

You may find these notes will assist you in taking your own notes.

Module Description

Confidently recognise, understand and use techniques to effectively:

1. Interview
2. Accurately record an interview or incident
3. Write and prepare an evidential statement to be used in court proceedings.

Aims

To develop and enhance candidates skills and techniques in

- Interviewing perpetrators
- Witnesses
- Victims
- Develop robust note taking abilities
- Be able to present evidence for court proceedings in a statement.

Key Learning Points

- Effectively plan and prepare for an investigative interview
- Be prepared for a number of different responses that the subject may adopt.
- Be flexible in the use of different questioning techniques.
- Effectively structure interviews with suspects and non-suspects.
- To make appropriate and accurate written records and notes.
- Be able to write a statement that complies with the format expected.

Engagement

- Start
- Tone
- Human side
- Administration
- Rules
- Appropriate language
- Closure

Turning notes into statements

- Types of statements
- Structure of statements
- Assessment of facts
- Criminal Justice Act 2003

Civil Procedure Rules Part 32

The witness statement should be headed with the title of the proceedings.

At the top right hand corner of the first page there should be clearly written.

- (1) The party on whose behalf it is made,
- (2) The initials and surname of the witness,
- (3) The number of the statement in relation to that witness,
- (4) The identifying initials and number of each exhibit referred to, and
- (5) The date the statement was made.

Body of witness statement

The witness statement must, if practicable, be in the intended witness's own words, the statement should be expressed in the first person and should also state:

- (1) the full name of the witness,
- (2) his place of residence or, if he is making the statement in his professional, business or other occupational capacity, the address at which he works, the position he holds and the name of his firm or employer,
- (3) his occupation, or if he has none, his description, and
- (4) the fact that he is a party to the proceedings or is the employee of such a party if it be the case.

A witness statement must indicate:

(1) Which of the statements in it are made from the witness's own knowledge and which are matters of information or belief, and

(2) The source for any matters of information or belief.

(3) An exhibit used in conjunction with a witness statement should be verified and identified by the witness and remain separate from the witness statement.

(4) Where a witness refers to an exhibit or exhibits, he should state 'I refer to the (*description of exhibit*) marked '...".The provisions of paragraphs 11.3 to 15.4 (exhibits) apply similarly to witness statements as they do to affidavits.

(5) Where a witness makes more than one witness statement to which there are exhibits, in the same proceedings, the numbering of the exhibits should run consecutively throughout and not start again with each witness statement

Format of statement

A witness statement should:

- (1) Be produced on durable quality A4 paper with a 3.5cm margin,
- (2) Be fully legible and should normally be typed on one side of the paper only,
- (3) Where possible, be bound securely in a manner which would not hamper filing, or otherwise each page should be endorsed with the case number and should bear the initials of the witness,
- (4) Have the pages numbered consecutively as a separate statement (or as one of several statements contained in a file),
- (5) Be divided into numbered paragraphs,
- (6) Have all numbers, including dates, expressed in figures, and
- (7) Give the reference to any document or documents mentioned either in the margin or in bold text in the body of the statement.

It is usually convenient for a witness statement to follow the chronological sequence of the events or matters dealt with, each paragraph of a witness statement should as far as possible be confined to a distinct portion of the subject.

Statement of Truth

A witness statement is the equivalent of the oral evidence which that witness would, if called, give in evidence; it must include a statement by the intended witness that he believes the facts in it are true.

To verify a witness statement the statement of truth is as follows:

'I believe that the facts stated in this witness statement are true'.

Attention is drawn to rule 32.14, which sets out the consequences of verifying a witness statement containing a false statement without an honest belief in its truth.

False Statements CPR 32.14

Proceedings for contempt of court may be brought against a person if he makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Notes in to Statements

Rules

- When
- Witness details
- Language
- Own words
- Exhibits
- Layout
- Figures and numbers
- Alterations

Types of Statements

- Civil
- Criminal
- Community impact assessments

- **Structure of statement**
 - Assessment of the facts
 - Criminal Justice Act 2003
 - S114, S115 & S119
 - Civil Procedure Rules Part 32

Note Taking

- CIA
- Numbered notebooks
- Date, time place, people
- Verbal and non verbal
- No assumptions, comment or opinion
- Chronological entries
- ELLBOWS
- Verbatim notes
- ADVOKATE

Questioning Skills

- Overview
- Open & closed
- Probing
- Funnelling
- Types of other questions / evidence
- Legal closure questions