

INTERVIEWING
CASEWORK POLICY

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Introduction

1. Interviews are conducted to assist the CCRC ‘in the exercise of its functions’. They will take place in the context of a review, or as part of an inquiry directed by the Court of Appeal, or when considering a matter referred by the Secretary of State in connection with the prerogative of mercy.
2. Although the nature of interviews conducted by the CCRC will vary, they are either to gather information, or to establish what evidence a witness is or is not able to give. Interviewees will include police officers, lawyers, forensic scientists, applicants and convicted persons, members of the public and persons who have been victims of crime.
3. Interviews are conducted in order to obtain the best evidence or information to assist the CCRC. In most cases there must be a belief that the interviewee may be able to provide information or evidence that is material to the case review.
4. The CCRC should always act in a fair and reasonable way and with due consideration towards all interviewees regardless of any protected characteristics. The independent role of the CCRC should be maintained.

Interviewing Applicants

5. Please refer to our policy on Communicating with Applicants.

Interviews with Witnesses

6. Where the CCRC is provided with a witness statement containing new evidence or information relevant to the review, the witness should normally be interviewed to establish the circumstances under which the statement was taken and to confirm the evidence or information that they can give.
7. Where a referral is being considered by the CCRC, based upon the information contained within a statement provided by a witness, s/he may be interviewed by the CCRC in order to confirm the evidence.
8. A witness who gave evidence at trial (or at a previous appeal) will not normally be interviewed unless there is reason to believe they are in possession of some new information or evidence, or their credibility has been called into question.

Vulnerable Interviewees

9. Where the CCRC feels that it is necessary to interview a child or young person the interview should normally be in the presence of a parent or other appropriate adult¹. The CCRC will also consider whether a police officer or other person with special skills should undertake the interview on the CCRC's behalf.
10. Where the CCRC considers it necessary to interview a witness who has some form of mental impairment, is vulnerable or has a learning disability an appropriate adult must be present. Where one or more of these factors applies to an applicant who is to be interviewed, the CCRC will consider whether an appropriate adult should be present.
11. Where other vulnerable witnesses or applicants, such as those that have been intimidated, or if they have been the victim of a violent, sexual, homophobic or racist crime, are interviewed consideration should be given as to whether they may require support.
12. Interviews with protected/supported² witnesses or witnesses given anonymity at trial should be arranged through those responsible for managing them.

¹ By "appropriate adult" the CCRC refers to people described as such in the Codes of Practice to the Police and Criminal Evidence Act 1984.

² "Supported" and "protected" witnesses are in reality the same category of witness. Either title may be used by the investigative authority having responsibility for that witness.

Interpretation

13. Where the witness cannot speak English, or is not fluent in English, an appropriately qualified independent interpreter will be arranged.
14. Appropriate arrangements will be made for interpretation where the witness communicates through, for example, a sign language.

Accompanied Interviewees

15. Where interviewees wish to have their legal adviser present, or to be accompanied by a relative or a friend, this will generally be acceptable, so long as that person is not likely to become a witness in the review, or inhibit the interviewee's ability to be frank in interview.

Interviews with Victims

16. Where the CCRC considers that there is a need to conduct an interview with a victim, consideration will be given to making the approach through an appropriate Family Liaison Officer (FLO) or other appropriate professional.
17. Where a victim of a sexual crime is to be interviewed, consideration will be given to the constitution of the CCRC's interview team. The preferences of the victim, if any, should be taken into account.

Codes of Practice for Victims of Crime

18. In circumstances where interviews with a witness may result in the victim becoming aware of the CCRC's review, consideration will be given to the appropriate course of action in relation to the victim, as required under The Codes of Practice for [Victims of Crime](#).

Jurors

19. There may be occasions where it becomes necessary to interview a juror during a CCRC review. Generally this will be as a result of a direction from the Court of Appeal under section 15 Criminal Appeal Act 1995. For further information see [Interviewing Jurors](#).

Interviewees who might admit offences

20. The Police and Criminal Evidence Act 1984 (PACE) does not apply to CCRC interviews. It will never be appropriate, therefore, for the CCRC to administer a PACE caution.
21. The CCRC will consider whether the appointment an investigating officer (under section 19 of the Criminal Appeal Act 1995), or a more informal arrangement with the police (under section 21 of the Criminal Appeal Act 1995) is appropriate where it appears that an interviewee may have committed an

offence and it may be in the public interest to prosecute should there be sufficient evidence of that offence. For further information see [Section 19 Requirements to appoint an Investigating Officer](#).

22. When the CCRC is conducting an interview or meeting and there arises some possibility that what a witness might say could be self-incriminating the interview will be stopped at any point at which it would be inappropriate to continue.
23. The CCRC will also have regard to its policy on [Reporting Crimes or other Professional misconduct](#).

Recording of Interviews

24. Where the CCRC holds any interview an appropriate written record of the interview will be made and the interviewee will be given the opportunity to sign this record.
25. Where the interviewee is able to provide evidence which will assist the CCRC in its review of a case, a signed witness statement or a signed record of interview will be obtained.

Audio-recording

26. The CCRC does not routinely audio-record interviews. A decision may be taken to record an interview if the interviewee or his/her legal representative requests it; where an interpreter is used; where the interview is likely to be complex; or it is important to maintain the flow of the interview; or to safeguard the integrity of the interview and CCRC.
27. Where it is appropriate to use audio-recordings in interview the consent of the interviewee to audio-recording will be obtained and appropriate audio recording equipment will be used and procedures followed.

Confidentiality

28. The CCRC cannot give any assurance that information given by an interviewee will not be disclosed. The interviewee can be provided with an explanation of the CCRC's disclosure policy, and the level of care that the CCRC will take with sensitive information will be explained. For further information see the CCRC's policy on [Disclosure by the Commission](#).