

Guidance on Interviewing

Planning and Conducting the Interview(s) - Context

Interviewers must have received relevant training.

It will be decided at the Strategy Meeting level:

- Who will be interviewed?
- When they will be interviewed.
- Who will conduct the interview?

If there is a possibility of criminal proceedings, it is important that repeat interviews are avoided as evidence may become contaminated.

Conducting interviews is an integral part of the investigation of suspected or actual abuse.

The information and evidence gathered during the course of an interview may be required in criminal and/or civil proceedings.

It is therefore imperative that any interview conducted complies with the legal and procedural requirements to ensure its integrity.

Failure to comply may render information or evidence obtained during that and future interviews inadmissible.

For these reasons, interviews **must only** be conducted by those who have received the appropriate training.

The 'interview strategy' will be decided upon at the Strategy Meeting.

Interviewing

Joint Police Interviews - Police and Criminal Evidence Act 1984 (PACE)

PACE provides a comprehensive code for the arrest, detention and interviewing of people suspected of crime. What follows here is only a summary of some of the salient provisions about interviewing, as they may apply where vulnerable adults are accused of, or the victims of, crime. Those using this guide should refer to the actual provisions of PACE for full details of what is required.

Code C

Annexed to PACE are four Codes of Practice. Of these, Code C deals with the detention, treatment and questioning of persons in custody by Police officers. It applies whether or not the person has been arrested for an offence, and it also applies to people who have been removed to a Police Station as a place of safety under Sections 135 or 136 of the Mental Health Act 1983.

All the provisions of the Code apply to vulnerable adults as they do to anyone else, but there are additional protections for people who have mental, sensory or physical difficulties, are drunk or drugged, cannot understand written or spoken English, or are under 17 (but juveniles are outside the scope of this Guide).

Code C provides that people in custody should:

- ◆ Be dealt with expeditiously.
- Have their time in custody accurately recorded.
- Be informed of their rights (to have someone informed of their arrest, to consult privately with a solicitor, and consult the Codes).
- Have their property looked after.
- Not be held incommunicado.
- Be held in decent conditions (heat, cleanliness, toilet facilities, and food).

It is the responsibility of the Police - usually the Custody Officer - to consider whether a person may be mentally disordered, have a learning disability, or be unable to understand the questions to be put to him or her. Where that is the case, an appropriate adult must be called to participate in the interview. If there is any doubt about the detainee's capacity, an appropriate adult should be called.