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**Police and Crime**

**Commissioner for Dyfed-Powys**

**Scrutiny Panel**

**Dip Sampling Exercise**

**Investigative interviewing audio files**

**Panel Members’ Findings & Feedback**

**January 2021**

# 1.0 Background

In their third virtual scrutiny session on the 29th of January 2021, Members reviewed the audio files of 4 investigative interviews. This was a new area for the Panel to review and a Detective Sergeant (DS) from CID Investigative Training attended part of the meeting, in order to give an overview of the investigative interviewing process and to highlight areas for the Panel to review. The Panel were asked to consider the following points when listening to the files:

1. Compliance with legal requirements – the Panel was given a copy of the memo card which all officers should follow in order to ensure compliance with legal requirements.
2. The Officers’ rapport with suspect – making them feel at ease in order to get the best out of the discussion.
3. Setting the scene – ensuring that the suspect fully understands the purpose of the interview.
4. The use of open questions.
5. The flow of the interview.
6. Whether the officer keeps to facts, avoiding speculation.
7. Whether the officer stays in control of the conversation.
8. Whether there was any oppression by the Officer.
9. How any conflict was managed.
10. Whether there was a positive close to the interview, with the interviewee happy that they had sufficient opportunity to give their account.

# 2.0 Findings

Clip 1

Overview – 23 year old male with Solicitor present. Suspect gave “no comment” to nearly all questions.

* All legal requirements were complied with.
* The Panel noted that although the suspect answered “no comment” for the majority of questions, the Officer remained controlled and professional. The Officer also gave long pauses between questions in order to give the suspect sufficient time to respond / expand if needed.
* The Panel noted positively that the Officer made sure that both the Suspect and Solicitor understood the process and their rights.
* The Panel noted that the audio was very poor with this recording. The Detective Sergeant attending the meeting confirmed that this may be due to another digital device being kept nearby the recorder, causing interference with the audio.
* The Panel expressed no concerns with this interview.

The DS also added his views on the recording:

* The Officer had a positive attitude throughout.
* It was felt that the seriousness of the offence was not conveyed strongly enough to the suspect being interviewed – it was not clear if the suspect understood the weight of the allegations being made against them.
* The questions could have been better planned in order to ensure that all possibilities in relation to the offence had been explored. The DS explained that should an interview be played back in Court it is important to ensure there are no questions left unasked and that there are no gaps in the investigation.

Clip 2

Overview: 25 year old male, legal advice had been refused. Suspect was unwilling to give an answer to some of the questions stating – “no comment”.

* All legal requirements were complied with.
* There was a clear account of original offence explained to the suspect.
* The Panel noted a good use of open questions and the Officer used paraphrasing to ensure that the suspect’s replies were clear and that both parties were happy with the understanding.
* The Panel noted the use of the acronym ‘RTC’, it was felt that the full wording Road Traffic Collision would have been more appropriate to ensure understanding.
* The Panel felt that an additional crime was added in as an aside at the end of the interview and should have been made clear to the suspect sooner. The closure felt rushed, ending negatively. However, the Panel did note that the Officer managed to avoid potential conflict when delivering the news in relation to the additional offence.
* It was identified that the suspect had broken Covid-19 travel restrictions. The Panel noted that no questioning was made in relation to this.

Clip 3

Overview: 17 year old male accompanied by an appropriate adult and a Solicitor over the phone. Suspect was unwilling to give an answer to some of the questions stating – “no comment”.

* All legal requirements were complied with.
* The Officer made sure that the solicitor, appropriate adult and suspect were comfortable to proceed with the interview.
* The Panel noted that the Officer gave plenty of time in between questions for the suspect to answer and gave regular reassurance to the suspect to take their time.
* It was felt by the Panel that this was a very good interview, with the Officer explaining the seriousness of the offence well and double checking the suspect’s understanding of the process and questions on more than one occasion. The Officer had a good communication style, explaining terms to ease understanding.
* The Panel wished to highlight the following phrase as good practice – “we want to find the truth”. It was felt that using this phrase was fair and made no assumptions.
* The Panel noted that it was unclear on numerous occasions whether there were long pauses or whether the audio had dropped off. However, following the meeting the audio was checked by a member of the OPCC staff, who confirmed that the audio had remained recording at all times. The confusion had arisen due to the complexities of sharing audio recordings via a live secure Skype call.

Clip 4

Overview: 15 year old male accompanied by an appropriate adult and Solicitor. The suspect was unwilling to give an answer to the majority of the questions stating – “no comment”.

* All legal requirements were complied with.
* The Officer stated that the interview could be paused at any time if the suspect wished to have additional time to speak with their solicitor.
* The Panel felt that the questioning was carried out too quickly with several questions being asked in succession without a pause.
* It was felt that the questioning style was very rehearsed with a nmber of closed questions being asked. It was however acknowledged that the interview style improved as the interview went on, with the Officer trying to tailor the use of language to the situation.
* The Panel also acknowledged that the suspect was uncooperative with “no comment” being given to most questions asked, making the interview difficult for the Officer in terms of gathering any needed information. Despite this, the Officer remained calm and professional throughout.

# 3.0 Summary:

* The Panel found that all legal requirements were covered in all four interviews.
* All interviews were fair and respectful with no oppression.
* It was acknowledged that only a very small sample was reviewed within the meeting, however it was felt that it was evident that some Officers were more experienced in interviewing and therefore appeared to have a more confident interviewing style.
* Clip number three was identified as good practice.
* It was questioned whether regular reviewing/auditing of investigative interviews was in place to identify any training needs and to provide support and feedback to Officers as required.
* The Panel stated that from looking at the investigative interviewing memo card and guidance, there seems to be a strong structure and process in place for Officers to follow.
* It was found that one of the audio files had poor audio. It was felt that sound should be quality checked in order to ensure clear audio and to ensure there are no digital devices nearby to cause interference.

# 4.0 Recommendations

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| **Recommendation** | **Force Response** |
| The Panel questioned whether regular auditing/ reviews of investigative interviews was in place to assure quality, provide Officers with feedback and to identify any training needs.  | It is an expectation that part of the ongoing supervisory review of investigations includes listening to suspect interviews in order to quality assure the content. Feedback is provided to officers at that stage. Sgt’s have been provided investigative training that includes the need to perform this function. |
| For the Panel to review another sample of interviews at an appropriate future meeting in order to provide a greater level of assurance.  | Agreed. |
| That clip 3 be highlighted as good practice. | It used to be part of the introduction to interviews to state the purpose of the interview is to establish the truth. I will speak with CID Training regarding inclusiopn of this in the memo card. |
| The Panel queried the processes for ensuring the quality of audio recordings. | Officers are expected to listen back to the interview following conclusion to ensure sound quality. A reminder to do this will be circulated. |