

SI1817

Interview Records

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Interview Records – Non-Terrorist Crime

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1. Introduction

This Service Instruction relates to the completion of Interview Booklet (Form 38/19 (b)) and interviews when Digital Interview Recording (DIR) is not available for use.

The term 'interview record', which normally means the Interview booklet Form 38/19(b), shall also include:

- Written statements made after caution;
- A record of contemporaneous notes made during an interview; and
- A record of an interview made subsequent to its termination where one was not made during the interview.

Other relevant Police Service of Northern Ireland (PSNI) Policy and information contained in Police and Criminal Evidence Act (PACE) Codes of Practice 'C' which relate to the recording of interview notes and written statements, will also be complied with.

2. Documentation of Interview Records

When the interview is written all notes should be made either contemporaneously or as soon as practicable after the interview's

completion. This shall not apply to interviews with police officers conducted during an investigation arising from a complaint, report or allegation about the conduct of a member of the PSNI. In such cases it will be permissible to use the forms provided for this purpose.

"Notes for Guidance" can be found on the inside of the front page of the Interview Booklet Form 38/19(b).

Automatic Time Recorders (ATR) have been installed in all operational stations. They are located in or convenient to the custody office of designated stations and the enquiry office in non-designated stations. The ATR will be used when issuing unused booklets prior to interview, certifying such booklets immediately after interview to stamp the date and time on each page of the interview record and stamping the date and time on any other written material arising from the interview.

The record of the interview will be contemporaneously recorded on Form 38/19(b) and the solicitor or appropriate adult, as applicable, will be invited to sign same upon termination of the interview.

When the ATR is defective, an entry detailing

the time and circumstances of issue and return should be made in the Interview Booklet.

When a break is to be taken during the course of an interview and the interview room is to be vacated by the suspect, use of the existing interview booklet will be terminated and a new one started once the interview has resumed. When the break is a short one, e.g. to avail of light refreshment, and both the suspect and the interviewing officer(s) are to remain in the interview room, the fact that a break is to be taken, the reason for it and the time shall be recorded on the interview booklet.

PACE Codes of Practice, Section E, should be followed in relation to interviews.

Interviewing officers must comply with the 'Notes for Guidance'. When an interview with a suspect has terminated, interviewing officers will ensure that they have complied with the instructions for completion before handing the booklet(s) to the custody officer who shall electronically date and time stamp the front page of the interview booklet and append name, rank, number and initials alongside. The top right hand corner of pages 1-5 of the interview booklet will also be

electronically date and time stamped. Care should be taken when placing the stamp. This will ensure that centre pages cannot be removed from the booklet and replaced with others. The interviewing officer shall also initial the last page used, draw a line through any unused pages and complete the certificate at the bottom of page 5 of the interview booklet.

At the end of the interview, the interviewing officer will assemble all booklets used in chronological order and complete the appropriate space on the front and rear cover.

Any other document created during the interview (to be properly exhibited in accordance with current Service instructions), shall similarly be signed and electronically dated and time stamped. Where it is made up of separate pages, each individual page shall be signed and stamped. Care must be taken in using the ATR and in placing signatures. Written statements come within the definition of 'Interview Record'.

3. Security and Storage of Interview Records

All Interview Booklets should be retained by the investigating officer with the other case

papers relating to the prosecution file and upon completion of the file should be forwarded to Occurrence and Case Management Teams (OCMT) where they will be stored. Follow the existing process in relation to document submission.

4. Uploads and Photocopies of Interview Records

Uploads and photocopies of an interview booklet should be taken **after** it has been electronically date and time stamped and **before** being sent to OCMT. This will allow the investigating officer to have in his possession a copy of all the evidence emanating from the interview so that the investigation can proceed without delay.

5. Safe-keeping of interview records during court proceedings

It shall be the ultimate responsibility of the officer in charge of the investigation, or in their absence, that of an officer specifically nominated by them, to ensure the safe-keeping of all original interview booklets of which evidence has been given during a trial. This does not apply to those notes which

have been entered as court exhibits, retained by the court as such and thus are no longer in the possession of police or the prosecuting authorities.

When police officers have completed giving their evidence, all original interview booklets to which they referred (except court exhibits) should in the first instance be retrieved by them and returned immediately to the officer in charge of the investigation.

In the absence of a direction from the trial Judge or Resident Magistrate, defence lawyers and their representatives have no authority to retain original interview booklets in their possession. The defence lawyer or their representatives must not be left unattended with the booklets.

6. General

Interview Booklets are evidence and may need to be produced as a court exhibit. The booklet should be preserved undamaged with staples intact and all pages present. Black ink should be used when recording the interview notes.

7. Defective ATRs

Defective ATRs should be reported to the premises officer of the station during office hours or if out of hours, AMEY Services on 07901513035. On no account should defects be reported direct to the manufacturer/supplier.

8. Additional information

This guidance can be supplemented with the following directions on POINT:

- Custody A-Z Guidance;
- Interpretation and Translation Services;
and
- Registered Intermediaries.

Additionally, interviewing officers should be aware of NIAAS (Northern Ireland Appropriate Adult Scheme) details of which are held by every custody suite.

Appendix A Contact Us

Service Instruction Author

Justice Branch

Feedback relating to this Service Instruction should be directed through line management to Local Policing.

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