interview is being recorded does not preclude a suspect electing to make a written statement under caution. Such a statement should be taken as soon as practicable once the interview has concluded. Should the offence for which the suspect has been questioned proceed to court then the obtained statement can be treated as unused, however if the decision is reached that the matter is not to be taken further and any counter allegation made by the suspect upheld then the evidential statement would have been correctly taken at an early state of the proceedings whilst the information was still fresh in their mind.

12. Statement after Charging

12.1 When a suspect is charged if they indicate that they wish to say more than the usual short reply, they should be taken to the interview room for his/her statement to be recorded. No further questions should be put to the suspect at this stage, except to clear up any ambiguity to minimise harm or loss or in the interests of justice, such as giving the suspect the opportunity to comment on information which has come to light since they were charged where that information concerns the offence with which the suspect has been charged. In recordings of this type the appropriate caution must be given on the recording.

12.2 A detainee may not be interviewed about an offence after they have been charged with, or informed they may be prosecuted for it, unless the interview is necessary:

- To prevent or minimise harm or loss to some other person, or the public;
- To clear up an ambiguity in a previous answer or statement;
- In the interests of justice, for the detainee to have put to them, and have an opportunity to comment on, information concerning the offence which has come to light since they were charged or informed they might be prosecuted.

12.3 Before any such interview, the interviewer will:

- Caution the detainee, "You do not have to say anything unless you wish to do so, but anything you do say may be given in evidence"; and
- Remind the detainee about their right to legal advice.

12.4 The same caution applies for further interviews after pre-charge bail conditions have been imposed.

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13. Written Records, Offences Taken in Consideration

13.1 On those occasions when it is necessary to produce a written record of interview, this must include the questions and answers containing all admissions. These will include partial admissions, (e.g. one of the main elements of the offence may be missing – “I took the bicycle, but I knew Jimmy would have let me use it”) and qualified admission, (e.g. raising a potential defence – “I did stab him, but it was only because he ran at me with the meat axe when I was carving the bread”). Admission to offences other than those under investigation and in respect of which the suspect may not be prosecuted, but which they may wish to have taken into consideration must be contained within the record of interview, but do not require to be recorded verbatim. The time on the recording must be noted, and the record must be clear enough for CPS to decide whether the offence is suitable to be taken into consideration.

14. Guilty Anticipated Plea (GAP) Cases and Not Guilty Anticipated Plea (NGAP) Cases

14.1 From the recorded suspect interview you will be able to determine the type of case you have: either a Guilty Anticipated Plea (GAP) or a Not Guilty Anticipated Plea (NGAP).

14.2 A guilty plea can be anticipated when:

- The suspect has been *interviewed* and;
- Has made a *clear and unambiguous admission* to the offence and has said nothing that could be used as a possible defence,
OR;
- Has *not* made a clear and unambiguous admission of guilt but has offered no explanation that is capable of being used as a defence,
AND EITHER;
- The commission of the offence and the identification of the offender can be wholly established by police witnesses,
OR;
- There is clear visually recorded evidence of the offence being committed and of the suspect being the offender.

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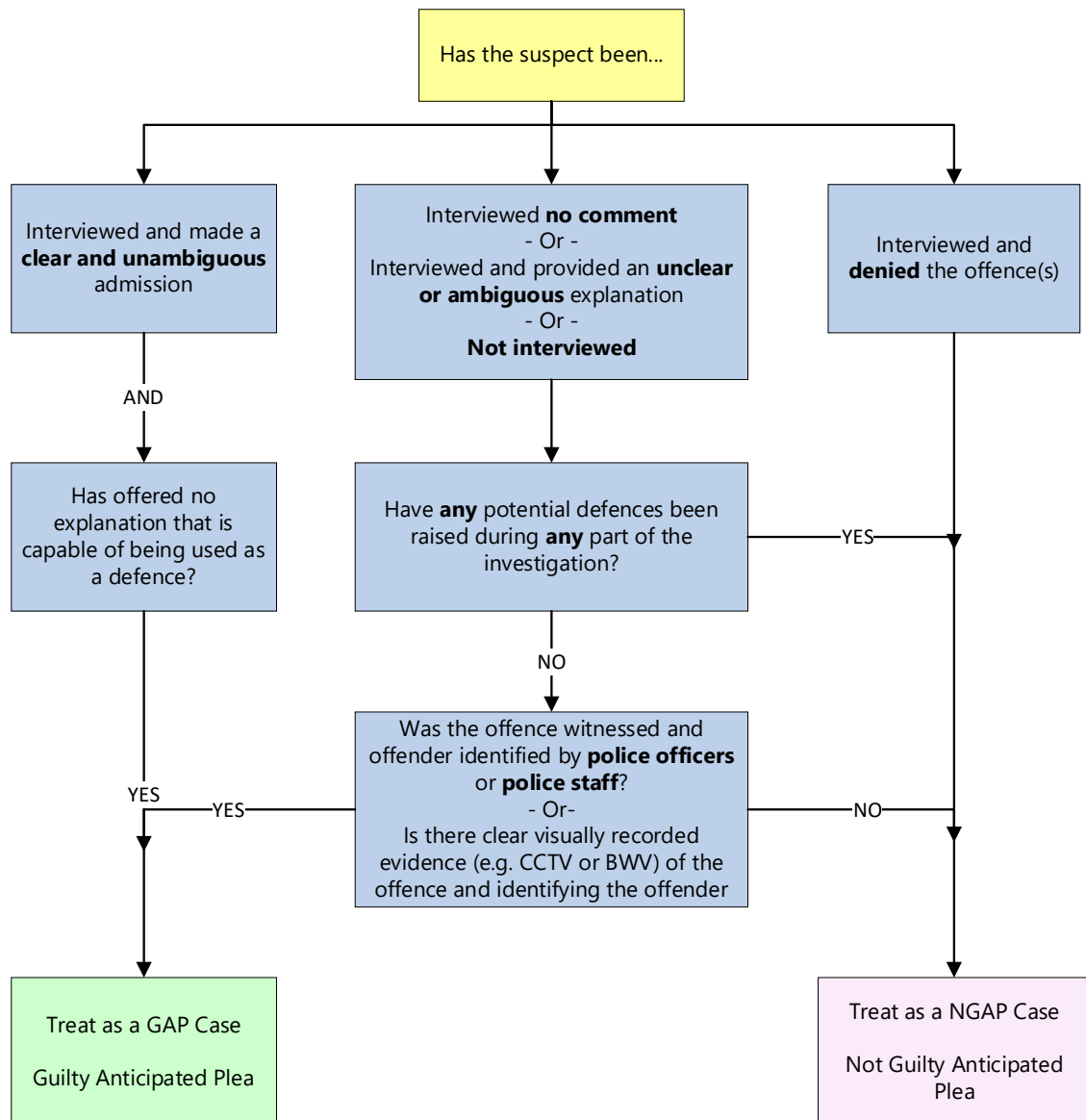
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14.3 The Guilty Plea Identifier should assist:



14.4 In the cases where the suspect has not made admissions to what they have been charged or summonsed to court for and it is anticipated that they will plead not guilty, or the matter is likely to progress to Crown Court the main salient points must be recorded verbatim. These will include the suspect's attitude to the offence, any questioning of or statements by the suspect concerning intent, dishonesty, possible defences, the granting of bail or discussions concerning alternative pleas or charges. On the other hand, aggravating factors and matters which might reflect to the benefit of the accused, including mitigation, e.g. unemployed and homeless, or expressions of remorse, or a desire to cooperate in assisting the return of property, may be summarised in the third person. In deciding whether or not to record parts of the interview verbatim, officers should bear in mind the duty of the Crown Prosecutor to make an independent decision as to whether prosecution is justified.

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14.5 In Guilty Anticipated Plea (GAP) cases, it will usually be appropriate for the record of interview to be a shorter more streamlined summary and be written largely in the third person, provided that admissions and the questions leading up to them are recorded verbatim. The salient points and matters, which might tell in favour of the accused and may also be reported in the third person.

15. All Cases

15.1 The Case Summariser will prepare a transcript known as an MG15, formerly either a Record of Video Interview (ROVI), or Record of Taped Interview (ROTI) depending on recording equipment used. The MG15 will include the time of day and date of interview, a note of the interview's duration, the full name of the defendant, and the name and rank of all persons present. Whenever direct speech is referred to the identity of the speaker and the interview timer should be indicated in the margin. Where reported speech is used, the time of salient points such as admission, mitigating factors or expressions of remorse should be noted in the margin.

15.2 When it is necessary for a police officer or member of staff to submit a statement of evidence, reference will be made to the fact that following an interview a record of the interview was prepared, and this will be an exhibit produced by the officer preparing the record of the interview. In cases where two officers are involved in an interview, the record of interview will be prepared by one officer who will refer to it in their statement. The second interviewing officer will merely state that he was present at the interview and will make the normal reference to the interview exhibit.

16. Transcripts

16.1 If it is felt by a member of the Crown Prosecution Service that because of the complicated nature, seriousness or sensitivity of a particular case, a transcript may be necessary pre-charge, the Branch Crown Prosecutor, or the person to whom he delegates the task, will listen to the interview.

16.2 If having done so it is decided that a transcript is required, the Branch Crown Prosecutor will notify the Case Summarisers that a full or partial transcript is required and will specify the reasons. If the concerning CJU Team Leader agrees they will arrange for the transcription, or partial transcription, to be prepared and forwarded to the Branch Crown Prosecutor.

16.3 If the Branch Crown Prosecutor and the CJU Team Leader cannot agree on the provision of a transcript in a particular case, it will be resolved between the Assistant Chief Constable and the Chief Crown Prosecutor.

17. Supervision

17.1 The primary responsibility for ensuring accuracy of records of interviews rests with the officers concerned. However, supervisory officers and CJU staff have a responsibility to sample both these and the recorded interview to:

- Check accuracy of summaries;

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- Check that the method of interview was correct and give advice where necessary.

17.2 Supervisory checks should be implemented to evaluate the interview:

POSITION	RATIO	REASON
Sergeants and Supervisors	At discretion depending on experience of officer and 'feedback' from previous random selection, and other files coming to notice, but in any event one recorded interview per officer every 6 months.	1. Improve the MG15. 2. Check quality of interview.
CJU decision makers	No random selection but where files come to notice that indicate the MG15 or interviews are below standard.	Inform supervisor for advice to officers concerned.
CJU Case Summarisers	No random selection but where files come to notice that indicate the MG15 or interviews are below standard.	Inform Line Management so that advice can be given to the officers concerned.

18. Playing Material at Court

18.1 Each Justices Clerks Office has the facility to play back digital material at Magistrates Courts and the Crown Courts have their own equipment.

18.2 Often material is prepared by the Image technicians.

18.3 When notified of the requirement the officer in the case will be responsible for arranging for the working copy of the material to be submitted to the court for use in the criminal proceedings. It is advised the Officer in the Case checks the playback facility at the court to ensure the material is compatible with the court system.

19. Juveniles

19.1 Interviews with juvenile defendants and statements taken from them will be subject to the Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers, Part C.

19.2 A juvenile or person who is suffering with mental illness or otherwise mentally vulnerable must not be interviewed regarding their involvement or suspected involvement in a criminal offence or offences or asked to provide or sign a written statement under caution or record of interview, in the absence of the appropriate adult.

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19.3 If an appropriate adult is present at an interview, they shall be informed:

- That they are not expected to act simply as an observer;
- That the purpose of their presence is to support the person being interviewed;
- Observe whether the interview is being conducted properly and fairly, and;
- Help facilitate communication with the person being interviewed.

19.4 The following interviews may take place only if an officer of superintendent rank or above considers delaying the interview will lead to:

- Interference with, or harm to, evidence connected with an offence;
- Interference with, or physical harm to, other people;
- Serious loss of, or damage to, property;
- Lead to alerting other people suspected of committing an offence but not yet arrested for it; or
- Hinder the recovery of property obtained in consequence of the commission of an offence; and
- Is satisfied the interview would not significantly harm the person's physical or mental state, which are:
 1. An interview of a juvenile or person who is mentally disordered or otherwise mentally vulnerable without the appropriate adult being present; Note: Paragraph 1.5A extends this requirement to 17-year-old detainees.
 2. An interview of anyone who appears unable to:
 - Appreciate the significance of questions and their answers; or
 - Understand what is happening because of the effects of drink, drugs or any illness, ailment or condition;
 3. An interview, without an interpreter being present, of a person whom the custody officer has determined requires an interpreter which is carried out by an interviewer speaking the suspect's own language or (as the case may be) otherwise establishing effective communication which is sufficient to enable the necessary questions to be asked and answered in order to avert the consequences.

20. Interpreters Foreign Languages, the Deaf and Speech Impairment

20.1 Paragraph 13 of Code of Practice (Part C) outlines those procedures to be complied with when dealing with persons who have difficulty in understanding English. Such persons will not be interviewed (as a suspect or witness) in the absence of a competent interpreter unless they agree in writing to be interviewed without one or Annex 'C' to the same code applies. As a matter of Force policy, a police officer or police staff member will not act as an interpreter (in any capacity) irrespective of their competence unless point 20.4 above applies. The language

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service contract for both forces will define how to obtain an interpreter when required.

- 20.2 When conducting interviews, officers will require the interpreter to comply with the requirements of Section 13 of Code C. Notes of the interview will be retained by the officer and submitted with any file so they are available in court for use by the interpreter. In a recorded interview there is no requirement on the Interviewing Officer to ensure that the interpreter makes a separate note of the interview.
- 20.3 Witness statements in a foreign language will be taken on an MG11 with the interpreter including the endorsement required by the Criminal Justice Act in the language of the witness. An English translation will be made and submitted with the original. The witness will only sign the original statement.
- 20.4 Paragraph 13.5 of Code C requires the police officer conducting an interview, with the assistance of an interpreter, with a suspect who is deaf to ensure that the interpreter makes a note of the interview at the time for use in the event of them being called to give evidence. This is because only the interpreter will have first-hand knowledge of the questions they put to the suspect and the suspect's replies.
- 20.5 The police officer's knowledge will be based on what the interpreter tells them and consequently will constitute hearsay. The making of a written record by the interpreter in the case of deaf suspects is likely to create practical difficulties if the interpreter must use their hands as part of the process of communication.
- 20.6 Where problems arise, it will be helpful for the police officer to write down the questions and answers on the instructions of the interpreter and for the interpreter to sign the record to indicate it is their statement. The interpreter will be responsible for the record's contents and must certify its accuracy, but it would be acceptable for the police officer to assist them in this way.

21. Blind or Impaired Persons

- 21.1 If a person appears to be blind, seriously visually impaired, deaf, unable to read or speak or has difficulty orally because of a speech impediment, they shall be treated as such for the purposes of Code C in the absence of clear evidence to the contrary.
- 21.2 Where a statement from a blind person is necessary, consideration should be given to obtaining the services of a person who can write braille. A blind defendant will only be asked to sign a braille copy of his statement which will be presented in evidence as a documentary exhibit. Blind witnesses should only be asked to sign a statement written in braille. Large print document should be available for those who are partially sighted (font size 24+). This will be submitted in any file together with a translation. Where the person is unable to understand braille, read the large print document or suffers with any known impairment that would hinder them then any statement taken will be read over and the person will be asked if he would like to correct, alter or add anything. The officer will then certify on the statement itself what they have done and obtain counter-signatures from the accompanying person and any other officer present.

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22. Persons Suffering with Mental Illness

22.1 When interviewing or taking statements from a person suffering with mental health vulnerabilities, particular care is needed to minimise the risk of producing unreliable evidence. Annex E to Code of Practice (Part C) provides detailed provisions and safeguards that must be complied with by officers dealing with this group.

23. Prison Establishments

23.1 Interviews with persons in Prison, Youth Custody Centres or Detention Centres whether as defendants or witnesses will be carried out in accordance with the relevant Procedure.

24. Voluntary Attenders

24.1 Section 29 of the Police and Criminal Evidence Act (PACE) or article 31 of PACE (NI) defines a 'voluntary attender' as:

- Where for the purpose of assisting with an investigation, a person attends voluntarily at a police station or at any other place where a constable is present or accompanies a constable to a police station or any such other place without having been arrested.

24.2 The Police and Criminal Evidence Act (PACE) 1984 code G requires the officer to consider whether the suspect's voluntary attendance is a practical alternative to arrest. Once decided under Code G that a voluntary interview is more appropriate than arrest the officer must advise the suspect of their rights.

24.3 A voluntary attender must be cautioned under the provisions in section 10 of the Police and Criminal Evidence Act (PACE) Code C, and the person giving the caution must inform them they are not:

- Under arrest;
- Required to stay at the or police station or designated building.

24.4 If they decide to remain, the officer must:

- Inform them they may obtain free and independent legal advice by phone.
- Tell them these rights are set out in the notice to voluntary attenders:
- This is issued by the custody officer when the attender is cautioned (as above) or they enquire about their rights whichever comes first
- Offer them breaks, refreshments and facilities.
- Make a note of the above actions if the voluntary attendance is at a place other than a custody office;
- Include in this note the voluntary attender's name and address and the length of time the attendance lasted.

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25. Written Records of Interview

25.1 If the record is not made contemporaneously (i.e. at the time of the interview) it must be made as soon as practicable thereafter and, irrespective of the “forms” on which the interview record was made. The reason why the record was not made at the time the interview was conducted should be recorded. It should also be noted that “an accurate record” need not necessarily comprise a full verbatim and contemporaneous record; it may equally well consist of an account which adequately and accurately summarises what has taken place.

26. The Use of Forms MG15

26.1 It is essential in the case of an interview involving the use of these forms to ensure that the record made is compatible with Code of Practice I and therefore where their use is adopted, the following instructions will apply:

- Forms MG15 (and continuation sheets) may be used as an alternative to the pocket note book for recording any interview with a person suspected of a criminal offence where it is intended to make a record of it at the time. These forms will not be used for recording interviews carried out otherwise than at the time; a pocket note book then being used for the purpose instead of the forms. The forms may also properly be used in more complex traffic or other types of case and it should be noted again that the record made need not necessarily be verbatim, it may equally amount to an accurate summary.
- A front form MG15 will be completed and continuation pages will be consecutively numbered. The questions themselves will not be numbered in order to avoid any unnecessary confusion as a consequence of any subsequent editing of the document that may take place.
- At the conclusion of the interview the person should be invited to read the record which has been made and to initial (where applicable) each question and each answer before signing at the bottom of each page in order to indicate the correctness of the record and shall be given the opportunity to indicate the respects (if any) in which they consider it to be inaccurate. If the record is agreed as accurate the suspect should be asked to endorse the record with the words “I agree that this is a correct record of what was said”. Any alleged inaccuracies must be recorded.
- If the person interviewed declines to initial each question and answer (if applicable) and/or to sign each page, then this fact will be recorded by the interviewer and endorsed by any other officer present, immediately after the interview and in the presence of the interviewee on the last page of the interview record.
- In cases where juveniles are being interviewed the parent or appropriate adult person present should also be asked to sign each page of the record of interview.

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27. Statements of Evidence

27.1 The manner of recording an interview whether on forms MG15 or in the pocket note book must be included in any statement of evidence from the corresponding officer. The amount of the record of interview to be carried forward into the statement of evidence itself will depend upon whether the record was made at the time of the interview or subsequently. Additionally, it has also to be considered whether the interview record can be properly regarded as an exhibit.

28. Use of Forms other than MG15 for the recording of Interviews

28.1 The form on which to record an interview in the case of minor traffic offences will generally be one specifically designed for the purpose.

29. Defendants Statements

29.1 Where suspected persons have been interviewed and the interview record has been contemporaneously recorded and signed as outlined in this policy, it will not normally be necessary to ask for a written statement. Statements under caution will normally be taken in such circumstances only at the person's express wish. Officers may, however, ask the person whether or not they wish to make such a statement. Any such statement will be handwritten on forms MG11 and will comply with Annex D of Code of Practice C.

29.2 A request by a defendant or their legal representative for a copy of their statement will be dealt with in accordance with Disclosure Procedures, unless the offence falls within the provisions of the Magistrates Courts (Advance Information) Rules 1985 which deal with the advance disclosure of the prosecution case.

30. Police and Criminal Evidence Act 1984 – Interview Records Guidance – PACE, Code C

30.1 An accurate record must be made of each interview, whether or not the interview takes place at a police station.

30.2 The record must state the place of interview, the time it begins and ends, any interview breaks and, subject to paragraph 2.6A, the names of all those present; and must be made on the forms provided for this purpose or in the interviewer's report book or in accordance with Codes of Practice E or F.

30.3 Any written record must be made and completed during the interview, unless this would not be practicable or would interfere with the conduct of the interview and must constitute either a verbatim record of what has been said or, failing this, an account of the interview which adequately and accurately summarises it.

30.4 If a written record is not made during the interview it must be made as soon as practicable after its completion.

30.5 Interview records must be timed and signed by the maker.

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- 30.6 If a written record is not completed during the interview the reason must be recorded in the interview record.
- 30.7 Unless it is impracticable, the person interviewed shall be given the opportunity to read the interview record and to sign it as correct or to indicate how they consider it inaccurate. If the person interviewed cannot read or refuses to read the record or sign it, the senior interviewer present shall read it to them and ask whether they would like to sign it as correct or make their mark or to indicate how they consider it inaccurate. The interviewer shall certify on the interview record itself what has occurred.
- 30.8 If the appropriate adult or the person's solicitor is present during the interview, they should also be given an opportunity to read and sign the interview record or any written statement taken down during the interview.
- 30.9 A record shall be made of any comments made by a suspect, including unsolicited comments, which are outside the context of an interview, but which might be relevant to the offence. Any such record must be timed and signed by the maker. When practicable the suspect shall be given the opportunity to read that record and to sign it as correct or to indicate how they consider it inaccurate.
- 30.10 Significant statements described in paragraph 11.4 ([PACE Code C](#)) will always be relevant to the offence and must be recorded. When a suspect agrees to read records of interviews and other comments and sign them as correct, they should be asked to endorse the record with, e.g. 'I agree that this is a correct record of what was said' and add their signature. If the suspect does not agree with the record, the interviewer should record the details of any disagreement and ask the suspect to read these details and sign them to the effect that they accurately reflect their disagreement. Any refusal to sign should be recorded.
- 30.11 Any refusal by a person to sign an interview record when asked in accordance with this Code must itself be recorded.

31. Body Worn Video

- 31.1 Voluntary Attender (VA) interviews using BWV will reduce suspects being processed through custody.
- 31.2 PACE Code E is the 'Code of Practice on Audio Recording Interviews with Suspects. BWV is approved for use for PACE interviews of suspects away from a Police Station, providing Para 1.6 of Code E is complied with. PACE CODE E (publishing.service.gov.uk)

32. Witness Statements

- 32.1 A good quality, structured, written statement is an integral part of the investigative process.
- 32.2 Statements provide both key and non-key evidence in an investigation and often lead to the identification of further lines of enquiry.

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- 32.3 Statements with a victim or witness are the 'end product' of an interview process; our job as investigators is to ensure we elicit the information from victims and witnesses with thorough questioning.
- 32.4 The InSIDE model (Introduction, Scene setting, Incident, Descriptions, Ending) is designed to assist officers with the structure of a written statement, ensuring that the evidence is captured in a clear, chronological manner.
- 32.5 For statements relating to Domestic Abuse there should be brief antecedents of the relationship recorded, including whether there have been previous incidents and whether they have been reported to the police or not.

33. The InSIDE model

Part One – Introduction

- Always open with a phrase similar to “This statement relates to”
- Include a brief overview of what the statement is about i.e., the offence/incident and the role they played in it.
- Always include day, date, time full location and who the officer/witness was with.

Part Two – Scene Setting

- Scene-setting must be relevant to the incident. If there was an assault inside a pub for example the detail needs to be around exactly where it happened within the building, there would be no need to describe the outside beer garden or carpark.
- Should include who was present, their demeanour and may include information such as a very brief description for context and visualisation to assist when covering the incident e.g., large male in a blue shirt, who I will describe later.

Part Three – Incident

- A chronological and fully detailed description of the incident itself. Who did what, force used words spoken.
- To include all relevant conversation in direct speech. Where an arrest is made write. *At time I said to ‘suspect’ “I AM ARRESTING YOU ON THE SUSPICION OF ‘OFFENCE’ – I cautioned them to which they replied.... the necessity for the arrest was ...*
- Points to prove are required within the incident including how people felt if applicable (POA). Part Four – Descriptions
- **If identity is an issue, then include a full ten-point description and the points of ADVOKATE.**

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- For officer statements, only include **ADVOKATE** if there are ID issues (Loss of sight during incident, difference in appearance between initial observation and subsequent arrest etc.)
- Should include other matters such as vehicles, weapons, injuries, and damage including cost to repair or replace. 10-Point Description
 1. Skin
 2. Sex
 3. Age
 4. Height
 5. Build
 6. Hairstyle and colour
 7. Complexion
 8. Distinguishing features
 9. Clothing
 10. Carrying (if so, what? and how?)

6-point Vehicle Description

1. Vehicle registration number (or part)
2. Make
3. Model
4. Colour
5. Distinguishing features (stickers, damage)
6. Type (SUV, sports, estate, saloon)

Part Five – Ending

- If not already done, cover the production of all exhibits in evidence including correctly identifying whose exhibit it is (if it's given to you it's theirs, if you take it it's yours).
- Continuity of the exhibit.
- Any other matters which haven't fitted the model "Nobody had permission to assault me" or what happened in custody, for example.
- Sign where appropriate and consider Victim Personal Statement (VPS), then ensure that all other relevant details on the front, reverse and all continuation sheets are completed.

Witness Identification Evidence

A - Amount of time the suspect is under observation by the witness

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Where the suspect moves in and out of view, clarify how long in view at relevant times.

D - Distance

How far away was the witness from the suspect? Where the distance changes this should be covered within the statement.

V – Visibility

What was the weather like, did it affect visibility? Does the victim/witness wear glasses/contacts and if so, were they wearing them at the time.

O – Obstructions

Was there anything between the witness and the suspect?

K - Known or seen before

For how long and under what circumstances (Relative/Lifelong friend/met the once). Consider recognition evidence.

A - Any reason to remember

Was there anything that caused the witness to pay particular attention to the suspect? Suspect acting furtively, unusual dress, or features?

T - Time elapsed between the original observation / incident and the subsequent identification to the police i.e. in the street or an ID parade.

E – Errors

This is concerned with any discrepancy in the description of the subject between the first description given by the witness and the subsequent identification.

Recognition Evidence

33.1 If the case is one where the witness recognises the suspect as someone they know or have seen before, consider:

- How long has the witness known the suspect?
- In what circumstances did they meet?
- How many times has the witness seen the suspect?
- How long ago was the witnesses last sighting of the suspect before the incident?
- Does the witness know the suspect only by sight or have they spoken?
- Does the witness know the name and address of the suspect, and if so, how?
- Does the suspect have any distinguishing features?

Other Factors to Consider

Vision - Does the witness have corrected vision? Do they wear spectacles? Were they wearing them at the material time? Colour blindness? If so what colours do they have difficulty with?

- Depth perception?

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- Any difficulties?

Hearing – Does the witness have hearing difficulties? Do they wear a hearing aid? Were they wearing it at the material time?

Dyslexia (or similar condition) that has the potential to cause difficulties with writing or vehicle number plates etc.

Intoxication. Was the witness under the influence of drink or drugs at the material time? If so what and how.

More detailed guidance can be found through the following link: [Pages - Statement Guidance \(norfolk.police.uk\)](#)

34. Witness Statements: Advance Disclosure of Personal Information

34.1 Because the front page of form MG11 (witness statement) is photocopied for disclosure to the defence, telephone numbers and non-availability dates will not be displayed thereon. Provision is made on the reverse side of the statement for this and other sensitive information.

34.2 The same applies to addresses of witnesses and to comply with the Magistrates Courts (Witnesses Addresses) Rules 1990, the following requirements, which form an agreement between the police, and Crown Prosecution Service will be adhered to:

- A police officer taking a statement from a witness will record the address of the witness on the back of the first page of original statement.
- When taking a witness statement, the police officer will assess whether the witness is either vulnerable or at risk and will ensure that the facts are also assessed by the officer in charge of the case who may be in possession of additional information. The police will inform CPS at the earliest opportunity of any witness who is considered to be either vulnerable or at risk.
- The police will ensure that a witness' address is not either inadvertently or without good reason revealed in the body of the statement or in another document that might be disclosed to a defendant or his legal representative for any reason, for example, a receipt for repairs.
- The addresses of witnesses will NOT appear on typed copies of witness statements. The police will supply the CPS with a separate list of witnesses' names and addresses on form MG9.
- There will inevitably be situations in which the address of witnesses will be material either to the prosecution or the defendant's case. Examples are a witness who sees an assault from a window overlooking a street and a witness whose house is burgled. In such cases, it will be extremely difficult, if not impossible, to conceal the address of the witness and the CPS and the police must bear in mind that where a witness' safety is believed to be at risk, other arrangements may have to be made for their protection. Early consultation is therefore essential in every case.

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- It is recognised that these arrangements cannot cater for the protection of a witness whose name and address appear in a telephone directory.
- Except where the address of a witness is already known to a defendant, because, for example the witness is a victim of a burglary or for some other reason the witness' address appears in the charge, the CPS must inform the police before disclosure takes place so that the witnesses can be notified by the police.
- If a request is received from a defendant or their legal representative for disclosure of a witness's address for evidential reasons and a decision is taken by the CPS to disclose the address, the police will be informed so that the witness can be informed accordingly.
- If, following such a request, the CPS refuse to disclose a witness' address to the defence, and the defence do not accept the refusal, they must make application to the court.
- Requests by defendants for their legal representatives to interview witnesses will be considered by the CPS and passed to the police so that the police can make arrangements for the witness to be interviewed in a police station. It will be the responsibility of the police to contact the defence solicitors in order to make the final arrangements. The Law Society's Guide to the Professional Conduct of Solicitors provides that in criminal cases, it may be a wise precaution in such circumstances for an interview on behalf of the defence to take place in the presence of a representative of the police.

34.3 Where there is a significant risk of interference with witnesses, such files will be flagged, and information added to the MG3 or MG6 to inform the prosecutor.

34.4 Statements from witnesses will be taken on form MG11.

34.5 Statements must contain only admissible evidence. Other information that may be relevant will be included in the covering report. When a witness refers to a note made at the time of the incident, such as recording a motor vehicle registration number, the paper on which the note has been made will be seized as evidence, with a completed exhibit label accordingly.

34.6 Statements must be taken from all key witnesses, and not just those whose evidence will be favourable to the prosecution. Additionally, all the evidence of a witness must be included in the statement and matters which may be unfavourable to the prosecution must not be excluded. Obtaining any remaining witness statements thereafter will be to the officer's discretion however clear contact details of those relating persons must be made in the officer's PNB if a statement is not taken at that stage.

34.7 When a statement is required in any offence, it will be taken as soon as possible after the incident whilst the witness still has a clear recollection of the facts. The following directions will also apply to the taking of witness statements:

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- Only one witness will be present at the time. If the witness requests they may be allowed to have a relative, friend or legal adviser present in a purely passive capacity;
- Full statements will be taken from witnesses although they may only be reiterating facts given by a previous witness;
- Additions will be taken on separate forms with a reference to the previous statements;
- When the witness is relating something that has been said it must as far as possible be in direct speech; and
- The witness must be required to sign all endorsements at the end of the statement and at the bottom of each page when there are two or more pages. Any amendments must be initialled.
- Officers interviewing witnesses will, at the time of taking a statement, inform the witness that should the witness be required to attend Court to give evidence the opportunity will be given for the witness to refresh their memory from the statement before going into Court.

35. Spouses

35.1 When a defendant's spouse is able to provide relevant information, a statement will be taken from them whether or not they will be available to be called by the prosecution at court. The statement will be taken on form MG11 and the endorsement completed. In cases where the spouse is competent but not compellable it will be indicated in the covering report if they are willing to give evidence.