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WEST MIDLANDS POLICE

Force Policy Document

POLICY TITLE:	Voluntary Interviews Procedure.
POLICY REFERENCE NO:	CJ/23

Executive Summary.

The purpose of this policy document is to formalise Voluntary Interview ownership and accountability, whilst standardizing the procedure across all areas of business for the West Midlands Police.

This policy will provide clear guidance to all staff, standardising the process of opening and closing of Voluntary Interviews ensuring compliance with legislation and data compliance.

It is designed to protect and serve our communities by defining the standards surrounding the recording of data quality expected of West Midlands Police.

The policy reinforces the responsibilities of all officers and staff to ensure that the care and use of data quality provides a positive image of West Midlands Police.

With immediate effect, This Voluntary Interview Policy supersedes any guidance circulated regarding non-arrest records, Voluntary Interviews or Postal Charge Requisition.

**Any enquiries in relation to this policy should be made directly with the policy contact / department shown below.

Intended Policy Audience.

This policy is primarily aimed at all police officers and police staff who have cause to create or interview a person for the purpose of a Voluntary Interview

Current Version And Effective Date.	Version 2.0	20/10/2015
Business Area Owner	Criminal Justice Service	
Department Responsible	Criminal Justice Service	
Policy Contact	T/Inspector Rowley / Inspector Anwar	
Policy Author	T/Inspector Rowley	
Approved By	ACC Cann	
Policy Initial Implementation Date	12/02/2015	
Review Date	12/02/2017	
Protective Marking	Unrestricted	
Suitable For Publication – Freedom Of Information	Yes	

Supporting Documents

- *Code of Ethics* (http://www.college.police.uk/docs/Code_of_Ethics.pdf)
- www.gov.uk/government/uploads/system/uploads/attachment_data/file/117604/pace-code-g-2012.pdf
- <http://pnld.westyorkshire.pnn.police.uk/docmanager/content/D17971.htm>
- <http://apps.standardforms/files/CJS001.PDF>

Evidence Based Research

Full supporting documentation and evidence of consultation in relation to this policy including that of any version changes for implementation and review, are held with the Force Policy Co-ordinator including that of the authorised original Command Team papers.

Please Note.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UPTO DATE VERSION OF ANY POLICY OR DIRECTIVE CAN BE FOUND ON THE EQUIP DATABASE ON THE INTRANET.

Acronyms

CJS	Criminal Justice Services
DEO	Detention Escort Officer
COA	Custody Officer Assistant
L&D	Organisational Learning and Development
LPU	Local Policing Unit
PACE	Police and Criminal Evidence Act, 1984
RA	Risk Assessment
SOP	Standard Operating Procedure
WMP	West Midlands Police
EDL	Electronic Detention Log

Force Diversity Vision Statement and Values

“Eliminate unlawful discrimination, harassment and victimisation. Advance equality of opportunity and foster good relations by embedding a culture of equality and respect that puts all of our communities, officers and staff at the heart of everything we do. Working together as one we will strive to make a difference to our service delivery by mainstreaming our organisational values”

“All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, sex, race, gender reassignment, religion/belief, sexual orientation, marriage/civil partnership and pregnancy/maternity. If you consider this policy could be improved for any of these groups please raise with the author of the policy without delay.”

Code of Ethics

West Midlands Police is committed to ensuring that the Code of Ethics is not simply another piece of paper, poster or laminate, but is at the heart of every policy, procedure, decision and action in policing.

The Code of Ethics is about self-awareness, ensuring that everyone in policing feels able to always do the right thing and is confident to challenge colleagues irrespective of their rank, role or position

Every single person working in West Midlands Police is expected to adopt and adhere to the principles and standards set out in the Code.

The main purpose of the Code of Ethics is to be a guide to "good" policing, not something to punish "poor" policing.

The Code describes nine principles and ten standards of behaviour that sets and defines the exemplary standards expected of everyone who works in policing.

Please see http://www.college.police.uk/docs/Code_of_Ethics.pdf for further details.

The policy contained in this document seeks to build upon the overarching principles within the Code to further support people in the organization to do the right thing.

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1. INTRODUCTION

- (i) This policy has been developed to meet the operational needs of West Midlands Police regarding Voluntary Interview ownership and accountability, whilst standardizing the procedure across all areas of business for West Midlands Police
- (ii) Voluntary Interviews (Non-arrest records and Postal Charge Requisition) were introduced in July 2012 following the changes to code G of PACE and the introduction of legislation to allow postal charging
- (iii) Over 1200 Voluntary Interview records are now opened every month. A recent audit of ICIS has shown that a high percentage of these records are not opened or closed to the correct standard and do not meet data quality standards
- (iv) The review identified that Voluntary Interviews were being left open unnecessarily and that **Biometrics** were rarely being collected or recorded when a person was either reported for process, postal charged or cautioned. This policy aims to ensure that Biometrics are taken in all appropriate cases
- (v) This policy is applicable to all police officers and police staff who have cause to create a Voluntary Interview Record or Voluntary Interview a person.

2. OBTAINING A VOLUNTARY INTERVIEW RECORD

The creating of a Voluntary Interview Record will remain the responsibility of a Custody Sergeant, Detention Escort Officer or Trained Investigative Supervisor.

Please note

A Voluntary Interview Record number will not be provided without the below being answered satisfactorily:

- (i) Investigative Officer's to liaise with their line manager to discuss if a voluntary interview is the most appropriate action.
- (ii) Investigative Officer **MUST** complete identity checks for suspect, these include PNC, Flints and address checks, (This information is to be added to the EDL on the opening of the record). This is extremely important if the officer(s) are conducting the interview, other than at a police station.
- (iii) Investigative Officer's must provide a **Crime Number, Road Traffic Collision** or **OASIS log** number before obtaining Voluntary Interview Record number. OIC is then to request a Voluntary Interview Record number from Custody Sergeant, Detention Escort Officer or trained Investigation Supervisor. If no reference number is provided then the Voluntary Interview Record number WILL NOT be issued by the Custody Sgt, DEO or Investigative Supervisor.
- (iv) Investigative Officer's must provide the offence for which the person is being interviewed for. This also is to be recorded on the interview page along with appropriate adult, interpreter or solicitor details.
- (v) Reasonable adjustments must be considered for all detainees in compliance of the Equality Act. E.g. Interpreters, Appropriate Adults or does the suspect(s) require any special measures due to a disability

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This will be the responsibility of the Investigative Officer to ascertain these facts and arrange any special requirements prior to conducting the interview.

- (vi) It is appreciated that on rare occasions it may not be practicable to crime all offence's prior to interview, in this case the incident log or RTC number will be a sufficient reference.

Please note

The Investigative Officer will be asked a series of questions by the Custody Sergeant or Trained Investigative Supervisor before a Voluntary Interview Record number is created.

This is to ensure that the record is data compliant and that records are not left open unnecessarily. The name of the authorising Custody Sergeant or Trained Investigative Supervisor **MUST** be entered on the EDL.

2.1 Voluntary Interview number (Foreign Police Force or External Agency)

This policy applies to all Foreign Police Force or an External Agency who request a WMP Voluntary Interview number.

3. INVESTIGATIVE OFFICER OBLIGATIONS UNDER PACE (PRIOR TO INTERVIEWING A SUSPECT)

Regardless of where the interview takes place (Police Station or Suspects home address) PACE dictates that the OIC **MUST** offer the suspect:

- (i) Regardless of where the interview takes place, the **INVESTIGATIVE OFFICER MUST** offer the suspect access to free Independent legal advice, it is best practice to inform the suspect of this at the time of arranging the interview so arrangements can be made. Any actions regarding legal advice **MUST** be recorded on the Electronic Detention Log (EDL).

It is the Investigative Officer responsibility to arrange the legal advice for the suspect and this can be pre-booked 72hrs in advance via the Defence Solicitor Call Centre, Tel. 08457500640

- (ii) Inform the suspect that they are not under arrest and are entitled to leave at any time
- (iii) If a suspect refuses to be interviewed or requests that the interview is terminated, then the Investigative Officer **MUST** end the interview and either leave or allow the suspect to leave or consider arresting the suspect if CODE G PACE applies
- (iv) The suspect must be cautioned and the Investigative Officer is to follow the PEACE interview model
- (v) Reasonable adjustments must be considered for all detainees in compliance of the Equality Act. E.g. Interpreters, Appropriate Adults or does the suspect(s) require any special measures due to a disability

This will be the responsibility of the Investigative Officer to ascertain these facts and arrange any special requirements prior to conducting the interview

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- (vi) The Investigative Officer is legally obliged to inform the suspect of these facts and MUST provide the suspect with a copy of a Rights & Entitlements Form (CJS 001) <http://apps/standardforms/files/CJS001.PDF>

WHEN EVER POSSIBLE THE INTERVIEW MUST TAKE PLACE OUTSIDE A LIVE CUSTODY SUITE, THIS IS TO REDUCE THE DEMAND ON OPERATIONAL CUSTODY SUITES

Please Note

The **CRIME NUMBER**, **RTC NUMBER**, **OASIS NUMBER** is one of the most important parts of the Voluntary Interview Record. These references provide West Midlands Police a way of identifying that a person has been Voluntary Interviewed for the purpose of a Disclosing Barring Service check. This is vital information as without this there would be no other means of cross referencing.

If the data is not recorded in the correct format or location, then this could allow a suspect to work with a vulnerable person creating risk for the individual and West Midlands Police.

3.1 Interviewing other than at a Police Station Custody Suite

- (i) Prior to conducting a Voluntary Interview outside of a custody suite the Investigative Officer must obtain an ICIS Voluntary Interview number, ([section 2](#)) prior to conducting a Voluntary Interview.
- (ii) Investigative Officer's are still required to confirm suspects name and address prior to conducting the interview. This information is to be recorded on the EDL.
- (iii) The investigative officer is still required to provide a **Crime Number**, **RTC Number** or an **OASIS log number** when a Voluntary Interview Record is opened. This is to be recorded on the EDL record.
- (iv) Arranging a suspect's biometrics is the responsibility of the Investigative Officer. Biometrics can only be obtained if the suspect is **Postal Charged**, **Cautioned** or **Reported** for a **RECORDABLE** offence.
- (v) The Investigative Officer is responsible for carrying out all intelligence checks, (E.g. Flints, PNC etc.) in order to risk assess any threat the suspect could pose
- (vi) If the suspect requests the investigative officer to leave the premises, then the investigative officer MUST end the interview and either leave or allow the suspect to leave, unless there is adequate grounds to justify an arresting the suspect. [Code G PACE](#)

3.2 Conclusion of the interview

It is the Investigative Officer's responsibility to update a Custody Sergeant, Detention Escort Officer or Investigative Supervisor with the outcome of the interview as soon as practicable. The Voluntary Interview record **MUST** then be updated and be PACE compliant.

4. INVESTIGATORS OPTIONS AFTER A VOLUNTARY INTERVIEW

There are numerous options available at this point and it will be for the OIC and their line manager to discuss the most appropriate outcome.

- 4.1 [Postal Charge](#)
- 4.2 [Outstanding Enquires](#)
- 4.3 [Tape Interview Only](#)

4.1 **Postal Charge (PCR) Adult/Juvenile Caution**

- (i) The Investigative Officer and Investigative Supervisor must now consider if there is sufficient evidence to postal charge the suspect or refer the matter to CPS.
- (ii) **CAN ONLY BE ADMINISTERED BY A CUSTODY SERGEANT.** This is to ensure data compliance and to prevent suspects being charged to the wrong court dates.
- (iii) Investigative officer to report the suspect for the offence which they are being investigated. The suspect should not be reported prior to seeking CPS advice.
- (iv) For Recordable offences, Postal Charges, Adult/Juvenile Caution will only be generated/administered if the suspect has had their biometrics (fingerprints/DNA) taken and recorded.
- (v) It is the Investigative Officer's responsibility to arrange for the suspect to have his biometrics taken by a DEO or COA. This should have been completed prior to postal charge/caution. Livescan results are to be recorded on the EDL.
- (vi) Investigative officer must complete identity checks for the suspect. They **MUST** include PNC, Flints and address checks. Details to be added to EDL once the record has been opened for postal charge/caution.
- (vii) This is to be completed preferably on tape or Digital Interviewing Recording by the Investigative Officer's and before they leave any premises.
- (viii) On postal charging the suspect, the custody sergeant **MUST** make sure that the ICIS Voluntary Interview Record is closed down. Without the record being closed the case will not be registered with Libra.

4.1.1 **Postal charging a suspect who is on Police Unconditional Bail**

If an arrested suspect is later bailed unconditionally and a decision is later made to charge this person then officers should consider charging the person by way of postal charge.

If a decision is made to postal charge a suspect who is on unconditional bail, then the Investigative officer should confirm that the suspect has had his/her Biometrics taken in the course of the investigation. If the suspect had their Biometrics taken on arrest then there is no requirement to report the suspect.

4.1.2 **Reporting the suspect**

The reporting of the suspects provides an officer the power to obtain Biometrics.

- (i) Investigative Officer's only need to report the suspect if there is sufficient evidence to postal charge or caution.
- (ii) The suspect **MUST** be cautioned at the time of being reported.

Please Note

- (i) The reporting of a suspect effectively means that they cannot be asked any further questions regarding that matter.
- (ii) Reporting of a suspect does not negate a 'Taped Interview Only' option as a final closure on ICIS.
- (iii) There is no requirement to report the suspect prior to seeking CPS advice.

4.1.3 Biometrics MUST be obtained prior to administering the postal charge

Biometrics (fingerprints and DNA) MUST be obtained for a recordable offence prior to the custody officer administering the postal charge.

- (i) If the person is reported at a Police Station, biometrics (fingerprints and DNA), MUST be obtained for a recordable offence prior to the suspect leaving.
- (ii) The Investigative Officer is to confirm if the suspect is DNA confirmed. If PNC shows 'DNA confirmed' and the retention date on the record is 'indefinite' then the Investigative officer is not required to obtain another DNA sample. If there is no DNA confirmation on PNC then the Investigative Officer will be responsible for obtaining a suspects DNA sample.
- (iii) If the suspect is reported at their home address or elsewhere then the OIC has a duty to arrange for that person to attend as soon as practicable for the Biometrics to be obtained.
- (iv) The Investigative officer (if not trained in livescan) should contact their nearest custody suite and request for an appointment from the bail diary. CJS have agreed that the 30 minute bail slots can be used to book appointments.
- (v) LIVESCAN results including LANA number are to be recorded on the EDL.
- (vi) Custody staff should facilitate the taking of the suspects Biometrics if the OIC is not trained.
- (vii) When a suspect attends to have their biometrics taken the Custody Sergeant or Detention Escort Officer must open the original interview record and not create a 'documentation only' record. This is extremely important as this course of action creates a duplicate PNC entry.

Please note

- (i) Biometrics should only be obtained if the person is reported for the purposes of postal charge. If the result is Taped Interview Only then Biometrics do not need to be taken.

4.1.3.1 Police Powers to obtain Biometrics

4.1.3.2 The power to take fingerprints and non-intimate samples without consent

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Section 61 of PACE provides the statutory power for police to take a person's fingerprints without his or her consent in certain prescribed circumstances. The provisions of relevance to voluntary attenders are:

- section 61(5B) PACE - in relation to a person charged with a recordable offence or informed that he will be reported for such an offence;
- Section 61(6) PACE - in relation to a person who has been convicted of a recordable offence or cautioned in respect of a recordable offence;

The conditions for exercising the power under section 61(5B) of PACE are:

- the person has not had his fingerprints taken in the course of the investigation of the offence by the police; or
- he has had his fingerprints taken in the course of that investigation but: the fingerprints taken on the previous occasion do not constitute a complete set or are not of sufficient quality to allow satisfactory analysis, comparison or matching; or the investigation was discontinued but later resumed and the before the investigation was resumed the fingerprints were destroyed pursuant to section 63D(3).

The conditions for exercising the power under section 61(6) of PACE are:

- The person has not had his fingerprints taken since he was convicted or cautioned; or
- he has had his fingerprints taken in the course of that investigation but: the fingerprints taken on the previous occasion do not constitute a complete set or are not of sufficient quality to allow satisfactory analysis, comparison or matching;

AND

- The power under section 61(6) of PACE can only be exercised with the authorisation of an officer of at least the rank of inspector;
- Such an authorisation may only be granted if the officer of at least the rank of inspector is satisfied that taking the fingerprints is necessary to assist in the prevention or detection of crime.

Before fingerprints are taken from a person without his / her consent, the person must be informed of: the reason for taking the fingerprints, the power by virtue of which they are taken; and where authorisation is required, the fact that the authorisation has been given. These matters must be recorded as soon as practicable after the fingerprints are taken. The officer must also inform the person that his / her fingerprints may be the subject of a speculative search and record the fact that the person has been so informed as soon as practicable thereafter.

Section 63 of PACE provides the power in certain circumstances to take non-intimate samples without consent. The relevant sections are:

- Section 63(3A) - a person who has been charged with a recordable offence or informed that he will be reported for such an offence ;
- Section 63(3B) - a person who has been convicted of a recordable offence or has been given a caution in respect of a recordable offence.

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The conditions for exercising the power under section 63(3A) are substantially the same as those under section 61(5B), namely: he has not had a sample taken in the course of the investigation; he has had a sample taken but it is not suitable for analysis, or it proved to be insufficient, or the investigation was discontinued and the sample was destroyed, together with any DNA profile taken from it; or he has had a sample taken but the sample has been destroyed and there is a dispute as to whether the DNA profile relevant to the proceedings is derived from the sample.

The conditions for exercising the power under section 63(3B) are also substantially the same as those under section 61(6) of PACE, namely: a sample has not been taken since conviction; or a sample has been taken but it is not suitable for analysis or has proved insufficient. It is also necessary for an authorisation to be granted from an officer of at least the rank of inspector in order for a non-intimate sample to be taken without consent pursuant to section 63(3B). Such authorisation may only be granted if the officer is satisfied that taking the sample is necessary to assist in the prevention or detection of crime.

Moreover, the officer taking the sample has the same duty to give the person prior notice of: the reason for taking the sample; the power exercised; where authorisation is necessary, the fact of the authorisation AND must record those matters as soon as practicable thereafter. The person must also be notified prior to the sample being taken that it may be subject of a speculative search and the fact that he or she has been so notified must be recorded.

4.1.3.3 Enforcing the power to take fingerprints and non-intimate samples without consent

The powers available to the police to enforce the taking of fingerprints and non-intimate samples without consent are provided by section 63A(4) PACE, read together with Schedule 2A of PACE, as follows -

4.1.3.4 Power to require attendance at police station

- Paragraph 2 of Schedule 2A permits a constable to require a person to attend a police station for the purpose of taking his fingerprints under section 61(5B) provided that the power is exercised within 6 months of: (in a case where fingerprints have not previously been taken) the day on which the person was charged or informed that he would be reported; or (in a case where the fingerprints taken were insufficient) the day on which the investigating officer was so informed; or (in a case where the fingerprints were destroyed), the day on which the investigation resumed.
- Paragraph 3 of Schedule 2A permits a constable to require a person to attend a police station for the purpose of taking his fingerprints under section 61(6) provided that the power is exercised within two years of: (in a case where fingerprints have not been taken previously), the day on which the person was convicted or cautioned; or (in a case where fingerprints taken are insufficient), the day on which the investigating officer was so informed. NB. The time limits for the exercise of the power under paragraph 3 of Schedule 2A do not apply where the relevant offence is a qualifying offence.
- Paragraph 6 of Schedule 2A prevents a person, whose fingerprints have been taken on 2 occasions in relation to any offence, from being required to attend a police station to have his fingerprints taken again in relation to that offence without the authorisation of an officer of at least the rank of inspector.

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- Paragraph 10 of Schedule 2A permits a constable to require a person to attend a police station for the purpose of taking a non-intimate sample under section 63(3A) provided that the power is exercised within 6 months of: (in a case where a sample has not previously been taken) the day on which the person was charged or informed that he would be reported; or (in a case where a sample previously taken is not suitable) the day on which the investigating officer was so informed; or (in a case where the sample and any DNA profile were destroyed) the day on which the investigation was resumed.
- Paragraph 11 of Schedule 2A permits a constable to require a person to attend a police station for the purpose of taking a non-intimate under section 63(3B) provided that the power is exercised within two years of: (in a case where a sample has not been taken previously), the day on which the person was convicted or cautioned; or (in a case where a sample taken is insufficient), the day on which the investigating officer was so informed. NB. The time limits for the exercise of the power under paragraph 3 of Schedule 2A do not apply where the relevant offence is a qualifying offence or the person was convicted before 10 April 1995 and is a person to whom section 1 of the Criminal Evidence Act 1997 applies.
- Paragraph 14 of Schedule 2A prevents a person, who has had a non-intimate sample taken on 2 occasions in relation to any offence, from being required to attend a police station to have a further sample taken in relation to that offence without the authorisation of an officer of at least the rank of inspector.
- By virtue of paragraph 15 of Schedule 2A, if an officer seeks to exercise the powers under section 61(6) and / or section 63(3B) PACE (in relation to a person convicted or cautioned for a recordable offence), the officer must obtain the necessary authorisation of an officer of a least the rank of inspector before notifying the person that he /she is required to attend a police station for the purposes of taking fingerprints or a sample.

4.1.3.5 The requirement to attend a police station

Paragraph 16 of Schedule 2A prescribes the date and time for attendance at the police station as follows:

- The requirement must give the person a period of at least 7 days within which he must attend the police station.
- BUT - the requirement may specify a period shorter than 7 days if there is an urgent need for the fingerprints or sample for the purposes of the investigation of an offence and the shorter period is authorised by an officer of at least the rank of inspector. Where such an authorisation is given, the fact it has been given and the reasons for giving it must be recorded as soon as practicable thereafter.
- The requirement may direct the person to attend at a specified time of day or between specified times of day. In specifying such a period, the officer shall consider whether the fingerprints or sample could reasonably be taken at a time when the person is for any other reason required to attend the police station.
- Provided that the officer and the person so agree, the requirement may be varied to specify any period within which, or date or time at which the person must attend. A variation shall not have effect unless confirmed by the constable in writing.

4.1.3.6 Power of arrest for failure to comply with requirement

Paragraph 17 of Schedule 2A confers upon a constable a power to arrest, without warrant, a person who has failed to comply with a requirement under Schedule 2A. Unlike the power of arrest pursuant to section 24 PACE, there is no “necessity criterion” for the exercise of the power of arrest pursuant to paragraph 17.

For the purposes of exercising the power of arrest under paragraph 17 of Schedule 2A, it is, in my view, sufficient for the following conditions to be satisfied:

- There exists a power (under sections 61 or 63 of PACE) to take fingerprints or non-intimate samples from the person and any necessary authorisation to do so has been obtained;
- A requirement has been given to the person to attend a police station for the purposes of taking his fingerprints and / or a non-intimate sample in accordance with Schedule 2A;
- The person has failed to attend the police station by the time the period within which he must attend the station has expired.

4.2 Outstanding Enquiries

- (i) Investigative officer after consultation with their supervisor identify outstanding/further enquiries.
- (ii) Outstanding enquires are to be outlined on the EDL of the Voluntary Interview record.
- (iii) A timescale for completion, i.e. Further Statements, CPS to be recorded on the EDL.
- (iv) Any outstanding enquires should comply with the current time scales set out in the [WMP Standard Operating Procedure, Detention and Custody](#) regarding bail.
- (v) It is the responsibility of the Investigative officer to update the Voluntary Interview Record with enquires and timely updates.
- (vi) Officers can also request that Voluntary Interview records are closed by providing an update via email to cj_non_arrest_close@west-midlands.police.uk

Please note

- (i) If there is no update date from the Investigative officer on the record then it will be closed down as Taped Interview Only after 28 days.
- (ii) It will be the responsibility of the Investigative officer to apply to re-open the record if this occurs.

4.3 Taped Interview Only (Insufficient evidence)

- (i) The Investigative officer **MUST** consult with their line manager and arrange for the disposal outcome to be recorded on the EDL, this applies to all cases.
- (ii) If there are no further lines of enquiry and the threshold test is not reached the record is to be closed with the Investigative officer's line managers' rationale outlined on the EDL.

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- (iii) The ICIS record can be closed by a Custody Sergeant, Investigative Supervisor or Detention Escort Officer can close down a Voluntary Interview Record.
- (iv) The ICIS record must be closed down as 'Taped Interview Only' not NFA.
- (v) Closing the record as N.F.A would limit the options available to officers once the record was closed. 'Taped Interview Only' would restrict the suspect being re-interviewed if circumstances dictate.
- (vi) Biometrics and offence preparation is not required for 'Taped Interview Only'.

4.3.1 Victims right to review

- (i) All victims have the right to ask for a review of their case after it has been closed.
- (ii) The time frame for the victim to make this request is 3 months.
- (iii) The 3 month period starts from the point of the case being closed.
- (iv) Pending the outcome of the review it may be appropriate for the investigators to re-open the case.
- (v) If the case is dealt with by 'Taped Interview Only' then it is the responsibility of the investigating officer to inform the suspect the below.

“There is insufficient evidence to proceed against you at this time. However, if further evidence comes to light this case may be re-opened”

- (vi) The ownership remains the responsibility of the investigating officer to ensure that the 'victim's right to review' is recorded on the EDL.

5. MANAGING OPEN VOLUNTARY INTERVIEW RECORDS

- (i) The managing of open Voluntary Interviews will remain the responsibility of the respective **LOCAL CUSTODY INSPECTOR AND CUSTODY SERGEANT**.
- (ii) Each Custody Sergeant will be required to conduct an ICIS search on the OICs collar number to identify if they have any open Voluntary Interviews. If open records are located the Custody Sergeant will request an update from the OIC prior to the issue of a new Voluntary Interview record.

6. MANAGING OFFENDER(S) WHO HAVE NOT HAD THEIR BIOMETRICS OBTAINED AFTER CHARGE, CAUTION OR CONVICTION

If an offender is postal charged, cautioned or convicted for a recordable offence, then the ownership to obtain the offenders biometrics remains the responsibility of the investigating officer.

- (i) The investigating officer is to locate the offender and request that they attend a nominated police station to have their biometrics taken. [Section 4.1.3.1](#) refers.
- (ii) The investigating officer should request an appointment for the offender at their nearest custody suite and comply with [Section 4.1.3](#).

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- (iii) It will be the responsibility of the investigating officer and supervisor to identify that a suspect has not had their biometrics taken in the course of an investigation.

7. FILE BUILD

- (i) The case is to be reviewed by an Investigative Supervisor. If the decisions are postal charge or seek CPS advice then the suspect will need to be reported and Bio-metrics obtained. This is prior to postal charge or CPS advice
- (ii) OIC creates PCR (MG4D)
- (iii) OIC includes serving MG4D in MG11
- (iv) OIC builds rest of file in EFB
- (v) OIC line manager sends file to CPS

8. EQUALITY IMPACT ASSESSMENT (EQIA)

The policy has been reviewed and drafted against all protected characteristics in accordance with the Public Sector Equality Duty embodied in the Equality Act 2010. The policy has therefore been Equality Impact Assessed to show how WMP has evidenced 'due regard' to the need to:

- (i) Eliminate discrimination, harassment, and victimisation
- (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (iii) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

Supporting documentation in the form of an EQIA has been completed and is available for viewing in conjunction with this policy.

9. HUMAN RIGHTS

This policy has been implemented and reviewed in accordance with the European Convention and principles provided by the Human Rights Act 1998. The application of this policy has no differential impact on any of the articles within the Act. However, failure as to its implementation would impact on the core duties and values of WMP (and its partners), to uphold the law and serve/protect all members of its community (and beyond) from harm.

10. FREEDOM OF INFORMATION (FOI)

Public disclosure of this policy document is determined by the Force Policy Co-ordinator in agreement with its owner. Version 1 of this policy document is fully disclosable to members of the public and via the Force WMP internet website.

Which exemptions apply and to which section of the document?	Whole document	Section number

NOT PROTECTIVELY MARKED

Fully Disclosable – Version 1.3	N/A	N/A
Fully Disclosable – Version 2.0		

11. TRAINING

- (i) Training required to comply with this policy will be delivered to all custody staff via Phase Training Sessions.
- (ii) Training if required/requested will be provided to LPU ICIS trained Investigative Supervisors by the CJS Service Improvement Team and custody staff.
- (iii) CJS and L&D have devised training package where Investigator supervisors will be trained in the opening and updating of Voluntary Interviews by L&D.
- (iv) Investigative officers are to be trained in the taking of a suspects fingerprints (Livescan)

12. PROMOTION / DISTRIBUTION & MARKETING

The following methods will be adopted to ensure full knowledge of the Policy:

- (i) Policy document and associated documents on the Force Intranet (noticeboard) for the attention of all WMP officers and staff;
- (ii) Recording and audit entry on the Force policy library;
- (iii) Intranet marketing via CJS website / Newsbeat
- (iv) Disclosure to all police officers and staff on any learning/development requirements. Training will be provided to LPU investigation team supervisors.

13. REVIEW

The policy business owner Criminal Justice Services maintain outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring.

The policy should be considered a 'living document' and subject to regular review to reflect upon any Force, Home Office/ACPO, legislative changes, good practice (learning the lessons) both locally and nationally, etc.

A formal review of the policy document, including that of any other potential impacts i.e. EQIA, will be conducted by the date shown as indicated on the first page.

West Midlands Police will be implementing Digital Interview Records (DIR). Once a deadline is set for DIR then this policy will be amended to ensure that it is still compliant.

NOT PROTECTIVELY MARKED

Any amendments to the policy will be conducted and evidenced through the Force Policy Co-ordinator and set out within the version control template.

Feedback is always welcomed by the author/owner and/or Force Policy Co-ordinator as to the content and layout of the policy document and any potential improvements.



CHIEF CONSTABLE

14. VERSION HISTORY

Version	Date	Reason for Change	Amended/Agreed by.
V.1	10/11/14	Removal of bold paragraphs in order to comply with policy guidelines.	T/Inspector 8981 Rowley
V.1.1	12/11/14	4.2 Amended to provide clearer guidance.	T/Inspector 8981 Rowley
V.1.1	12/11/14	Link to CJ001 added to 3.	T/Inspector 8981 Rowley
V.1.2	17/11/14	4.1 (IV) added. Reasonable adjustments must be considered for all detainees. E.g. Interpreters, Appropriate Adults, Disability Discrimination Act custody suite which can facilitate wheelchair access if required, etc. This will be the responsibility of the OIC to ascertain these facts prior to conducting the interview.	T/Inspector 8981 Rowley Debbie Pritchett EDHR Officer
V.1.3	30/12/14	Feedback from custody staff has highlighted that the records should be closed as Taped Interview Only not N.F.A. Draft policy amended to address this.	T/Inspector 8981 Rowley
V.2.0	6/10/15	<ul style="list-style-type: none">- Policy format made more clear- Obtaining Biometric legislation added Section 4.1.3.1- Reporting suspect before CPS advice amended- Persons on Police bail added section 4.1.1- Managing offenders who have not had biometrics taken section 6.	T/Inspector 8981 Rowley Inspector Anwar

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		-Victims right to review added section 4.3.1	