

Authorised professional practice pilot
Investigative interviewing: initial accounts of victims and witnesses
Draft scope

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1. INTRODUCTION

The College of Policing is piloting a new approach to developing authorised professional practice (APP). The pilot aims to establish a more consistent and transparent process to developing guidelines, ensuring it is underpinned by the best available evidence, identified and incorporated in a systematic way. One of the pilot areas for the trial is investigative interviewing, focusing specifically on initial accounts from victims and witnesses.

The information obtained in an initial account provides the foundation for any subsequent investigation and criminal justice process. The guidance will emphasise that the initial account is an investigative interview. The initial account requires an active approach in line with other investigative interviews, and should include proportionate planning, preparation and an investigative mind-set. The term 'initial account interview' will be used throughout the APP.

2. WHAT WILL THE GUIDANCE BE ABOUT?

The College of Policing will develop guidance on how to elicit the best initial account from a victim or witness. The guidance will be based on the law and the best available evidence, including empirical research and practitioner consensus. It will make recommendations that are operationally practicable and be presented in clear and concise language.

The aim of the guidance will be to improve the effectiveness of evidence collection through eliciting initial accounts from victims or witnesses, as well as maximising the value of the information for any subsequent investigation and criminal justice process. Along with the police service, therefore, the guidance will benefit:

- victims and witnesses
- other criminal justice practitioners, eg, Crown Prosecution Service, HMCTS, defence advocates
- the general public.

Who will the guidance focus on?

The guidance will focus on people presenting as victims and witnesses at the time the initial account is given.

Formal suspect interviews are therefore excluded from the scope, although it is likely that some initial accounts may in fact come from someone who subsequently becomes a suspect.

What stage of the investigation will the guidance focus on?

The guidance will focus specifically on initial accounts from people presenting as victims and witnesses.

Victims and witnesses may be identified at various times during the life of an investigation and should in the first instance be asked to give an initial account prior to a formal interview to prepare a statement. Initial accounts are therefore not limited to the start of the overall investigation, but can be required at any point that a potential victim or witness is identified during the investigation and criminal justice process.

The pilot project will exclude from its scope:

- any formal follow-up or second interview of a victim or witness
- emergency and non-emergency call handling (as the focus of such calls is on appropriate response rather than investigation).

3. WHO WILL THE GUIDANCE BE FOR?

The guidance will be primarily aimed at frontline officers and staff who may be required to elicit initial accounts from victims and witnesses. It will also be aimed at those who supervise and train those officers and staff.

Situations in which police officers and staff may need to elicit an initial account include when they:

- are first responders at an incident
- deal with a report made by a victim or witness at a police station or elsewhere
- deal with a disclosure made outside of a suspect interview by a person in custody who is also a victim or witness
- are tasked with conducting an initial account interview with a victim or witness
- carry out neighbourhood or community policing responsibilities
- conduct 'house to house' enquiries
- conduct telephone interviews (full telephone investigative interviews, not screening calls).

The guidance will support initial investigators, who may well be first responders, to take initial accounts from victims and witnesses – it is important that they gather the best evidence they can to support a potential prosecution and/or develop an improved intelligence picture.

Officers may need to deal with initial accounts in a broad range of settings, eg, investigating the circumstances of a car accident, investigating acquisitive crimes and when being approached by victims of very serious crimes such as rape or serious assaults. In all cases,

the correct approach to receiving an initial account may be vital in securing evidence and conviction. The aim of the guidance is to improve the quality of all initial accounts, irrespective of crime type or seriousness.

4. WHAT PROBLEMS WILL THE GUIDANCE ADDRESS?

Issues:

Previous estimates suggest over 70% of volume crime is allocated to uniformed police officers, and on average, they spend 20% of their time investigating it¹. The taking and recording of victim/witness interviews tends to be the most commonly undertaken investigative action across all volume crime types and information provided by witnesses and victims has been shown to be a key factor in the detection of crime, and are associated with positive investigative outcomes².

There are risks associated with poorly conducted victim/witness interviews, such as eliciting inaccurate or incomplete information, inhibiting the credibility of a witness, and ultimately, causing a miscarriage of justice³, both through unjust conviction but also unjust acquittal. Poorly conducted initial interviews with victims and witnesses can impact on victim and witness attrition throughout the investigative process, and research has shown that how officers treat victims and witnesses during an interaction can influence their willingness to co-operate with criminal justice agencies (i.e. provide information)⁴.

Victim and witness interviews have previously been found to be conducted inconsistently in terms of frequency, quality and structure⁵ and whilst the latest HMIC PEEL Inspections noted that specialist investigators have a good level of skills, the inspections indicated that front line officers are increasingly being asked to conduct investigations without the appropriate level of investigative training⁶.

Previous research has indicated there are issues with training of PIP 1 investigators (who act as the first response to most incidents) and their subsequent approach to victim/witness interviews. The training has been perceived by officers as being too suspect focused with too little time spent on victim/witness interviews⁷. The taking of an initial account can be seen as a 'statement taking exercise' as opposed to an interview⁹. Studies have found large differences when comparing the planning of suspect and victim/witness interviews and have highlighted inconsistent use and understanding of the PEACE interview framework¹⁰. Some officers believed PEACE was only applicable to suspect interviews and one study indicated that officers did not use the PEACE framework for minor offences¹¹. This poses greater concern when it is considered that, for low level crime, the initial account taken at the scene is often the only time evidence is elicited from victims and witnesses. Consultation with the National Investigative Interviewing Strategic Steering Group (NISSG) highlighted these

¹ Dando et al (2008)

² Jansson (2005), Robinson & Tilley (2009)

³ Vrij et al (2014)

⁴ Mazerolle et al (2013), Jansson (2005)

⁵ Clarke & Milne (2001), Jansson (2005),

⁶ HMIC (2016)

⁷ Dando et al (2008)

⁸ Dando et al (2008)

⁹ Clarke and Milne (2001)

¹⁰ Clarke & Milne (2001), Dando et al (2009), Cunningham (2010)

¹¹ Cunningham (2010)

issues as problems with current practice, and suggested they persist, in part, due to a lack of awareness of the impact of victim/witness interviews have on the wider investigation and crime outcomes.

Additionally, a number of studies indicate that meaningful supervision of PIP1 investigations has been poor or lacking for some time¹² and consultation with the NSSGI indicated supervision remains an issue. Consultation has highlighted that insufficient supervision and refresher training has resulted in a skills fade and inconsistent practices over time. Current national guidance on investigative interviewing¹³ is comprehensive and the NSSGI acknowledged this guidance is sufficient for investigation specialists. However, recent College of Policing research has shown guidance must be easily accessible for it to be used by front line officers and it is likely that the breadth and level of detail of current guidance inhibits front line officers using it.¹⁴

Review questions:

To inform the development of the guidance, a systematic review of relevant research evidence will be conducted. The review questions are as follows:

- What works in eliciting quality information from victims and witnesses in pressurised or dynamic environments?
- What factors affect the quality of information provided by victims and witnesses?
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5. APPLICABLE LEGAL FRAMEWORK, GUIDANCE AND TRAINING

Legal framework

The general obligations under section 149 of the Equality Act (EA) and section 6 of the Human Rights Act (HRA) apply to all areas of policing and therefore apply to initial account interviewing of victims and witnesses.

Section 149 EA sets out the public sector equality duty which requires police officers and staff in the course of their duties to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Section 6 HRA specifies that it is unlawful for a public authority, which includes police officers and staff, to act in a way which is incompatible with a Convention right.

The Code of Ethics was issued as a code of practice under section 39A of the Police Act 1996 (as amended by section 124 of the Anti-Social Behaviour, Crime and Policing Act 2014). It applies to all police forces in England and Wales and therefore applies in all dealings with victims and witnesses, including initial account interviews.

¹² Clarke & Milne (2001), Dando et al (2008) Cunningham (2010),

¹³ Authorised Professional Practice: Investigations and MOJ Achieving Best Evidence Guidance.

¹⁴ Authorised Professional Practice: User Research (College of Policing, Unpublished)

The Ministry of Justice (2015) [Code of Practice for Victims of Crime](#) was issued by the Secretary of State for Justice under section 32 of the Domestic Violence, Crime and Victims Act 2004. It implements relevant provisions of the EU Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, Directive 2011/92/EU combating the sexual abuse and sexual exploitation of children, and Directive 2011/36/EU preventing and combating the trafficking of human beings.

A preliminary search identified primary legislation applicable to the interviewing of suspects (the Police and Criminal Evidence Act 1984, along with its relevant code of practice, Code C), but not generally to the interviewing of victims and witnesses.

The following legislative/statutory instruments relevant to victims and witnesses are limited in scope or apply in limited jurisdictions – they may however be useful as evidence to support minimum standards.

- Victims and Witnesses (Scotland) Act 2014 + Victims' Rights (Scotland) Regulations 2015
- Criminal Justice (Armed Forces Code of Practice for victims of crime) Regulations 2015
- Human Trafficking and Exploitation (Criminal justice and support for victims) Act (Northern Ireland) 2015
- CPIA 1996 (Code of Practice for interviews of witnesses notified by the accused) Order 2010.

A detailed case-law search will be required to identify any material relevant to initial accounts of victims and witnesses. This will be used to research two further questions:

- What factors associated with victim and witness interviews affect the outcomes of investigations?
- What factors relating to police contact with victims and witnesses affect attrition in criminal prosecutions?

Existing guidance

The College has published the following related pieces of APP:

- [Investigation](#)
- [Public order](#)
- [National Decision Model](#)
- [Domestic abuse](#)

Other organisations have published the following related guidance:

- Ministry of Justice (2011) [Achieving Best Evidence in Criminal Proceedings](#)
- Association of Chief Police Officers (2010) [Advice on the Structure of Visually Recorded Interviews with Witnesses](#)
- Crown Prosecution Service, Legal Guidance on a range of subjects
- Skills For Justice National Occupational Standards: [Interview victims and witnesses in relation to priority and volume investigations](#)
- ACPO (2009) [Practice Advice on the Management of Priority and Volume Crime](#) (The Volume Crime Management Model) (Second Edition)

Training

The College offers the following related training courses:

- Product Licence 2.1) Initial Investigators PIP 1 - Initial Police Learning Development Programme (IPLDP)
- Product Licence 2.5) Investigative Interviewing
- Product Licence 2.6) Specialist Investigative Interviewing
- Product Licence 2.7) Interview Advisor Development Programme

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