

APPENDIX 13 NOTES ON JOINT INVESTIGATIVE INTERVIEWING

1. The Reasons for and Objectives of Joint Investigative Interviews

Interviewing a person who is suspected of having been harmed is an important task which may have far reaching consequences for a number of people. Such an interview must be carefully planned in all aspects and must be conducted in a manner that will stand scrutiny. The interview may prove to be an extremely important part of an investigation and can often determine the outcome of an enquiry.

Consequently, it is crucial that the processes adopted when planning, preparing and conducting a joint investigative interview are transparent, accountable and sensitive to the needs of the adult at risk.

To this end, interviewers must be clear why they are conducting an interview jointly with a police officer or a Designated Council Officer or an allocated support worker/social worker.

The reasons for and the objectives of the interview are outlined below:

1.1 Reasons

- To reduce as far as possible the number of interviews to which the adult at risk of harm is subjected;
- To reduce as far as possible the trauma caused to both the adult at risk of harm and his or her family; and
- To ensure that any necessary support is provided for the adult at risk.

1.2 Objectives

- To establish what, if anything, has happened;
- To gather best evidence regarding the matter under investigation for both criminal and civil proceedings;
- To allow a joint assessment of risk and needs to be undertaken; and
- To inform any decision to be taken in relation to the best way to proceed with an investigation.
- To ensure that a plan is formulated and implemented to protect the adult at risk of harm, where necessary.

At all times when planning, preparing and conducting a joint investigative interview the needs and well-being of the adult at risk are of paramount consideration, e.g. consider the presence of an Appropriate Adult¹, an advocate or a carer.

¹ An Appropriate Adult will be allocated by police to provide a service to adults who have a mental disorder or learning disabilities to facilitate communication between such an adult and a police officer in an interview situation where the adult is a victim, witness, suspect or accused.

All considerations and decisions taken with regard to the planning, preparation and conduct of a joint investigative interview must be clearly and accurately recorded by both agencies.

2. Recording The Interview Checklist

A Council Officer must, while visiting any place (or conducting an interview), produce evidence of his or her authorisation to visit the place (or conduct the interview). It is also essential that he or she explains clearly that the purpose of the visit is to assist with inquiries about the nature and level of any risk to the adult, and to decide whether action is needed to support and protect them. After this has been stated, the adult must be informed that they are not required to answer any questions. A Council Officer does not have the authority to ignore an adult's refusal to participate in an interview; however it is important to give them a reasonable opportunity to engage with the process while respecting their right not to do so.

It is imperative that when recording the details of a joint investigative interview that the recording is an accurate and true reflection of the interview. The recording must include the actual words of significant statements made by the interviewee in relation to the event of harm. It must also be recorded in chronological order as it takes place in the interview.

It is best practice to record the following details:

2.1 Prior to commencing the interview:

- A full description of the interview environment
- Details of who has given consent if applicable e.g. Welfare Guardian
- Details of those present during the interview
- The demeanour of the person
- The start time of the interview

2.2 During the interview:

- Any changes in the interviewers' roles
- Any changes in the adult at risk's demeanour
- Description of any props used
- Details of any drawings made by the person
- Time and length of, and reason for, any breaks during the interview
- Attribution of statements
- Body language
- Finish time

2.3 After the conclusion of the interview

- Interviewers must review the written record of the interview to ensure that it is an accurate account of the interview.
- Any omissions should be discussed and, if appropriate, entries made to reflect the omission – any such entries must be highlighted.
- The record should be signed and dated by the interviewers.
- Any drawings or other items written by the person should also be signed and dated by the interviewers.
- All records and drawings, etc will be retained by the police, and where appropriate, copies made available for Community Care Services.

Please remember that the above list is not exhaustive and any other information that the interviewers feel is relevant should be recorded.

2.4 Points to consider when preparing the person for interview

During a joint investigative interview, interviewers must remember that the adult at risk of harm may perceive the interviewers as 'figures of authority' and may, therefore, answer questions in a way that he or she may think will please the interviewers. The adult at risk may also be under the misapprehension that the interviewers are aware of what may have happened to them and may therefore assume that they do not need to tell them everything. The adult at risk must also be made aware that when they are unable to provide an answer to a question, then they should tell the interviewer that they 'don't know' or do not understand the question. So the interviewers should explain that:

- If he or she does not know the answer to any question, it is okay for him or her to say so.
- If he or she does not understand any question that is asked, he or she should tell the interviewers.
- In situations where something has happened to the person, he or she must be reminded that the interviewers were not there at the time and he or she should try to tell the interviewers everything that happened.
- If the interviewers misunderstand something that the person has said, then he or she should not be afraid to tell them.

3. Interviewing People with Individual Needs

Planning for an interview shall be carried out with particular attention to individual needs of the adult and the interview should take into account if the adult is a person with dementia, learning disabilities, sensory impairment or communication difficulties. In all cases they should be offered the opportunity to have someone present to support them, possibly a family member, key worker or advocacy worker, unless they are the alleged perpetrator. If the person at risk of harm has capacity and refuses this, his or her choice must be respected.

If the person is under a Guardianship Order, the Guardian must be notified and be present, unless they are the alleged or suspected perpetrator.

Attention should be given to:-

- Individual communication needs
- Environmental factors to minimise the likelihood of triggering upset or challenging behaviour.
- Particular routines that must be maintained to aid their management of the situation.

It should also be noted that evidence gathering does not only involve verbal exchanges. A great deal of information and potential evidence gathering can take place by careful observation. Clear and detailed notes of observations should also be made.

