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42. Guide to Enforcement Interviewing

The following is a brief guide to enforcement interviewing. The Enforcement Training team issues a fuller guide.

42.1. Interview structure

The structure set out in the Police National Investigative Interviewing course is:

- P** Planning and Preparation
- E** Engage and Explain
- A** Account (clarify and challenge)
- C** Closure
- E** Evaluation

42.1.1 Planning and preparation

Plan the interview by:

- ♦ providing an interpreter and/or appropriate adult if necessary;
- ♦ assessing what evidence is held and what needs to be established in the interview;
- ♦ being flexible in approach to allow for innocent explanations, admissions, no-comment interviews;

- ◆ be flexible in exploring unexpected responses;
- ◆ not adhering to a detailed list of specific questions.

Prepare the interview by ensuring:

- ◆ that you have all the necessary equipment to conduct the interview: stationery, exhibits, notebook, pens etc;
- ◆ that those present in the interview know their roles (e.g. where two IOs are present);
- ◆ that the suspect is fit to be interviewed and understands the interpreter.

42.2. Engage and explain

All those present should be identified and the PACE Codes of Practice observed. Explain the procedures to be followed and the reasons for the arrest and interview. Allow the interviewee/representative the opportunity to comment or ask questions. Solicitors sometimes make their own prepared opening statements before the interview explaining their role in looking after the interests of their client. This is not inconsistent with the PACE Codes of Practice or the guidelines on investigative interviewing.

Where a solicitor asks questions about your evidence, do not lie or mislead, e.g. if asked "Have you any fingerprint evidence?" it would be fair to reply, "We have given what we consider to be the fullest appropriate information at this stage and now wish to give your client the opportunity of giving his own account". When you introduce evidence for the first time during the course of the interview, allow the solicitor to consult his client.

42.3 The account

The two most commonly used methods are:

1) Cognitive interviewing

Ask the interviewee to tell his story without interruption - "free recall". Then ask him to go over his account from a different perspective, (e.g. working backwards), again without interruption. You may then ask for a third free recall (e.g. things heard instead of seen) before you begin questioning and clarifying any discrepancies. This method is time-consuming but thorough.

2) Conversation management

This puts you in control. The best way of opening an interview is to ask for detailed information, e.g. "Your lorry was stopped at 2300 hours last night and 13 illegal entrants were discovered in the back. What do you have to say about that?" This enables the interviewee to recall information in his own time and accustom him to talking and minimises any distortion caused by the interviewer.

Establish the person's reasons for leaving his home country, his intentions on leaving, what he told the IO on arrival etc. Bear in mind though that these questions are specific in relation to a person's intentions on departure from his country and arrival in the UK and they will vary according to the information you wish to elicit. As a general rule, questions aimed specifically at confirming guilt or innocence should be kept to the end of the interview but do not hesitate to ask him directly about an offence for fear it will weaken the case.

Go through one section at a time and cover all aspects thoroughly before moving onto another section, probing, clarifying and reviewing as necessary. Switching suddenly to unrelated topics is likely to confuse the interviewee. Linking phrases should be used, such as "We've discussed your family details, now I want to discuss your educational background".

If interviewing for a suspected immigration offence, before you make a final decision on whether to take administrative action against the interviewee (or charge for an offence if you are a police officer dealing with a criminal case), in the interests of natural justice and under PACE, you must give him the opportunity to comment.

42.3.1 Significant statements and silences

Note any significant statement arising prior to interview that may be incriminating and put it to the suspect at the beginning of the interview so that it can be confirmed or explained. Phrases such as: "I knew you'd find me eventually" would be considered as possibly incriminating. Protestations of innocence, whilst not incriminating, should also be noted.

42.3.2 Questioning

The style of questioning should be appropriate to the circumstances of the case and the information required. You should aim to adopt a neutral stance remaining calm, courteous, considerate and non-confrontational throughout. However, the behaviour of the interviewee and/or his response to your questions may require a different approach and this should be borne in mind throughout the interview.

Open questions (what, why, when, where, who, how) invite explanation and encourage explanation. Closed questions can be useful to confine the information but should be used sparingly. You should avoid leading questions, e.g. "Was your facilitator a fat man with a beard?", as they do not always elicit the true answer. However, questions designed to clarify information, e.g. "Now if I understand things correctly, what you're telling me is...?" can aid comprehension and fluency. Brief interjections, e.g. "Tell me more", "Go on" are useful to aid the flow of information.

Whilst having no evidential value in themselves, signs that a suspect is lying may indicate that a particular line of questioning might be worth pursuing further. Once you have identified a lie, do not challenge it straight away as the more details added, the more difficult it will be to retract. Challenging a lie provides a suspect with new information about your knowledge. Once you have decided to expose the lie, do it in a clear and confident manner and ask the person for an explanation.

42.3.3 "No comment" interviews

As entitled, the interviewee may choose to remain silent during the interview, but you should pursue your line of questioning. Give him the opportunity to answer all questions, to explain the evidence against him and to establish the truth.

If a solicitor tells you that he has advised his client to make a "no comment" interview, but that he will make a considered written or verbal statement, you must decide if you still wish to proceed with the interview, but you should not be deterred from doing so if you consider it the best way forward. You should formally acknowledge the statement however, and advise the solicitor that the contents will be taken into consideration.

If the suspect refuses to leave the cell to be interviewed, you may still question him within the cell or via the cell door flap, either with a portable tape machine or in Q and A form. A decision not to tape record an interview for any reason may have to be justified in court at a later date.

42.4 Closure

A proper closure is as important as the rest of the interview. The following three items should be covered:

- ◆ **Check comprehension** - confirm that the interviewee has understood everything and vice versa;
- ◆ **Summarise** - lay out the main points and allow the interviewee to add anything or otherwise comment;
- ◆ **Invite questions and feedback** - reply honestly and as fully as possible. Any comment about the conduct of the interview should be seriously acknowledged.

Do not make any promises about the outcome of the case.

42.4.1. Evaluation

The evaluation should seek to establish:

- ◆ whether enough information has been obtained or whether a further interview is necessary;
- ◆ any conflicts with known facts and how apparent conflicts should be dealt with;
- ◆ whether charging or administrative action is appropriate.

Evaluation should in turn enable you to assess your own performance and identify any areas for improvement. (Colleagues or supervisors should be prepared to assist in this).