



Model pilot project on introduction of the PEACE model of investigative interviewing in Tajikistan

December 2024

This pilot project has been developed by the Public Organisation “The World of Law” (Tajikistan) within the framework of the UK FCDO-funded initiative, “Promoting and Protecting Human Rights in Tajikistan through Torture Prevention Initiatives,” and the EU-Tajikistan-funded programme, “Paths to Justice: Strengthening Human Rights through Torture Prevention and Penitentiary System Reform.” This initiative seeks to strengthen torture prevention measures through a comprehensive and integrated approach, employing holistic and interlinked strategies to address systemic challenges within the justice system.

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1. Executive Summary

This pilot project proposes the implementation of the PEACE model of investigative interviewing in Tajikistan to address challenges in the current investigative processes and enhance compliance with international human rights standards. The project will be implemented in selected pilot sites, focusing on training police officers and investigators in non-coercive, evidence-based interviewing techniques. Expected outcomes include improved interview quality, reduced reliance on confessions obtained through coercion, and strengthened public trust in law enforcement.

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The implementation of the PEACE model represents a critical step towards institutional reform in Tajikistan’s criminal justice system, aligning investigative practices with international human rights obligations while supporting the goals outlined in the National Strategy on Human Rights of the Republic of Tajikistan for the Period Until 2038. By equipping law enforcement personnel with ethical, non-coercive interviewing skills, the project aims to foster a rights-based approach to criminal investigations, ensuring both the integrity of evidence and the dignity of individuals subjected to interrogation.

2. Introduction

Tajikistan has made significant strides in addressing human rights challenges in recent years, including its commitment to implementing the National Strategy on Human Rights of the Republic of Tajikistan for the Period Until 2038. Despite these efforts, the country continues to face critical issues, including reports of torture, coerced confessions, and impunity within the justice system. These practices undermine the integrity of the legal framework, erode public trust in law enforcement, and violate international human rights standards, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Tajikistan is a party.

This pilot project introduces the PEACE model of investigative interviewing as an essential step toward addressing these challenges. Developed in the framework of the UK FCDO-funded project “Promoting and Protecting Human Rights in Tajikistan through Torture Prevention Initiatives” and the EU-Tajikistan funded project “Paths to Justice: Strengthening Human Rights through Torture Prevention and Penitentiary System Reform,” this initiative aims to strengthen torture prevention measures through holistic, interlinked strategies. The project targets systemic issues by focusing on capacity building, skill enhancement, and the implementation of internationally recognised best practices, such as the Mendez Principles and the PEACE model of police interviewing.

The PEACE model, widely used in the United Kingdom and other countries, promotes non-coercive, evidence-based interviewing techniques. By prioritising transparency, fairness, and accountability, the model aligns with Tajikistan's aspirations for a more just and humane legal system. It offers a proven alternative to traditional interrogation methods that often rely on intimidation or coercion to extract confessions.

This initiative will pilot in Dushanbe and Khujand, two key cities where reform efforts can have a significant impact. These pilot sites will serve as testing grounds for the PEACE model, providing valuable insights into how international best practices can be adapted to the local context. The interconnected nature of the project's activities ensures a comprehensive approach, addressing the root causes of torture, impunity, and rights violations within the criminal justice system.

Despite constitutional prohibitions on torture and ill-treatment, credible reports indicate that such practices persist, contributing to wrongful convictions and a culture of fear and mistrust. By introducing evidence-based and human rights-centred approaches to police interviewing, this project seeks to break this cycle and promote long-term societal change. Over the next few years, it aims to lay the foundation for systemic reform by fostering accountability, strengthening institutional capacities, and improving public trust in the justice system.

The introduction of the PEACE model in Tajikistan is a critical step toward realising the country's human rights objectives, as outlined in its National Strategy on Human Rights. Through the collaborative efforts of public organisations, international partners, and government stakeholders, this project aspires to contribute significantly to the prevention of torture, the protection of human rights, and the establishment of a fair and effective legal system in Tajikistan.

3. Background

The investigative interviewing process is a critical component of criminal justice systems worldwide, directly influencing the outcome of criminal proceedings. Historically, many law enforcement agencies relied on confession-based interrogation practices, often prioritising efficiency over accuracy. However, extensive research and international experiences have demonstrated the detrimental impact of such practices, particularly when they involve coercion, intimidation, or torture. These methods undermine the rule of law, produce unreliable evidence, and can result in wrongful convictions, perpetuating mistrust between law enforcement agencies and communities.

Tajikistan, a country in Central Asia undergoing legal and institutional reforms, faces unique challenges in aligning its criminal justice practices with international human rights standards. Reports from organisations such as Amnesty International and Human Rights Watch frequently cite issues such as the use of physical and psychological coercion during police interrogations. Such practices not only violate fundamental human rights but also jeopardise the integrity of investigations. Addressing these issues is essential for Tajikistan to strengthen its justice system and meet its international obligations under treaties such as the United Nations Convention Against Torture (UNCAT).

The PEACE Model, developed in the United Kingdom in the early 1990s, offers a structured, non-coercive framework for investigative interviewing. The model emphasises preparation, ethical engagement, and evidence-based practices, ensuring that interviews are conducted fairly, transparently, and effectively. By adopting this model, Tajikistan has the opportunity to modernise its policing practices, improve investigation outcomes, and build public trust in its criminal justice institutions.

The Global Context of Investigative Interviewing

Investigative interviewing has evolved substantially in recent decades, with a shift from coercive and confession-driven practices to evidence-based, non-coercive methodologies. Traditional interrogation practices, often characterised by physical abuse, psychological pressure, and other coercive measures, have faced widespread criticism for their inefficacy in producing reliable evidence and for violating fundamental human rights.

The PEACE Model (Preparation and Planning, Engage and Explain, Account, Closure, and Evaluate), developed in the United Kingdom, offers a structured and ethical approach to interviewing that respects human dignity while enhancing investigative outcomes. Its adoption in countries such as the UK, Norway, and New Zealand has led to measurable improvements, including better-quality evidence, reduced incidents of torture, and greater public trust in law enforcement institutions.

The situation in Tajikistan

Tajikistan faces significant challenges in its criminal justice system, particularly regarding the use of torture and ill-treatment during interrogations. Despite some progress, the reliance on coercive methods persists, undermining the rule of law, public trust, and the reliability of investigations.

Prevalence of torture and ill-treatment

Torture and ill-treatment remain widespread in Tajikistan, as documented by both local and international organisations.

- **Coalition Against Torture in Tajikistan:** Between 2019 and 2023, over 150 cases of alleged torture were reported. However, the true extent of the problem is likely far higher due to underreporting caused by fear of retaliation and mistrust in complaint mechanisms.
- **Methods of Torture:** Victims frequently report being subjected to severe beatings, electric shocks, suffocation, and other forms of physical and psychological abuse during pre-trial detention and interrogations.
- **Vulnerable Groups:** Marginalised communities, political dissidents, and individuals accused of severe crimes are disproportionately targeted.

These practices often aim to extract confessions, which are then used as the primary evidence in court. Such evidence, obtained under duress, is inherently unreliable and violates both national laws and international human rights obligations.

International human rights obligations of Tajikistan

Tajikistan is a party to major international human rights treaties, including the Convention Against Torture (UNCAT) and the International Covenant on Civil and Political Rights

(ICCPR). Both instruments obligate the state to prohibit torture, investigate allegations, and hold perpetrators accountable.

- In its 2021 review, the United Nations Committee Against Torture (CAT) raised concerns about Tajikistan's systemic reliance on coercion and lack of accountability for acts of torture.
- Recommendations included strengthening safeguards against torture, ensuring prompt and independent investigations into allegations, and providing effective remedies to victims.

National Strategy on Human Rights of the Republic of Tajikistan for the period until 2038

In response to domestic and international calls for reform, the Government of Tajikistan adopted the National Strategy on Human Rights for the Republic of Tajikistan for the Period Until 2038. This long-term strategy aims to create a rights-based governance system that aligns with international human rights standards.

The strategy includes several key objectives related to combating torture and ill-treatment:

- 1) **Strengthening Legal Safeguards:** Ensuring the full implementation of laws prohibiting torture, with a focus on enhancing protections for detainees during arrest and interrogation.
- 2) **Capacity Building:** Training law enforcement personnel on human rights, non-coercive investigative techniques, and the principles of transparency and accountability.
- 3) **Institutional Reform:** Establishing mechanisms for independent monitoring of detention facilities and ensuring that complaints of torture are investigated promptly and impartially.
- 4) **Community Engagement:** Promoting awareness among the general public about their rights and the state's obligations to uphold them.
- 5) **Monitoring and Evaluation:** Introducing regular assessments to evaluate the effectiveness of measures taken to reduce and ultimately eliminate torture.

By introducing modern investigative techniques like the PEACE Model, Tajikistan can make significant strides towards meeting the objectives of its National Strategy. This approach directly supports the strategy's commitment to aligning the country's legal and institutional framework with its international human rights obligations.

The case for reform

Tajikistan's continued reliance on coercive interrogation methods undermines the core principles of its National Strategy on Human Rights and damages the legitimacy of its criminal justice system. The following challenges highlight the need for reform:

- 1) **Systemic use of coercion:** Torture remains a routine part of criminal investigations, contributing to wrongful convictions and judicial inefficiencies.
- 2) **Public distrust in law enforcement:** The perception of widespread abuse fosters mistrust between citizens and law enforcement agencies, hindering cooperation and crime reporting.
- 3) **International reputation:** Persistent human rights violations tarnish Tajikistan's image on the global stage, affecting its relationships with donors and development partners.
- 4) **Weak institutional capacity:** Insufficient training and resistance to change within law enforcement agencies have impeded the adoption of ethical and effective investigative practices.

The need for the PEACE model

The PEACE Model offers a practical, evidence-based solution to these challenges. It provides law enforcement personnel with the tools and knowledge to conduct ethical and effective interviews, reducing the reliance on torture and improving investigative outcomes. Key benefits of implementing the PEACE Model in Tajikistan include:

- 1) *Alignment with national goals:* The model directly supports the implementation of Tajikistan's National Strategy on Human Rights, particularly in areas related to capacity building, institutional reform, and public trust.
- 2) *Improved evidence quality:* By emphasising rapport building, open-ended questioning, and thorough documentation, the PEACE Model enhances the reliability and admissibility of evidence in court.
- 3) *Reduced incidents of torture:* Countries that have implemented the PEACE Model, such as Norway and the UK, report significant declines in torture allegations and police misconduct.

- 4) *Increased public trust*: Ethical interviewing practices rebuild trust between law enforcement agencies and communities, fostering cooperation and enhancing public safety.
- 5) *Compliance with international standards*: The adoption of the PEACE Model demonstrates Tajikistan's commitment to fulfilling its obligations under UNCAT and other international human rights instruments.

4. Objectives of the pilot project

The pilot project is a strategic initiative aimed at transforming investigative interviewing practices in Tajikistan, contributing to the broader goal of eradicating torture and fostering a just legal system. This project specifically targets systemic issues such as the reliance on coercive confessions, impunity for perpetrators, and the lack of modern investigative techniques. By introducing internationally recognised standards like the PEACE model and Mendez Principles, the initiative seeks to strengthen human rights protections and promote ethical, evidence-based practices within the criminal justice system.

General objective

To prevent and address instances of torture in Tajikistan through the implementation of internationally recognised investigative interviewing practices, thereby enhancing human rights protections and fostering long-term societal change.

Specific objectives

1. Strengthen Torture Prevention Measures

- Introduce the PEACE model of investigative interviewing to reduce reliance on confessions obtained through coercion or ill-treatment.
- Align Tajikistan's criminal justice practices with the Mendez Principles, focusing on humane, rights-based interviewing standards.
- Foster an institutional culture that prioritises the dignity and rights of all individuals during investigations.

2. Enhance law enforcement capacities

- Deliver targeted training programmes for police officers and investigators in Dushanbe and Khujand, focusing on skill-building for ethical and effective interviewing.
- Equip law enforcement personnel with the tools to adopt non-coercive, evidence-based methods, replacing outdated and harmful practices.
- Strengthen their understanding of legal safeguards and international human rights obligations.

3. *Address Systemic Issues of Torture and Impunity*

- Tackle the culture of impunity by integrating robust accountability mechanisms into investigative processes.
- Reduce instances of coerced confessions and prevent wrongful convictions by ensuring all evidence is gathered ethically.
- Support effective prosecutions and uphold the rule of law by building the reliability and credibility of evidence obtained.

4. *Foster Interconnected and Complementary Reforms*

- Pilot the project in Dushanbe and Khujand, serving as interconnected sites to test and refine best practices in investigative interviewing.
- Promote a holistic and integrated approach to torture prevention by linking the project with complementary reforms in the penitentiary system.
- Establish cross-sectoral collaboration among law enforcement, judiciary, and civil society to ensure sustainable implementation.

5. *Improve Public Perception and Trust in Law Enforcement*

- Rebuild public confidence in the criminal justice system by demonstrating a clear commitment to ethical practices.
- Increase transparency in investigations to address negative perceptions of law enforcement.
- Engage with community leaders, civil society organisations, and the media to raise awareness of the shift toward human rights-compliant practices.

6. *Develop a Scalable and Sustainable Model*

- Create a replicable framework for nationwide implementation by assessing the effectiveness of the pilot projects.
- Develop policy recommendations for embedding the PEACE model into Tajikistan’s legal and institutional frameworks.
- Build long-term capacity through continuous training and mentoring programmes.

Expected Impacts

- ***Human rights protections:*** Tangible reduction in cases of torture and ill-treatment by law enforcement, aligning Tajikistan’s practices with international norms.
- ***Reliable evidence gathering:*** Enhanced quality of evidence through non-coercive investigative methods, contributing to fairer trial outcomes.
- ***Institutional reform:*** Strengthened accountability mechanisms and institutional frameworks to address impunity and prevent recurrence of abuse.
- ***Public trust and confidence:*** Improved community perceptions of law enforcement, fostering collaboration and reducing societal tensions.
- ***Global compliance:*** Tajikistan’s enhanced compliance with international human rights obligations, bolstering its reputation on the global stage.

Alignment with project goals

This pilot project builds on the broader aims of the UK FCDO-funded initiative, “Promoting and Protecting Human Rights in Tajikistan through Torture Prevention Initiatives,” and the EU-Tajikistan-funded project, “Paths to Justice: Strengthening Human Rights through Torture Prevention and Penitentiary System Reform.” Together, these initiatives form a comprehensive strategy to address systemic challenges in the criminal justice system and promote a humane, rights-based approach to governance in Tajikistan. Through piloting best practices in investigative interviewing and fostering interconnected reforms, the project aims to create lasting societal change and serve as a model for nationwide adoption, ultimately contributing to a fairer and more humane legal system.

5. Stakeholders and Partners

The success of this pilot project requires the collaboration of a diverse group of stakeholders, including government agencies, civil society organisations, and international donors. Each partner contributes unique expertise, resources, and authority to ensure the project's impact and sustainability.

1. Law Enforcement

Key law enforcement institutions play a central role in implementing and institutionalising the PEACE model.

Their participation ensures the practical application of investigative reforms:

- ***Ministry of Internal Affairs of the Republic of Tajikistan (MIA)***: The primary body responsible for overseeing law enforcement and investigative procedures. The Ministry's leadership and commitment are critical to ensuring the integration of the PEACE model within the police force and investigative units.
 - The MIA has designated the **Police Academy of the Ministry of Internal Affairs** as the focal point for this project. The academy is tasked with piloting the PEACE model and ensuring its incorporation into training and professional development programmes for investigators and interrogators.
- ***Police Academy of the Ministry of Internal Affairs (MIA)***: As the designated focal institution, the Police Academy plays a pivotal role in integrating the PEACE model into its training curricula. In collaboration with the Public Organisation "The World of Law," the Police Academy is committed to fostering a human rights-based approach to investigative interviewing.
 - A **Memorandum of Understanding (MoU)** has been signed between the Police Academy and The World of Law, formalising their partnership to improve the work of investigators and interrogators. The agreement focuses on promoting human rights standards and embedding the PEACE model into police training programmes to ensure its long-term sustainability.

- ***General Prosecutor's Office:*** Provides legal oversight of criminal investigations, ensuring compliance with national laws and international human rights standards. Their role in supervising the adherence to non-coercive investigative techniques is pivotal to the project's success.
- ***National Security Committee (NSC):*** The NSC, responsible for national security matters, has shown interest in this project and officially responded with a letter confirming their willingness to participate in capacity-building activities. Their engagement ensures alignment between the PEACE model and national security-related investigations, particularly where the risks of coercive practices are higher.

2. Ombudsman Office

The Ombudsman's Office (Commissioner for Human Rights) is a vital actor in safeguarding human rights in Tajikistan. Its role includes:

- Monitoring compliance with human rights standards in investigative and detention practices.
- Advocating for the victims of torture and ill-treatment.
- Supporting the institutionalisation of the PEACE model as part of broader human rights reforms.

3. Civil Society Organisations and Human Rights Lawyers

Civil society actors and legal professionals are instrumental in monitoring, advocacy, and capacity-building initiatives.

Their contributions include:

- ***CSOs Specialising in Torture Cases:*** These organisations provide oversight by documenting cases of torture and ill-treatment, offering legal assistance to victims, and raising awareness about the systemic issues within the criminal justice system.
- ***Human Rights Lawyers:*** Legal practitioners specialising in torture cases will support the project by ensuring accountability,

promoting fair trial standards, and advocating for the rights of victims.

4. Donor Community

International donors are key partners in providing the financial and technical resources necessary for project implementation. Their contributions ensure that the project aligns with global best practices and international commitments.

Key donors and partners include:

- ***UK Foreign, Commonwealth & Development Office (FCDO)***: As a primary funder, the FCDO supports efforts to strengthen torture prevention mechanisms and build the capacity of law enforcement through this project.
- ***European Union (EU)***: Co-funder of the project through the “Paths to Justice” initiative, the EU supports the comprehensive reform of the criminal justice and penitentiary systems in Tajikistan.
- ***OSCE (Organisation for Security and Cooperation in Europe)***: Provides expertise and capacity-building support in line with international human rights standards and practices in investigative interviewing.
- ***United Nations Agencies (UNODC, UNDP, OHCHR)***: These agencies bring global expertise, technical assistance, and training resources. UNODC contributes to addressing issues of torture prevention, while UNDP AND OHCHR supports broader human rights and rule-of-law initiatives.

Collaboration Framework

The partnership between the Police Academy of the Ministry of Interior and The World of Law, supported by a formal MoU, ensures a structured approach to implementing the PEACE model. The engagement of the National Security Committee, as demonstrated by their formal interest and commitment to capacity building, further enhances the project's scope and ensures broad institutional support.

Combined with oversight from government institutions, support from civil society, and funding from international donors, the project is positioned to make a meaningful impact on investigative and interrogation practices in Tajikistan. Through regular consultations,

working groups, and joint monitoring mechanisms, this collaborative effort will advance the overarching goals of preventing torture and promoting human rights.

6. Methodology

The methodology for this pilot project is designed to ensure a comprehensive, evidence-based, and sustainable approach to implementing the PEACE model of investigative interviewing in Tajikistan. The strategy focuses on capacity-building, practical application, and systemic reforms to promote human rights and prevent torture.

The methodology is divided into several interconnected phases:

1. Preparation and Contextual Analysis

The preparation phase is crucial to understanding the local context and ensuring the project's activities are tailored to Tajikistan's unique challenges.

- ***Needs assessment:***
 - Conduct a comprehensive assessment of current interrogation practices and their alignment with international human rights standards.
 - Analyse existing training materials, legal frameworks, and policies related to law enforcement practices.

- ***Stakeholder consultations:***
 - Engage with key stakeholders, including the Ministry of Internal Affairs (MIA), Police Academy, National Security Committee (NSC), civil society organisations, and international partners, to gather insights and secure buy-in.
 - Ensure the involvement of the Ombudsman Office for monitoring compliance with human rights standards.

- ***Baseline data collection:***

- Collect data on existing rates of torture, coerced confessions, and public trust in law enforcement.
- Document case studies and patterns of violations to establish a baseline for monitoring progress.
- **Customisation of the PEACE model:**
 - Adapt the PEACE model to the Tajik legal and cultural context while maintaining its core principles of ethical, non-coercive interviewing techniques.

2. Capacity-building and training

This phase focuses on equipping law enforcement personnel with the skills and knowledge required to implement the PEACE model effectively.

- ***Development of Training Materials:***
 - Create training modules based on the PEACE model, incorporating the Mendez Principles and international best practices.
 - Translate materials into Tajik and Russian for accessibility and ensure alignment with national legal standards.
- ***Train-the-Trainer Programme:***
 - Identify a core group of trainers from the Police Academy of the MIA, including representatives from the NSC.
 - Conduct intensive workshops for these trainers, enabling them to disseminate the PEACE model across their institutions.
- ***Practical Training for Police Officers:***
 - Deliver workshops and practical exercises to law enforcement officers in Dushanbe and Khujand, the pilot cities.
 - Include role-playing scenarios, case studies, and mock interviews to reinforce learning.

3. Pilot Implementation in Dushanbe and Khujand

The pilot phase will test the implementation of the PEACE model in real-world settings to evaluate its effectiveness and adaptability.

- ***Selection of Pilot Sites:***
 - Identify police units in Dushanbe and Khujand to participate in the pilot project.
 - Ensure diversity in the selection of participants to include investigators, interrogators, and supervisors.

- ***Supervised Application:***
 - Implement the PEACE model under the supervision of trained trainers and human rights monitors.
 - Provide on-site coaching and feedback to ensure adherence to the principles of ethical interviewing.

- ***Monitoring and Evaluation:***
 - Regularly monitor the application of the PEACE model through observation, feedback from participants, and interviews with suspects and witnesses.
 - Use structured evaluation tools to assess changes in interview quality, compliance with human rights standards, and the reduction in coercive practices.

4. Legal and institutional reforms

To ensure sustainability, the project will address systemic gaps and institutionalise the PEACE model within Tajikistan's law enforcement framework.

- ***Policy Recommendations:***
 - Develop policy recommendations to integrate the PEACE model into national investigative procedures.
 - Advocate for amendments to laws and regulations that support ethical interviewing practices and prohibit coercive interrogation methods.

- ***Institutional Integration:***
 - Incorporate the PEACE model into the Police Academy’s curriculum and ongoing professional development programmes.
 - Collaborate with the NSC to ensure alignment with national security protocols.

5. Monitoring, Evaluation, and Learning (MEL)

A robust MEL framework will track the project’s progress, identify challenges, and ensure continuous improvement.

- ***Performance Indicators:***
 - Reduction in reports of torture and ill-treatment.
 - Increased adherence to non-coercive interviewing practices.
 - Improved public perceptions of law enforcement.

- ***Data Collection:***
 - Conduct periodic surveys, interviews, and focus groups with law enforcement personnel, suspects, victims, and civil society organisations.

- ***Feedback mechanism:***
 - Establish regular feedback mechanisms to refine training methods and address implementation challenges.

- ***Final Evaluation:***
 - Compare baseline and endline data to assess the project’s overall impact and identify lessons learned for potential scaling.

6. Advocacy and Awareness-Raising

To complement capacity-building efforts, the project will engage in advocacy and public awareness initiatives to foster a culture of accountability and respect for human rights.

- ***Public outreach campaigns:***

- Educate the public about the importance of ethical interviewing practices and the rights of detainees.
- Highlight the role of the PEACE model in preventing torture and improving the justice system.
- **Engagement with civil society:**
 - Partner with human rights organisations to monitor the project's implementation and advocate for broader reforms.

Key considerations

The methodology emphasises a participatory and inclusive approach, recognising the need for cooperation among all stakeholders. By integrating capacity-building, pilot testing, legal reforms, and public awareness, the project aims to achieve sustainable change and contribute to a just and humane legal system in Tajikistan.

7. Implementation Plan

The implementation plan outlines a phased approach for the successful execution of the pilot project. Each phase includes clearly defined activities, timelines, responsibilities, and outputs to ensure the project achieves its objectives in a structured and efficient manner.

Phase 1: Preparation and Contextual Analysis (Months 1-3)
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Objective: Lay the groundwork for the project by assessing the context, engaging stakeholders, and developing tailored materials.

Key Activities:

1. Needs Assessment:

- Conduct a comprehensive assessment of current investigative practices, challenges, and training needs.
- Analyse data on reported cases of torture and coerced confessions in Dushanbe and Khujand.

2. Stakeholder Engagement:

- Hold consultations with the Ministry of Interior (MIA), Police Academy, National Security Committee (NSC), Ombudsman Office, and civil society organisations.
- Secure written commitments and partnership agreements, including the MoU with the Police Academy and letters of interest from NSC.

3. Customisation of PEACE Training Materials:

- Develop training manuals, presentations, and practical tools based on the PEACE model and Mendez Principles.
- Ensure materials are culturally and legally tailored to Tajikistan's context.

4. Baseline Data Collection:

- Collect qualitative and quantitative data on the prevalence of torture, interrogation practices, and public perceptions of law enforcement.
- Identify target groups for training and pilot implementation.

Outputs:

- Needs assessment report.
- Stakeholder agreements (MoUs, letters of interest).
- Customised PEACE training materials.
- Baseline data report.

Phase 2: Capacity-Building and Training (Months 4-8)

Objective: Build the capacity of law enforcement personnel to implement the PEACE model.

Key Activities:

1. Train-the-Trainer Programme:

- Select trainers from the Police Academy and NSC to undergo intensive PEACE training.

- Conduct workshops to develop their skills in ethical interviewing techniques and human rights standards.

2. *Training for Police Investigators:*

- Deliver comprehensive training sessions for police officers in Dushanbe and Khujand.
- Use interactive methods such as role-playing, case studies, and simulations to reinforce learning.

3. *Incorporation of Training into Police Academy Curriculum:*

- Integrate the PEACE model and Mendez Principles into the Police Academy's existing training programmes.
- Develop evaluation mechanisms to assess the knowledge and application of trainees.

Outputs:

- 50 trainers certified in the PEACE model.
- 100+ police officers trained in ethical interviewing techniques.
- Updated Police Academy curriculum.

Phase 3: Pilot Implementation (Months 9-14)
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Objective: Test the application of the PEACE model in real-world settings.

Key Activities:

1. *Selection of Pilot Sites:*

- Identify police units in Dushanbe and Khujand for pilot implementation.
- Ensure diversity among selected officers and cases.

2. *Supervised Interviews:*

- Facilitate the practical application of the PEACE model under the supervision of trainers.
- Conduct real-case interviews, ensuring adherence to non-coercive methods.

3. *Monitoring and Support:*

- Provide on-site coaching and support to investigators during the pilot phase.
- Address challenges and refine practices based on feedback.

Outputs:

- Successful implementation of the PEACE model in two pilot sites.
- Documented cases demonstrating improved interviewing practices.

Phase 4: Evaluation and Institutionalisation (Months 15-18)
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Objective: Evaluate the pilot project and establish mechanisms for sustainability.

Key Activities:

1. *Monitoring and Evaluation (M&E):*

- Conduct mid-term and final evaluations using performance indicators such as reduced reports of coercion and improved interview quality.
- Gather feedback from participants, supervisors, and civil society monitors.

2. *Development of Policy Recommendations:*

- Draft recommendations for integrating the PEACE model into national policies and procedures.
- Advocate for legal and institutional reforms with key stakeholders.

3. *Institutionalisation:*

- Formally adopt the PEACE model as a standard practice within law enforcement.
- Secure long-term funding and partnerships for ongoing training and capacity-building.

Outputs:

- M&E report with lessons learned and best practices.

- Policy recommendations submitted to the MIA and relevant authorities.
- Institutional adoption of the PEACE model in police training and operations.

Phase 5: Advocacy and Awareness (Ongoing)
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Objective: Raise awareness about the project’s goals and outcomes to foster public trust and accountability.

Key Activities:

1. Public Awareness Campaigns:

- Develop media content (videos, brochures, articles) to inform the public about ethical interviewing and torture prevention.
- Highlight success stories from the pilot implementation.

2. Engagement with Civil Society:

- Partner with human rights organisations to monitor project activities and advocate for broader reforms.

3. International Collaboration:

- Share project results at regional and international forums to promote Tajikistan as a model for best practices.

Outputs:

- Increased public awareness of ethical policing practices.
- Strengthened partnerships with civil society and international stakeholders.

Phase	Months	Key activities
Phase 1: Preparation	1-3	Needs assessment, stakeholder engagement, material development.
Phase 2: Capacity-building	4-8	Train-the-trainer workshops, police training.
Phase 3: Pilot implementation	9-14	Supervised interviews, practical application.

Phase 4: Evaluation	15-18	M&E, policy recommendations, institutionalisation.
Phase 5: Advocacy (ongoing)	1-18	Public awareness, civil society engagement, international sharing.

8. Expected Outcomes

The pilot project is designed to achieve the following outcomes:

1. *Enhanced Investigative Practices:*

- Adoption of the PEACE model and Mendez Principles will lead to non-coercive, evidence-based investigative practices that adhere to international human rights standards.
- A measurable reduction in reports of torture and ill-treatment during investigations.

2. *Capacity Building for Law Enforcement:*

- A well-trained officers of law enforcement officers in Dushanbe and Khujand capable of conducting ethical and effective interviews.
- Establishment of local trainers within the Police Academy to ensure sustainable knowledge transfer.

3. *Improved Criminal Justice Outcomes:*

- Increased reliability of evidence presented in court, resulting in fewer wrongful convictions.
- Strengthened public trust in the criminal justice system due to transparent and humane practices.

4. *Strengthened Institutional Framework:*

- Improved inter-agency cooperation, particularly between law enforcement, civil society organisations, and international partners.

- Institutionalisation of the PEACE model within the Police Academy's training curriculum.

9. Risk Assessment and Mitigation Strategies

Risk	Impact	Mitigation Strategy
Resistance to Change from Law Enforcement	High	Continuous advocacy with high-level stakeholders, including MoI and NSC, to gain their buy-in and support.
Limited Availability of Resources	Medium	Ensure donor commitments are confirmed and utilise existing infrastructure, such as the Police Academy.
Inadequate Participation in Training Programmes	Medium	Engage stakeholders early, issue formal invitations, and follow up with agencies to ensure full participation.
Lack of Public Awareness and Support	Low	Implement awareness-raising campaigns and engage civil society organisations to inform the public.
Security or Political Instability	Medium	Establish contingency plans and work closely with the government to ensure project continuity.

10. Sustainability Plan

1. Institutionalisation of Training:

Integrate the PEACE model and Mendez Principles into the Police Academy's curriculum to ensure continuity of training.

2. Development of Local Trainers:

Train and certify local trainers who can deliver PEACE model workshops independently.

3. Strengthening Partnerships:

Establish ongoing collaboration between law enforcement agencies, civil society, and donors to maintain project momentum.

4. Policy and Legislative Advocacy:

Work with stakeholders to advocate for the adoption of the PEACE model and related standards into national legal frameworks.

5. Monitoring and Evaluation Mechanisms:

Develop tools to measure the long-term impact of the project, such as a reduction in torture complaints and improvements in public trust.

11. Conclusion and recommendations

The implementation of the PEACE model in Tajikistan is a significant step towards strengthening torture prevention measures and reforming the criminal justice system. By addressing systemic challenges such as reliance on coerced confessions and human rights abuses, this pilot project aims to establish a framework for ethical investigative practices that can be scaled nationwide. Collaboration with key stakeholders, robust training programmes, and institutional reforms will ensure the project's success and sustainability, contributing to a more just and humane legal system in Tajikistan.

1. *Expand training to other regions:*

Based on the results of the pilot, extend the project to other regions in Tajikistan.

2. *Legislative reforms:*

Advocate for the integration of the PEACE model into national legal and procedural standards.

3. *Strengthen monitoring mechanisms:*

Establish independent oversight mechanisms to ensure accountability and prevent human rights violations in police detention centres and promote ratification of UN OPCAT.

4. *Foster regional cooperation:*

Share lessons learned with neighbouring countries to promote best practices in investigative interviewing.

5. *Enhance donor engagement:*

Secure multi-year funding to scale and sustain project activities.

12. Annexes

Annex A: Training schedule and curriculum

Training schedule for Dushanbe and Khujand

Training day	Activity	Focus
Day 1	Introduction to the PEACE Model	Overview of the PEACE framework, international standards, benefits of non-coercive interviewing
Day 2	Human Rights and Legal Framework (Mendez Principles)	Human rights standards in investigative interviewing, ethical obligations, prevention of coercion
Day 3	Practical Skills in Investigative Interviewing	Rapport-building, questioning techniques, structuring interviews.
Day 4	Advanced Techniques and Role-Play Simulations	Simulated interviews, video analysis for feedback, handling vulnerable interviewees.
Day 5	Review, Evaluation, and Action Planning	Feedback, identification of gaps, and strategies for institutionalising PEACE in regular practices.

Details of each training day

Day 1: Introduction to the PEACE Model

- ❖ Explanation of each stage: Preparation and Planning, Engage and Explain, Account, Closure, Evaluation.
- ❖ Comparison with traditional interrogation methods.
- ❖ Case studies showcasing the effectiveness of the PEACE model.

Day 2: Human Rights and Legal Framework (Mendez Principles)

- ❖ Overview of international treaties and national legal standards.
- ❖ Role of investigative interviewing in preventing torture.
- ❖ Spotting and mitigating risks of human rights violations during interviews.

Day 3: Practical Skills in Investigative Interviewing

- ❖ Building rapport: Establishing trust and understanding with interviewees.
- ❖ Effective questioning: Open-ended, clarifying, and probing techniques.
- ❖ Planning the interview structure for comprehensive evidence collection.

Day 4: Advanced Techniques and Role-Play Simulations

- ❖ Role-playing real-life scenarios involving suspects and witnesses.
- ❖ Feedback sessions with trainers and peers.
- ❖ Techniques for interviewing vulnerable individuals, including juveniles and survivors of trauma.

Day 5: Review, Evaluation, and Action Planning

- ❖ Participant feedback on the training programme.
- ❖ Discussion of challenges and solutions for practical application.
- ❖ Collaborative development of an action plan for integrating the PEACE model.

Training curriculum

Module 1: Introduction to PEACE Model

- Overview of the PEACE framework (Preparation and Planning, Engage and Explain, Account, Closure, Evaluation).
- Historical background and comparison with coercive interrogation methods.
- Benefits of non-coercive interviewing.

Module 2: Human Rights Standards (Mendez Principles)

- Overview of the Mendez Principles on effective interviewing.
- Legal and ethical obligations under international treaties such as CAT.
- Identifying and preventing signs of coercion or torture.

Module 3: Practical Skills in Evidence-Based Interviewing

- Building rapport and active listening skills.
- Questioning techniques: open-ended, probing, and clarifying questions.
- Structuring interviews for optimal evidence collection.

Module 4: Advanced Techniques and Role-Play

- Simulations Simulated interviews based on real-life scenarios.
- Video recording and analysis of interviews for feedback.
- Dealing with vulnerable interviewees, including juveniles and survivors of trauma.

Model-5: Review and Evaluation Workshop

- Sharing feedback from participants and trainers.
- Identifying gaps and areas for improvement.
- Establishing a roadmap for integrating the PEACE model into routine practices.

Annex B: Stakeholder Engagement Plan

The successful implementation of the pilot project to introduce the PEACE model of investigative interviewing in Tajikistan requires close collaboration among a diverse range of stakeholders. These stakeholders include government institutions, law enforcement agencies, civil society organisations, and international donors. Each plays a critical role in ensuring that the project's objectives are met and that its impact is sustainable. Below is a detailed outline

of the key agencies and organisations involved in the project, along with their respective roles and contributions.

The **Ministry of Interior (MIA)** of the Republic of Tajikistan is a central stakeholder, responsible for overall coordination and the implementation of the PEACE model within the country's police forces. As part of this effort, the MIA has designated the **Police Academy** as the focal point for the project. The Police Academy, in partnership with Public Organisation "The World of Law," has signed a Memorandum of Understanding (MoU) to enhance the training of investigators and interrogators, promote adherence to international human rights standards, and integrate the PEACE methodology into its curriculum. This agreement reflects the shared commitment to reforming investigative practices and ensuring the protection of human rights.

The **General Prosecutor's Office** plays a complementary role by monitoring and ensuring the legality of investigative processes, thereby strengthening accountability within the justice system. Similarly, the **National Security Committee (NSC)** has shown interest in the project, formally expressing its intention to participate in capacity-building initiatives through an official letter. Their engagement highlights the broader institutional recognition of the need for investigative reforms.

Independent oversight is provided by the Office of the **Ombudsman**, which ensures that law enforcement activities comply with human rights standards. The Ombudsman's office will participate in the training sessions and monitor project outcomes, offering impartial feedback to guide improvements.

Civil society organisations (CSOs) are instrumental in advocating for human rights reforms and addressing issues of torture and ill-treatment. Public Organisation "The World of Law," as the lead implementing partner, is responsible for project design, coordination, training delivery, and advocacy efforts. Additional human rights lawyers and CSOs specialising in torture cases will contribute their expertise to training content, public awareness campaigns, and the identification of best practices.

The project is supported by the international donor and development community, including the **UK Foreign, Commonwealth & Development Office (FCDO)** and the **European**

Union (EU). These organisations have provided critical funding and technical guidance through initiatives such as “Promoting and Protecting Human Rights in Tajikistan through Torture Prevention Initiatives” and “Paths to Justice: Strengthening Human Rights through Torture Prevention and Penitentiary System Reform.” Other international partners, such as the **OSCE, UNODC, and UNDP,** offer additional support in the form of technical expertise, resource mobilisation, and alignment with global best practices.

The primary beneficiaries of the project are **police investigators and law enforcement officers,** who will receive specialised training in non-coercive, evidence-based interviewing methods. **Prosecutors and legal professionals** will also participate, ensuring alignment between investigative practices and legal frameworks. Additionally, the project aims to benefit **community stakeholders and survivors of torture** by improving protections for human rights and fostering trust in the criminal justice system.

This Stakeholder Engagement Plan underscores the importance of collaboration and shared responsibility among all involved parties. By leveraging the expertise and resources of these stakeholders, the project seeks to achieve meaningful and lasting reforms in investigative practices, contributing to the broader goal of torture prevention and the promotion of human rights in Tajikistan.

Annex C: Monitoring and Evaluation Framework

The Monitoring and Evaluation (M&E) Framework is an essential component of the pilot project to introduce the PEACE model of investigative interviewing in Tajikistan. This framework outlines the tools, indicators, and processes used to assess the success of the project, ensuring that its objectives are met and guiding continuous improvements.

Monitoring Tools and Methods

1. Baseline Assessments

- Conduct initial surveys and interviews with law enforcement officers, investigators, and key stakeholders to assess existing practices and perceptions of investigative interviewing.
- Evaluate the prevalence of coercive methods and the use of confessions as primary evidence.

2. Post-Training Evaluations

- Use pre- and post-training assessments to measure changes in knowledge, skills, and attitudes among participants.
- Employ practical exercises, role-plays, and case studies to evaluate participants' application of PEACE principles.

3. Focus Group Discussions (FGDs)

- Organise FGDs with trainees, trainers, and beneficiaries to gather qualitative insights on the training's relevance, effectiveness, and areas for improvement.

4. Regular Progress Reports

- Collect and analyse monthly reports from the Police Academy and other pilot sites on training implementation, participation rates, and feedback.

5. Observation and Audits

- Conduct site visits to observe real-life application of the PEACE model by trained investigators.

- Audit police files and records to identify improvements in documentation practices and reductions in coercive methods.

6. *Victim Surveys*

- Gather feedback from detainees and their legal representatives on treatment during investigations to assess adherence to human rights standards.

Indicators of Success

The following indicators will be used to measure the success of the project:

1. **Output Indicators**

- ⇒ Number of training sessions conducted.
- ⇒ Number of law enforcement officers, prosecutors, and other stakeholders trained.
- ⇒ Number of training materials developed and distributed.
- ⇒ Signed MoUs and formal agreements with key stakeholders (e.g., Police Academy and NSC).

2. **Outcome Indicators**

- ⇒ Percentage increase in the use of non-coercive, evidence-based interviewing techniques by trained officers.
- ⇒ Percentage reduction in reliance on confessions as sole evidence in criminal cases.
- ⇒ Percentage increase in participant knowledge and skills as measured through pre- and post-training evaluations.

3. **Impact Indicators**

- ⇒ Reduction in reported cases of torture and ill-treatment during investigations.
- ⇒ Increased public trust in law enforcement and the criminal justice system (measured through community surveys).
- ⇒ Improved quality of evidence presented in court, leading to more just legal outcomes.
- ⇒ Long-term institutionalisation of the PEACE model in police training curricula.

Evaluation Plan

Mid-Term Evaluation	⇒ Conduct an interim review to assess progress towards objectives and identify any challenges or bottlenecks.	⇒ Adjust implementation strategies based on findings.
End-of-Project Evaluation	⇒ Perform a comprehensive evaluation to measure the project’s overall impact on investigative practices and human rights protections.	⇒ Compare baseline data with final outcomes to determine progress and effectiveness.
Sustainability Review	⇒ Evaluate the integration of the PEACE model into national training curricula and ongoing capacity-building efforts.	
M&E Reporting <i>(The M&E team will compile findings into periodic reports, including:)</i>	⇒ Quarterly progress updates. ⇒ Final evaluation reports. ⇒ Lessons learned and best practices for replication and scaling.	
<p>This Monitoring and Evaluation Framework ensures accountability, transparency, and evidence-based decision-making throughout the project lifecycle. By tracking progress against defined indicators, it provides a clear roadmap for achieving the project’s objectives and sustaining its impact over time.</p>		

Annex D: Investigative interviewing

Source: UK College of Policing,

<https://www.college.police.uk/app/investigation/investigative-interviewing/investigative-interviewing>

Investigative interviewing

This page is from APP, the official source of professional practice for policing.

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Written by College of Policing

54 mins read

Professionalism and integrity

Interviewing is complex. It requires learning and practice to ensure that high standards are achieved and maintained.

An interview may not be used solely for obtaining information about an investigation. It may also be used to provide witnesses and victims with important information, for example, about court proceedings, protection of identity, special measures, disclosure, intermediaries and witness protection.

In any interview it is essential that the investigator acts with professionalism and integrity.

The

following will support this.

Establishing a professional relationship

People are more likely to give accurate information if they trust the professionalism of the interviewer. The interviewee should be treated fairly and in accordance with legislative guidelines. Interviewers must not allow their personal opinions or beliefs to affect the way in which they deal with witnesses, victims or suspects.

The importance of being methodical

Being methodical helps both the interviewer and interviewee. Planning, preparation and ensuring that the interview plan is followed, and that answers are linked are all part of being methodical. The PEACE interview model also helps.

Personal style

Style matters because it affects the motivation of the interviewee to be accurate and relevant in their replies. Establishing a rapport means being genuinely open, interested and approachable, as well as being interested in the interviewee's feelings or welfare.

Interview location

The physical setting can have an effect on the establishment of the relationship between those involved. The interviewer should consider the impact the location can have on themselves and the interviewee, in particular the affect the formality of designated interview rooms can have on some witnesses and victims.

Dealing with suggestibility

This is when an interviewee is influenced by what they believe the interviewer wants or expects them to say. People vary in the degree to which they are suggestible. Vulnerable people, people with learning difficulties and children, for example, may be more suggestible and require special protection.

Principles and ethics

The **national strategic steering group** on investigative interviewing and the **professionalising investigation programme** support a quality approach to interviewing suspects, victims and witnesses. This, in turn, generates a number of **benefits**.

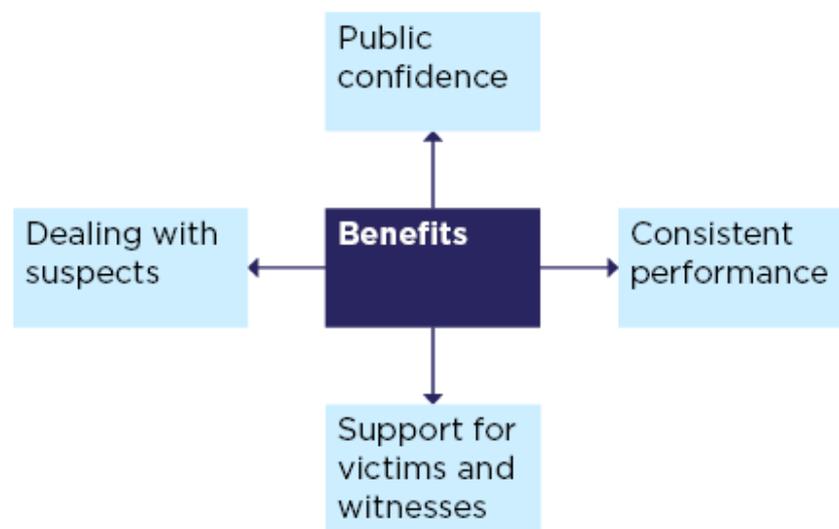
The aim of all professional interviewers is to obtain a full and accurate account. To do this they must ask the right questions.

The chances of obtaining a high-quality account are increased by the application of good investigative interviewing techniques, underpinned by seven key principles.

These are designed to guide investigators on how to use the **PEACE framework** for investigative interviewing, for interviewing in operational situations. They also help the investigator to comply with the **legal issues**, and when **working with legal advisers**.

Benefits

The following benefits have been defined by the professional structure for investigative interviewing:



Public confidence – Professional interviews will provide high-quality material that enables the guilty to be brought to justice and the innocent to be exonerated. This increases public confidence in the police service, particularly with victims and witnesses of crime.

Consistent performance – Criminal investigation largely takes place away from the police station. Interviews with victims and witnesses are conducted at scenes of crime, at witnesses' homes, at their place of work, in cars and in the street. The techniques of investigative interviewing will help investigators to achieve results in even the most unpromising circumstances.

Support for victims and witnesses – Victims and witnesses may be upset, scared, embarrassed or suspicious. Good investigative interview techniques will help to calm or reassure them so that they can provide an accurate account.

Dealing with suspects – Interviews generally take place in a police station, but can be elsewhere, for example, a prison. Do not assume that all suspects are going to lie, say nothing or provide a self-serving version of events. Some may, but where suspects do admit guilt this will be due, in part, to the strength of material gathered during the investigation.

Principle 1

The aim of investigative interviewing is to obtain accurate and reliable accounts from victims,

witnesses or suspects about matters under police investigation.

To be accurate, information should be as complete as possible without any omissions or distortion.

To be reliable, the information must have been given truthfully and be able to withstand further scrutiny, for example, in court.

Accurate and reliable accounts ensure that the investigation can be taken further by opening up

other lines of enquiry and acting as a basis for questioning others.

Principle 2

Investigators must act fairly when questioning victims, witnesses or suspects. They must ensure

that they comply with all the provisions and duties under the **Equality Act 2010** and the **Human Rights Act 1998**.

Acting fairly means that the investigator must not approach any interview with prejudice. The interviewer should be prepared to believe the account that they are being given, but use common sense and judgement rather than personal beliefs to assess the accuracy of what is being said.

People with clear or perceived vulnerabilities should be treated with particular care, and extra safeguards should be put in place.

For further information see:

- **Working with victims and witnesses**

- **MOJ (2022) Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and using Special Measures**

Principle 3

Investigative interviewing should be approached with an investigative mindset.

Accounts obtained from the person who is being interviewed should always be tested against what the interviewer already knows or what can be reasonably established.

The main purpose of obtaining information in an interview is to further the enquiry by establishing

facts. This point highlights the importance of effective planning in line with the whole investigation.

Interviewers should think about what they want to achieve by interviewing the victim, witness or suspect, and set objectives which will help to corroborate or disprove information already known.

Investigators should try to fill the gaps in the investigation by testing and corroborating the information by other means where possible.

For further information see **Investigative and Evidential Evaluation**.

Principle 4

Investigators are free to ask a wide range of questions in an interview in order to obtain material

which may assist an investigation and provide sufficient evidence or information.

Conducting an investigative interview is not the same as proving an argument in court. This means that interviewers are not bound by the same rules of evidence that lawyers must abide by.

Although the interviewer may ask a wide range of questions, the interviewing style must not be unfair or oppressive. The interviewer should act in accordance with the **Police and Criminal Evidence Act 1984** (PACE) and the PACE codes of practice. See **principle 2** for further information regarding equality and human rights considerations.

In *R v Fulling* [1987] 2 All E.R. 65, Lord Chief Justice Taylor stated that oppression is defined as: the exercise of authority or power in a burdensome, harsh, or wrongful manner, or unjust or cruel treatment of subjects or inferiors, or the imposition of unreasonable or unjust burdens in

circumstances which would almost always entail some impropriety on the part of the [interviewer].

Principle 5

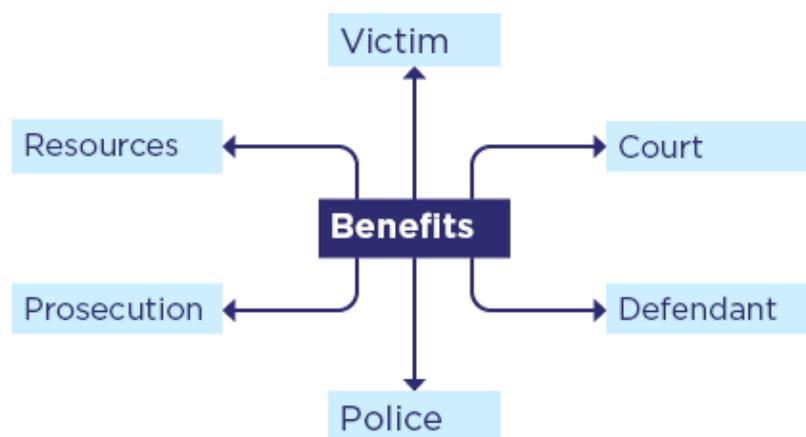
Investigators should recognise the positive impact of an early admission in the context of the criminal justice system.

Benefits of an early admission relate to the following areas:

Victim – has an opportunity to claim **compensation** in respect of an offence that has been admitted by the defendant, detected, and acknowledged by the criminal justice system.

Court – has a fuller and more accurate picture of the offending and is able to sentence more appropriately. There is the potential for savings too as offences can be dealt with promptly without additional court hearings.

Defendant – may receive credit for early admission of guilt. They may be eligible for a lesser sentence – possibly allowing for tailored sentencing and access to rehabilitative programmes, and being able to ‘clear the slate’ to avoid the risk of subsequent prosecution for other offences.



See **CPS guidance** and **Sentencing Council Guidelines (2007) Reduction in Sentence for a Guilty Plea**.

Police – gain valuable intelligence, increase detected offences rates, record a fuller picture of

offending for possible use in future cases or to support applications for anti-social behaviour orders, or other restrictive orders.

Prosecution – has a fuller and more accurate picture of, for example, the offender's criminal history when considering the public interest test, bail decisions, bad character, level of danger, and what information to give the court.

Resources – are used efficiently, and the public's confidence in the criminal justice system is improved.

Principle 6

Investigators are not bound to accept the first answer given. Questioning is not unfair merely because it is persistent.

An investigating officer has the duty to obtain accurate and reliable information. A complete and reliable account from witnesses, victims and suspects may not always be easy to obtain.

There may be different reasons why an investigator needs to be persistent:

- they may have reasonable belief that the interviewee is not telling the truth
- they may believe further information could be provided

It is acceptable for interviewers to be persistent as long as they are also careful and consistent but not unfair or oppressive. See **PACE Code C paragraph 10.9 and paragraph 11.5** for clarification.

Principle 7

Even when a suspect exercises the right to silence, investigators have a responsibility to put questions to them.

This principle extends the right of an investigator to put questions to those they believe can help them to establish the truth of a matter under investigation.

Suspects have the right to remain silent, but they are warned during the police caution or during

special cautions of possible adverse inferences being drawn should they choose to exercise that

right. These may be in terms of failure or refusal to account for objects, substances or marks (**Criminal Justice and Public Order Act 1994 (CJPOA) section 36**) or failure or refusal to account for presence at a particular place (**CJPOA section 37**).

For further information see **PACE Code C paragraph 10.10 and paragraph 10.11.**

National strategic steering group

The national strategic steering group on investigative interviewing (NSSGII) oversees the development and delivery of the most effective interview strategy. Its role is to ensure that the police service adopts a consistent and professional approach, which is able to withstand judicial and academic scrutiny and instil public confidence.

The overall aim of the NSSGII is to provide direction on the development of policy, practices and procedures to ensure that the interviewing of victims, witnesses and suspects supports professional investigation.

The NSSGII has clearly defined terms of reference.

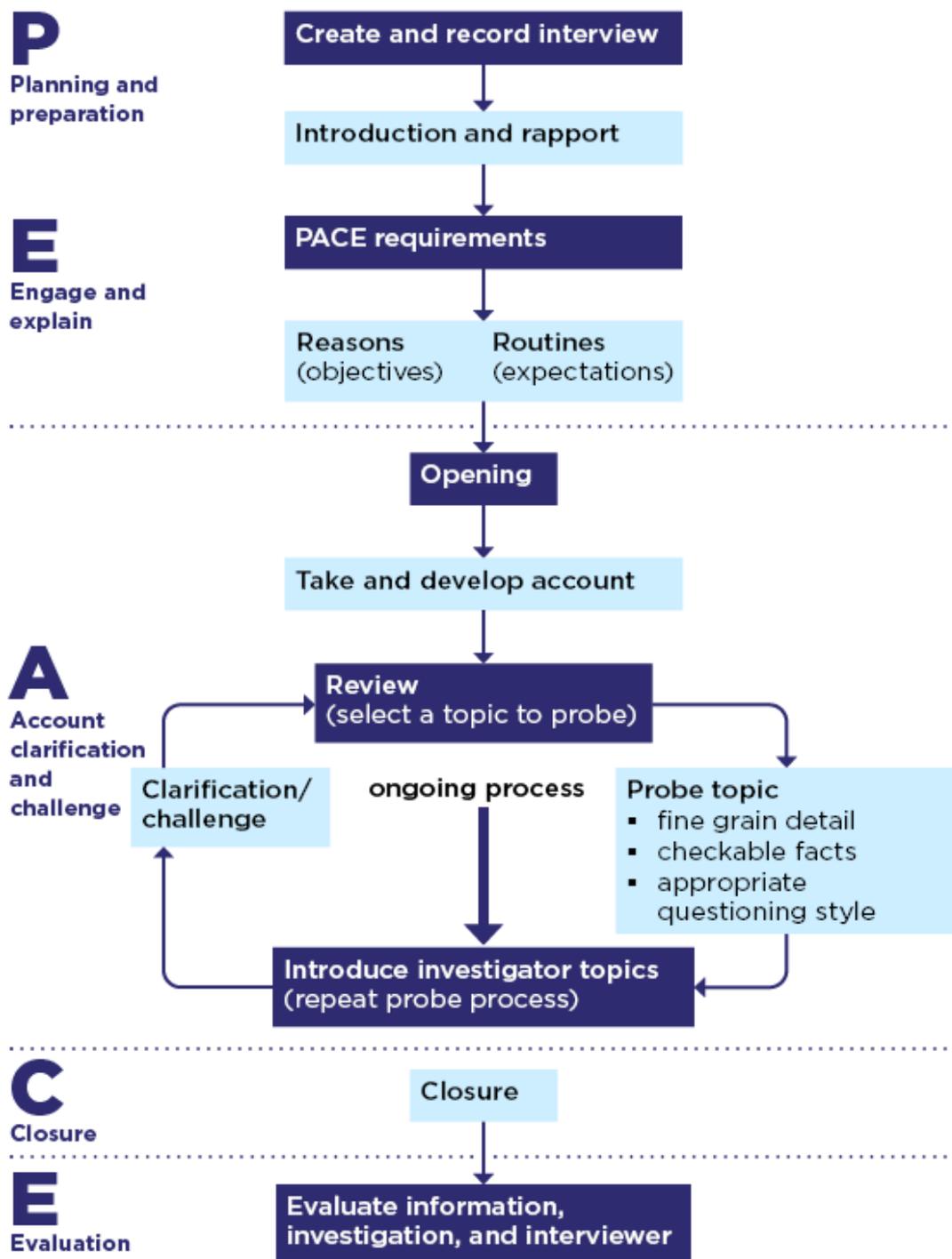
The following advice can be accessed through the NSSGII support network.

- National interview coordinator – who is able to provide a wide range of advice in relation to operational, training and policy issues.
- ACPO approved interview advisers – who provide assistance to the national interview coordinator.
- Force interviewing champion – each force should have nominated a champion for investigative interviewing who promotes interviewing as a core police service competency. The interviewing champion is responsible for overseeing the ongoing implementation and maintenance of the national investigative interviewing strategy in their force, which involves identifying innovations, supporting best practice and disseminating information.
- Regional coordinator – each region has appointed a coordinator for investigative interviewing. The regional coordinator for investigative interviewing supports the force interviewing champions within their region by promoting the national investigative interviewing strategy and disseminating good practice.

PEACE framework

PEACE model

There are five phases to the PEACE framework.



Planning and preparation

This is one of the most important phases in effective interviewing. The success of the interview and, consequently, the investigation could depend on it.

A planning session that takes account of all the available information and identifies the key issues and objectives is required, even where it is essential that an early interview takes place.

Interviewers should consider the following:

- create and record the interview plan
- characteristics of the interviewee
- practical arrangements
- making a written interview plan

Interview plan

Planning and preparation gives the interviewer the opportunity to:

- review the investigation
- establish what material is already available
- decide on what the aims and objectives of the interview are

Every interview must be prepared with the needs of the investigation in mind. How the material is obtained during interview helps to establish the accuracy of the matter under investigation and should be considered carefully.

The following questions may be helpful at this stage.

- Who needs to be interviewed and in what order?
- Why is a particular interviewee's viewpoint so important?
- What information should now be obtained?
- Should the suspect or witness be interviewed immediately, or would it be more useful to wait until more information has been obtained about the circumstances of the offence from other sources?

Interviewee

Individual characteristics should be taken into account when planning and preparing for an interview. Although not an exhaustive list, these may include:

- age – knowing the interviewee's age helps to determine the best time to undertake the interview and whether an appropriate adult/interview supporter is required
- cultural background – this can affect the way a person prefers to be addressed, and may also indicate the need for an interpreter

- religion or belief – for example, interviewers may need to take prayer requirements into account
- domestic circumstances – this can help to identify other people who may be useful to the investigation, for example, family, associates or neighbours
- physical and mental health – knowledge of an existing medical condition and ensuring that appropriate facilities are used
- disability
- previous contact with the police – this helps to determine factors such as the interviewee’s reaction, and the interviewer’s safety
- gender – in certain types of crime, for example, sexual offences or domestic violence, it is important to consider the gender of the interviewee. Potentially sensitive issues such as an interviewee’s sexual orientation or gender assignment should be approached tactfully, if these matters become relevant to the interview

For further information on working with interpreters see:

- **College of Policing (2024) Briefing Note: Using Language Services**
- **College of Policing (2020) Interpreting, Working with an Interpreter: Aide memoire for Interpreter assisted interviews**
- **College of Policing (2020) Interpreting, Briefing the Interviewee: Aide memoire for Interpreter assisted interviews**

Practical arrangements

The interviewer may need to consider a number of activities and practical considerations which may help them to understand the circumstances of the offence, and to achieve the best interview from the interviewee.

These include:

- visiting the scene
- searching relevant premises
- location of the interview
- role of interviewers
- timings
- equipment

- exhibits and property
- knowledge of the offence

Written interview plan

The interview plan summarises the aim(s) of an interview and provides framework for questioning.

It can increase the confidence of the interviewer and provide the flexibility to conduct a professional and effective interview. A written interview plan should be used for key witnesses, as well as suspects.

It should include:

- the time a suspect has been in custody (investigators should be aware of the **detention clock** and its impact on the interview)
- the range of topics to be covered around identified time parameters (this may vary depending on whether it is a witness or suspect interview)
- the points necessary to prove the potential offence(s) under investigation any points which may be a defence for committing the offence(s) under investigation
- introduction of exhibits
- material which suggests the suspect may have committed the offence
- identified information which may assist the investigation
- any other relevant points, for example, actus reus (guilty act), mens rea (guilty mind), intention, no valid defence
- planning for a prepared statement, special warnings, adverse inference, significant comments or silences

Multiple interviewers

The plan should record who will be the lead interviewer, and who is responsible for taking notes. It is important that interviewers understand their respective roles and maintain the role agreed. Two interviewers asking multiple questions in an unstructured manner is unlikely to achieve the interview's objective.

Engage and explain

The first step to encouraging conversation is to engage the interviewee. This is not always easy, especially if the person is previously unknown to the police.

Active listening assists the interviewer to establish and maintain a rapport. This then enables them to:

- identify topics during the interview and, therefore, manage the conversation
- communicate interest to the interviewee in their account
- identify important evidential information

Factors such as the interviewee's background and personal **characteristics** should be taken into account.

Beginning the interview

This is important and should be considered in the planning stage. The reason for the interview should also be clearly explained, eg, the interviewer may say:

- 'You are here because you have been arrested for (offence)' or
- 'You are here because you witnessed (offence/incident).'

The interviewer should then check the interviewee has understood the explanation.

Objectives of the interview

Before starting an interview, the objectives of the interview should be explained to the interviewee, and they should be provided with an outline or route map of it.

For example, interviewers may say:

- 'During this interview I will talk to you about (list objectives).'

Then go on to explain:

- 'I will also ask you about anything else which may become relevant during the interview in order to properly establish the facts and issues.'

Routines and expectations

It is good practice to explain to the interviewee that if they nod or shake their head the interviewer will state that they have done so. It should also be explained that notes will be taken during the interview.

It may be useful to inform the interviewee that although the police wish to establish certain facts and issues, it is the interviewee's opportunity to explain their involvement or non-involvement in the incident under investigation.

Investigators should encourage the interviewee to voice anything which they feel is relevant, explaining that there is no time limit for the interview and that as much detail as possible is required, encouraging the interviewee to voice anything which they feel is relevant.

The interviewee should be reassured that they will not be interrupted. It may be appropriate to ask the interviewee to consider fully any question they are being asked before they answer.

Account, clarification, challenge

Obtaining an account consists of both initiating and supporting. In volume and priority crime investigations the most common way of initiating an account is simply to use an open-ended prompt, such as, 'tell me what happened'.

Support an account with active listening

This includes:

- non-verbal behaviour such as adopting an appropriate posture and orientation towards the interviewee
- allowing the interviewee to pause so that they can search their memory, without interrupting
- encouraging the interviewee to continue reporting their account until it is complete by using simple utterances such as 'mm mm' and prompts, for example, 'What happened next?' or questions that reflect what the interviewee has said, such as, 'He hit you?'.

Clarify and expand the interviewee's account by:

- breaking the account down into manageable topics
- systematically probing those topics by means of open-ended and specific-closed questions until as full a picture as possible of the interviewee's account has been obtained

- examining any information, identified during the planning phase, that has not already been covered

For further information see [Obtaining the suspect's account](#).

Questions

These should be as short and simple as possible. They should not contain jargon or other language which the interviewee may not understand.

Some types of questions are useful, helping the interviewer to extract information from the interviewee, for example, open-ended. Others are not and may actually confuse the interviewee or prevent them from giving a full and accurate account, for example, multiple questions.

Five key question types:

- open-ended
- specific-closed
- forced-choice
- multiple
- leading

Open-ended

For example, 'Tell me', 'Describe', 'Explain'.

- are useful at the beginning of an interview as they allow for a full, unrestricted account
- produce answers which are less likely to have been influenced by the interviewer

The interviewer should avoid interrupting the interviewee when asking open questions.

Specific-closed

For example, 'Who did that?' 'What did he say?' 'Where does he live?' 'When did this happen?' This type of question:

- gives the interviewer with more control
- can be used to elicit information that an interviewee has not yet provided in response to open-ended questions

- may be used to clarify and extend an account that has been elicited through open-ended questions, cover information important to the investigation that an interviewee has not already been mentioned, or to challenge
- may have the potential disadvantage of restricting an interviewee's account

Forced-choice

For example, 'Was the car an estate or a saloon?' In this situation:

- interviewees might guess the answer by selecting one of the options given
- interviewees might simply say 'yes' in response to the question, leaving the interviewer to guess which part of the question the response applies to, or needing to ask a follow-up question to clarify it
- the choice of answer given to the interviewee might not contain the correct information, for example, 'was it dark blue or light blue?', when it could have been medium blue

Multiple

For example, 'Where did he come from, what did he look like and where did he go to?' These questions may also refer to multiple concepts, for example, 'What did they look like' and confusion might arise as a result of the:

- interviewee not knowing which part of the question to answer
- the interviewer not knowing which part of the question the answer refers to

Leading

For example, 'You saw the gun, didn't you?' implies the answer or assumes facts that are likely to be disputed. They can also:

- be used to introduce information not already mentioned, for example, 'What did he look like?'
- have an adverse influence on interviewee's response
- distort the interviewee's memory

The information obtained as a result of leading questions may be less credible and in extreme cases could be ruled inadmissible. They should, therefore, be used only as a last resort.

Closure

This should be planned and structured so that the interview does not end abruptly.

Where there are two interviewers, the lead interviewer should check that the second interviewer has no further questions before closing the interview.

The interviewer should accurately summarise what the interviewee has said, taking account of any clarification that the interviewee wishes to make.

Any questions the interviewee asks should be dealt with.

The interviewer should then bring the interview to a conclusion by preparing a witness statement if appropriate or, where the interviewee is a suspect, by announcing the date and time before turning the recording equipment off.

They should then explain to the interviewee what will happen next.

Evaluation

Following an interview, the interviewer needs to evaluate what has been said with a view to:

- determining whether any further action is necessary
- determining how the interviewee's account fits in with the rest of the investigation
- reflecting on the interviewer's performance

Witness considerations

Victims are also witnesses. The skills needed to interview witnesses are just as important as those needed to deal appropriately with suspects. It is important that as much information as possible is gathered from the witness and recorded in witness statements. Completing a crime report is an opportunity to record information about the crime, including accurate and reliable information obtained from witnesses.

Interviewers must treat all witnesses with sensitivity, impartiality and respect for their culture and rights, while maintaining an investigative approach.

The interviewee may be suffering from shock or trauma as a result of the incident and be in need of support. The police can help by making appropriate referrals to other agencies and by supplying contact information. Any referrals should be made with the consent of the witness. See [working with victims and witnesses](#).

It is important to consider how a witness interview may be structured to obtain the best possible information.

Interviews should be conducted as soon as possible after the incident, in a quiet place, with minimum distraction and maximum privacy (for example, a car or quiet room). If this is not possible, investigators should consider arranging to conduct the interview later or elsewhere. A brief account of the main details should be obtained. This should be recorded and signed by the witness, in a pocket notebook if an alternative is not available. See also [witness interviews](#).

Witness statements

Police officers are required to produce a statement from an interview conducted with a witness. Statements may be taken at the scene immediately following an incident or at a later time or place, for example, at a police station, the witness's home or another location.

Investigators must be properly prepared. Any notes that are made must be retained, as the prosecution may need to disclose any unused material.

The interviewer should ensure that the witness statement accurately reflects what the witness has said.

The interviewer must also consider the relevant points to prove for the offence in question.

Where the witness is considered to be a significant witness, see [video of witness interview](#).

Crime report

The interviewer should complete a crime report following the victim interview, in accordance with local force policy. The crime report is an important document and forms the basis of any further investigation.

If required, the crime report may be disclosed in evidence to defence lawyers, who will scrutinise it to ensure that it is accurate and consistent with other evidence.

Crime reports must contain as much information as possible, to provide sufficient detail to assist any officer who undertakes further investigation of the offence.

Structuring a witness interview

A witness interview should be structured using the [PEACE framework](#).

It is possible to compare the PEACE model of interviewing with the Framework of Investigative Interviewing as set out in [MOJ \(2022\) Achieving Best Evidence in Criminal](#)

[Proceedings: Guidance on Interviewing Victims and Witnesses, and using Special Measures\(opens an external website in the same tab\).](#) Most phases are compatible.

Achieving best evidence	PEACE
Planning and preparation	Planning and preparation
Establishing rapport	Engage and explain
Initiating and supporting a free narrative account questioning	Account, clarify and challenge
Closing the interview	Closure
Evaluation	Evaluation

Various question types may be used, but in witness interviews it is considered good practice to use free recall to encourage the individual to give an account of the situation.

Free recall

This is a system which can be used in interviews to encourage interviewees to put themselves back into the situation they were in when they witnessed the incident.

A free recall interview includes:

- asking the witness to provide an account of the relevant event(s) in their own words (for example, ‘Earlier today you told me that you saw something last week, please tell me about that in your own words’)
- adopting a posture of active listening, allowing the witness to pause, and using minimal prompts that do not go beyond the witness’s account
- reflecting back what the witness has said, as appropriate
- avoiding interrupting
- identifying manageable topics or episodes in the witness’s account to be expanded on and clarified

- systematically probing each topic or episode, beginning with open questions using words such as tell me, explain, describe, before moving on to closed-specific questions (for example, what, where, when, how and why)
- avoiding topic-hopping (rapidly moving from one topic to another and back again)
- avoiding multiple questions
- using forced-choice and leading questions only if it is essential to do so
- systematically probing any information important to the investigation that the witness has not adequately covered

For example, where an incident took place while the witness was travelling to work, the investigator may ask them to remember how they felt when they got into their vehicle that morning, what they saw as they left the house, what the weather was like, and the traffic.

Helping the witness to recall details such as these will enable them to recall more accurately the conditions that existed at the time of the incident.

The interviewer must undertake a number of tasks simultaneously when conducting free recall interviews. A structure should, therefore, be in place for effective note-taking.

Note-taking

A structured process for note-taking enables the interviewer to process and respond to the quantity and quality of information received in the interview.

This provides a firm basis for the questions that need to be asked to clarify or challenge the interviewee's account. A tape recording is made, in accordance with PACE, when interviewing suspects. However, the interviewer still needs to make notes and use them to clarify the suspect's account. For further information see [note-taking systems](#).

Suspect considerations

Working with legal advisers

Investigators have a duty to maximise the amount of material available to the courts. Legal advisers will try to obtain as much information as possible from the investigator, custody staff and their client, while working within their legal framework. See [legal services commission\(opens an external website in the same tab\)](#) for further information. This helps them to prepare and plan a strategy for advising their client in the police station, particularly during an interview. Legal advisers act in the best interests of their clients. This can include:

- challenging the legal basis of police action

- advising their client not to assist the prosecution case
- rigorously exploring alternative outcomes to charging
- attempting to persuade investigators that their client is not responsible for the offence in question

Although the priorities and viewpoints of the police and legal advisers may differ, there should be mutual respect for the professional role of each party.

Police officers involved in the arrest, investigation or detention of a suspect must also ensure that they plan and prepare for any interaction or interview with a [legal adviser](#), including the pre-interview briefing.

In addition to gathering information, the legal adviser may also make [representations](#).

Legal adviser role

A legal adviser is one of the following:

- a solicitor who holds a current practising certificate
- an accredited or probationary representative included on the register of representatives maintained by the [legal services commission\(opens an external website in the same tab\)](#), [PACE Code C 6.12\(opens an external website in the same tab\)](#)

The Law Society indicates that the role of the legal adviser is to:

- investigate the police case, the prosecution evidence, the police investigation and all police contact with, and conduct towards, the client
- act in their client's best interest, providing best advice
- assess the extent of the client's vulnerability and ability to comprehend, cope and communicate to best effect in any police interview
- identify the safest responses by the client, for example, to remain silent, provide a written statement or to answer police questions
- influence the police to accept their client is not guilty
- influence the police not to charge their client
- influence the police to make the most favourable case disposal decision for their client, implementing the most constructive alternative to charging relative to the circumstances of the case and the client
- create the most favourable position for the client if they are charged

Advising their client

The legal adviser cannot prevent the suspect from answering questions if they choose to do so, nor can they answer questions on behalf of the suspect. The suspect may choose not to answer questions, but provide a prepared statement at any time before charge.

The legal adviser monitors the interview process and may make representations relating to the:

- investigator's compliance with PACE
- investigator's compliance with the PEACE model of interviewing
- suspect's capability of coping physically and mentally with the interview

Interventions

In addition, the legal adviser may intervene during interview to:

- provide legal advice to their client
- request clarity when the questions are unclear and ambiguous
- prevent oppressive threatening or insulting questioning
- prevent questioning based on supposition
- prevent questioning based on material which has not been disclosed or summarised
- object to questions which are not relevant to the offence under investigation
- object to questions which are not directed at discovering whether and by whom the offence in question was committed

Meeting legal advisers

Investigators will work with legal advisers:

- during pre-interview briefings
- during suspect interviews
- during identification procedures
- when the suspect is charged or bailed or
- during the post-charge disclosure processes

Careful consideration should be given to the following:

Resources – finding a suitable room which is free from interruptions to conduct any discussions

Time – making an appointment convenient to all parties and allowing sufficient time for discussion, consultation and negotiation prior to subsequent suspect interviews, including rest breaks.

Strategy – pre-interview briefing strategy – how this will be conducted and recorded, for example, whether it will be partial or full disclosure depends on the individual circumstances.

Legal adviser information

The legal adviser requires the following information prior to the interview:

- the particulars of the suspect's arrest and detention, their treatment and observance of their rights
- what investigation has taken place or is being considered
- what procedures have taken place or are being considered, for example, fingerprinting, intimate and non-intimate samples

In order to advise their client prior to a police interview or other procedure, a solicitor needs to obtain as much information as possible about the case. This information comes initially from three sources:

- custody officer or custody record
- investigator
- suspect

Custody officer information

The custody officer may be required to provide the following information:

- confirmation of the suspect's identity
- the alleged offence
- whether the suspect is under arrest or is a volunteer (if a volunteer, there is no custody record unless taken into custody)
- the suspect's state of health, physical condition or disability
- the names of the arresting officers
- time of arrest
- time of arrival at the police station
- whether an interview has already taken place
- when legal advice was first requested
- any significant statements/silences made on arrest or at time of detention
- any admissions made by the suspect

Removal of legal adviser

Removing a legal adviser from an interview is an extreme step. It should be taken only if the legal adviser's approach or conduct prevents, or unreasonably obstructs, questions being put to the suspect. It may also be necessary if the legal adviser prevents the suspect's response from being recorded by talking over them or constantly interrupting them. PACE Code C Note 6D provides for the following examples of misconduct by the legal adviser:

- answering questions on the client's behalf
- providing written replies for the client to quote

Prior to removing a legal adviser, the investigator must seek authority from a superintendent or above, or, if one is not readily available, an inspector. The authorising officer should:

- witness the behaviour themselves (which may include listening to tapes)
- be prepared to justify their reasons to a court

Pre-interview briefings

This is the meeting between the investigator and the suspect's legal adviser prior to conducting the suspect interview. The purpose is to provide the legal adviser with sufficient material about the investigation to help them advise their client prior to interview. See [PACE Code C 11.1A \(opens an external website in the same tab\)](#), R v Roble [1997] Crim LR 449 and R v Nottle [2004] EWCA Crim 599.

PACE Code C 11.1A does not require the investigator to provide all [material](#) relevant to the investigation. It is a tactical decision and the investigator should consider whether doing so will improve the effectiveness of the interview and allow the suspect to give an accurate account. The investigator can withhold material which may prejudice further inquiries or the wider investigation, see R v Farrell [2004] EWCA Crim 597 and [PACE Code G, Note 3 \(opens an external website in the same tab\)](#).

Investigators should not normally provide self-represented suspects with material prior to interview as they may not, without context, fully appreciate the evidential value of the material provided. This material will still be provided during the interview, when an explanation of its context and evidential value can also be given. This is a matter for investigators. In all cases investigators should ensure the suspect has sufficient time during

the interview to adequately review the material, particularly where [special warnings](#) are needed.

A pre-interview briefing should not be confused with the duty to disclose material under CPIA, post-charge. Nor should it be confused with the suspect's rights under [PACE Code C, paragraph 3.1](#)(opens an external website in the same tab). In particular, the right to be informed about the offence and (as the case may be) any further offences for which they are arrested while in custody, and why they have been arrested and detained. See [Rights and entitlements](#).

Preparation

During a pre-interview briefing, the investigator demonstrates knowledge of the relevant legislation and supporting case law in relation to the offence under investigation. This is the point at which the investigator outlines the offence for which the suspect has been arrested and the purpose of the subsequent interview.

Investigators can seek assistance from the following:

- supervisors and colleagues
- evidence review officers
- interview specialists and interview advisers

It is essential to plan and prepare the pre-interview briefing. The investigator should prepare a structured pre-interview briefing, strategy and interview plan. This should include what information will be disclosed to the legal advisor and when. The plan should encompass the aims and objectives of the interview and the points required to prove the relevant offence, together with any likely defences and any other issues that need to be covered.

Plan and prepare the pre-interview briefing

The investigator should consider a number of issues when planning and preparing for a pre-interview briefing. This should include any information that may be given to the legal adviser prior to interview, for example:

- an outline of the offence for which the suspect has been arrested
- the circumstances in which the suspect was arrested (which does not compromise the interview plan)

- history and character of suspect
- any significant comments, silences or material recovered at the time of arrest
- the reasons why it is necessary to interview the suspect, covering, for example, innocent explanations, self-defence, alibis, mitigation
- details of the areas the investigator wishes to cover during an interview, including the suspect's movements, time parameters, knowledge of locations or the victim

The investigator should also consider:

- where the briefing should be conducted, especially if this is the first time the investigator has met the legal adviser, for example, using an interview room or an appropriate office in the police station
- how the investigator will respond to requests for further information from the legal adviser
- whether there should be staged disclosure of the material recovered
- recording what material has been disclosed prior to the interview either by audio-recording or providing a handwritten or typed document
- how the submission of a prepared statement and/or no comment interview will be managed
- how admissions to the offence will be managed

Disclosure strategy

Investigators are not legally obliged to disclose any material to the legal adviser prior to the suspect interview. However, to achieve the intended aims and objectives of the interview, an appropriate pre-interview strategy may be beneficial.

The legal adviser will try to obtain as much information as possible about the circumstances of the arrest and the material that the investigator possesses. They will want to assess the strength of the prosecution case, advise their client accordingly.

To encourage a positive working relationship, the interviewer may outline in advance the general questions that will be asked during the interview. The investigator may also wish to reassure the legal adviser that no other topics or questioning will be introduced other than those outlined, unless first mentioned by the suspect themselves.

In serious or complex investigations it may be necessary to conduct a number of interviews, involving a phased or staged approach to the pre-interview briefing and disclosure of material.

If a legal adviser approaches an investigator after their client has been charged, to request additional material, the investigator should politely refer them to the crown prosecutor. [Disclosure](#) under the provisions of the Criminal Procedure and Investigations Act 1996 (CPIA) begins after a suspect has been charged.

Pre-interview briefing is voluntary, whereas the disclosure provisions under CPIA post charge are mandatory.

Material and information

Investigators will be requested to provide a range of material and information, which may or may not have been collected at the time the pre-interview briefing takes place or when the suspect is initially interviewed.

The investigator is not legally required to provide the legal adviser with any material prior to the interview of a suspect. There is also no requirement to explain to the legal adviser the reason for withholding material from the pre-interview briefing, although officers may subsequently need to explain their reasons to the court.

If the case then proceeds to a prosecution, there is a requirement on the prosecution team to disclose all material that is likely to undermine the prosecution or assist the defence.

Representations

“Representation is made when the legal adviser wishes to bring a critical matter to the attention of the custody officer, any officer or civilian employed or instructed by the police.”

Law Society (2004) Police Station Skills for Legal Advisers

The purpose of a representation is to encourage an individual to think or act differently or to persuade others to do so, for example, change a decision or action.

Representations can be made in relation to:

- any risk or disadvantage to the defence of the suspect
- the suspect’s legal position
- the suspect’s psychological or physical wellbeing or integrity

A representation can be based on a fact or law, putting forward the suspect's point of view. They can be made by the legal adviser, a third party acting on behalf of the suspect or by the suspect specifically in respect of detention reviews.

Knowledge required by the investigator

An in-depth knowledge of PACE and the current Codes of Practice assists officers to respond to representations made by, or on behalf of, a suspect.

Reasons for representations

These may include:

- the strength of evidence against a suspect (Code C 11.6, 16.1, Notes 16A–D)
- the suspect's welfare or fitness for interview (Code C 12.3)
- the need to question or continue to question a suspect (Code C 11.1–11.6)
- the continued detention of a suspect (Code C 15.1 15.16, Notes 15 A–G)
- the suitability of an 'appropriate adult' or interpreter (Code C 1.7, Notes 1A–H)
- the use of a particular identification procedure (Code D 1.1–1.7, Annex A–F)
- searches (Code C 4.1–4.5, 4A–4C)
- obtaining intimate or non-intimate samples from the suspect (Code D 6.1–6.12, Notes 6A–6F)
- disposal either by way of bail, charges or diversion (Code C 16.1), for further information see [justice outcomes](#)
- testing for Class A drugs (Code C 17.1–17.14, Notes 17A–G)
- downstream monitoring of interviews (Code E 4.8–4.9, Note 4F), for further information see Home Office Circular 50/1995 Remote Monitoring of Interviews with Suspects
- video-recording of interviews (Code F 3.1–3.6, Notes 3A–3 F)

For further information see PACE Codes of Practice:

- [Code C\(opens an external website in the same tab\)](#)
- [Code D\(opens an external website in the same tab\)](#)
- [Code E\(opens an external website in the same tab\)](#)
- [Code F\(opens an external website in the same tab\)](#)

Actions required

Representations can be made orally or in writing at any time while a suspect is in police detention or at charge.

Representations may be made to:

- custody officers
- investigators
- reviewing officers
- identification officers
- any police officer or member of police staff concerned with the investigation or detention of the suspect

The police officer or member of police staff should accurately record the content and context of the representation in the custody or identification parade record, or in their pocket notebook.

The facts or arguments presented by the legal adviser may become a matter of issue in legal proceedings. Maintaining records of all representations and how they were resolved will assist in the event of any subsequent review.

Interview structure

In addition to the PEACE model, there are a number of other considerations that need to be taken into account when structuring an interview.

Downstream monitoring

Suspects and their legal representatives must be made fully aware if remote monitoring of the interview is to take place. The following minimum standards apply, as set out in [PACE code E, paragraph 2.6\(opens an external website in the same tab\)](#).

- The remote monitoring system should only be able to be operational when the tape recorder has been turned on.
- A light, which automatically illuminates upon activation of remote monitoring, should be visible to all in the interview room.

- All interview rooms with remote monitoring equipment should prominently display a notice referring to the capacity for remote monitoring and to bring attention to the fact that the warning light will illuminate to signify that remote monitoring is taking place.
- At the beginning of the interview, the contents of the notice must be explained to the suspect by the interviewing officer (the explanation itself should be recorded on the tape).
- The suspect's custody record should include reference to the fact that an interview, or part of an interview, was remotely monitored. It should include the names of the officers monitoring the interview and the purpose of the monitoring, that is, for training or to assist with the investigation.

Structuring the suspect interview

The interview should be structured in five identifiable stages, using the PEACE framework for investigative interviewing. The emphasis is to check the accuracy of the account, identify potential lines of enquiry and then challenge an account if necessary. Each stage provides convenient points to break and also to reappraise the objectives.

Starting an interview

The interviewer should:

- say that the interview is being audibly recorded
- give their name and rank and that of any other interviewer present
- ask the suspect and any other party present, for example, a solicitor, to identify themselves
- state the date, time of commencement and place of the interview
- tell the suspect they will be given a notice about the copies of the recording (this does not apply to interviews using a secure digital network)

See [Code E to PACE 4.4–4.6.\(opens an external website in the same tab\)](#)

The introduction is also likely to include the formal caution:

“You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence.”

The suspect should be reminded of their entitlement to free legal advice.

Significant statements

A significant statement or silence which occurred in the presence and hearing of a police officer or other police staff before the start of the interview should be recorded.

PACE Code C paragraph 11.4 states that at the beginning of an interview any significant statement or silence which has not already been put to the suspect during a previous interview, should be put to them. This should be done after the caution, and the suspect asked to confirm or deny their earlier statement, and whether they want to add anything.

Interviewer's objectives

These should be identified during the planning and preparation stage. The interviewer should:

- introduce each objective separately
- allow the suspect time to answer (do not interrupt)
- fully probe each objective

After probing, the lead interviewer should verbally summarise the information.

Suspect's account

Interviewers should consider the following approaches when obtaining an account:

- allow the suspect the opportunity to establish their position
- define time parameters if relevant
- the use of open questions, for example, 'Tell me about your movements from leaving home yesterday morning and returning home yesterday evening'
- if the suspect avoids the question or does not answer, persist with questions worded to give an extended response
- if the suspect replies with their own concerns initially, the investigator should briefly respond and have another open question ready
- if the suspect denies knowledge of the incident, the interviewer should ask about the suspect's movements at the relevant time
- avoid interrupting the suspect while they are giving their account (interruptions may cause repercussions later and could result in miscarriage of justice, they may also inhibit the flow of information)
- accurate note-taking to assist in summarising the suspect's account
- summarising

- identifying topics for probing and using appropriate questions to expand the account, for example, ‘What time did you leave the house?’, ‘Tell me about your journey to the club’
- select objectives for further probing using what, why, where, when, who, how, tell, explain and describe
- after the interviewer has probed all of the objectives relating to the suspect’s account, the lead interviewer should ask the second interviewer if there are any matters they wish to clarify

Challenging accounts

When challenging false accounts or inconsistencies in a suspect’s account, the interviewer should not use a raised voice or inflammatory language as this can lead to a breakdown in rapport.

Each false account should be treated as a separate objective. The interviewer should use questioning to probe and summarise.

Voluntary attendance/voluntary interview

Voluntary attendance (VA) or a voluntary interview can be used to interview a suspect who is not under arrest for the commission of a criminal offence. VA can be used for adults and young people. It applies to interviews conducted at or away from police buildings.

A voluntary interview is a method of dealing with suspects without arresting them. It provides convenience and flexibility for both suspects and interviewers, but can present additional risks which need to be managed appropriately.

Section 29 PACE provides that where a person voluntarily attends a police station or other place without having been arrested, for the purposes of assisting with an investigation, he shall be:

- entitled to leave at will unless he is placed under arrest
- informed at once that he is under arrest if a decision is taken by a constable to prevent him from leaving at will

A voluntary interview is a formal interview to gather material about an allegation of crime and as such may have significant consequences for the suspect. Where there are grounds to suspect a person of an offence they must be cautioned if either their answers or silence could

be given in evidence. A suspect in a VA interview has the same rights and entitlements as they would have in an interview conducted in police detention under arrest, the difference is that the suspect in a VA interview has the right to leave. The suspect must also be advised of the additional rights, entitlements and safeguards set out in para 3.21A [PACE Code C\(opens an external website in the same tab\)](#) that apply to voluntary interviews.

When conducting a voluntary interview, the interviewing officer should plan and conduct the interview in the same way as they would an interview under arrest.

They must:

- assess the suspect's needs and capabilities
- determine fitness for interview and need for an appropriate adult
- offer legal advice at the earliest opportunity – suspects in a voluntary interview have the right to free legal advice
- inform the suspect that the purpose of the voluntary interview is to question them to obtain evidence about their involvement or suspected involvement in an offence
- inform the suspect about their right to information about the offence to enable them to understand the nature of the offence and why they are a suspect.
- make clear to the suspect the significance of the interview, consider their reaction, comprehension and any associated risks
- record the interview in accordance with [PACE Code E\(opens an external website in the same tab\)](#). Note: body worn video can now be used to record a suspect interview conducted outside of police custody
- record confirmation that the suspect has agreed to the interview proceeding as required by [PACE Code C 3.22A\(opens an external website in the same tab\)](#)

Note: Fingerprints and DNA should not be taken at a voluntary interview. Fingerprints and DNA can be taken following arrest or charge in accordance with PACE. [PACE Code D\(opens an external website in the same tab\)](#) para 5.19 does permit the taking of photos of suspects voluntarily at a police station. But these can only be taken with consent, force cannot be used to obtain images and the resultant photo's must be destroyed unless the suspect is charged, prosecuted or cautioned for a recordable offence, or gives informed written consent for the photograph to be retained.

As with all police interventions, voluntary interviews should explore the opportunity to address and mitigate apparent risks and/or explore opportunities to prevent further offending, examples include referral to Liaison and Diversion schemes, Common Law Police Disclosure, foreign national offender checks, and post interview risk assessment.

See [NPCC voluntary interview guidance](#).

Recording the Interview

[Code E\(opens an external website in the same tab\)](#) paragraphs 2.1 and 2.3 were amended (in 2018) to ensure that interviews (as defined by [PACE Code C11.1A\(opens an external website in the same tab\)](#)) are recorded in writing ([Code C 11.7 – 11.11\(opens an external website in the same tab\)](#)) only when they cannot be conducted and recorded in accordance with [Code E\(opens an external website in the same tab\)](#) or [Code F\(opens an external website in the same tab\)](#) using an authorised recording device as described in [Code E\(opens an external website in the same tab\)](#) paragraph 1.6(a).

The Codes of Practice provisions relating to the audio recording of interviews apply to any interview regardless of location, this includes the roadside. To be clear, the safeguards in [Code C para. 3.21 to 3.22A\(opens an external website in the same tab\)](#) apply to all voluntary interviews, irrespective of the offence.

[Code E\(opens an external website in the same tab\)](#) paragraph 2.3 provides an exemption which allows a written interview record to be made in place of an audio/visual recording, in certain situations. There is no statutory requirement for voluntary interviews to be visually recorded (they should be audio recorded unless one of the reasons in Code E applies). [Code F\(opens an external website in the same tab\)](#) sets out examples when a visual recording should be made.

Note: Simply telling a person what they have done and pointing out an offence without asking any questions about their involvement in the offence, alone, is not an interview. [Para 11.1A PACE Code C\(opens an external website in the same tab\)](#) defines an interview as ‘the questioning of a person regarding their involvement or suspected involvement in a criminal offence or offences which must be carried out under caution’. The provision of factual information does not constitute an interview, provided that no comments are invited nor any specific questions asked.

The suspect has the right to have a solicitor present during the interview. Juveniles and vulnerable suspects are entitled to have an appropriate adult present. There is also a requirement to determine whether the suspect requires an interpreter.

No-one else should be present as they may be potential witnesses, and would become a witness to the interview. They may try to interfere with the process and, perhaps, seek to guide or add to answers given by the suspect.

Interviews conducted away from police premises

Interviews can take place in non-police premises.

However, officers should consider whether an interview of this kind is appropriate in the circumstances, based on the offence in question, the suspect's demeanour, the location proposed for the interview and the amount of notice that can be given.

The interviewing officer should consider the implications of any third parties present.

The venue should be private and secure to avoid interruptions.

Interviews conducted at police premises

Interviews at police premises should, where possible, be away from the operational Custody Suite environment.

Custody Suite interview rooms can be used in exceptional circumstances. Custody staff must be consulted and updated in these circumstances.

Legal issues

A person is innocent until proved guilty. It is the duty of the prosecution to prove their case against a person suspected of committing an offence.

A suspect is under no obligation to provide material to an investigator or prosecutor which is likely to be self-incriminating or which will assist the prosecution case.

No comment interview

[Principle 7](#) states that even when a suspect exercises their right to silence, investigators have a responsibility to put questions to them.

This can be difficult for officers who are not experienced in investigative interviewing.

Preparation is key to dealing with these situations. The interviewer should try not to be swayed by the no comment response. The practical problem is not so much whether to

continue questioning when no responses are being given, but how to do in an effective and acceptable way.

The suspect must be given an opportunity to respond to all the relevant questions and be given enough time to decide if they would like to respond.

A no comment interview can be off-putting for even the most experienced interviewer. The most important point to remember is that the suspect must be given the opportunity to respond to any relevant information, therefore, all planned questions must be asked.

The interviewer should ask all the relevant questions as if the interviewee was responding. It is important that no gaps are left for the defence to fill at court. Failure to ask all the relevant questions in the first place may preclude inferences being drawn in court.

For further information see:

- [PACE Code C\(opens an external website in the same tab\)](#)
- The Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers

Adverse inference

[CJPOA section 34\(1\)\(a\)\(opens an external website in the same tab\)](#) allows the courts, in particular circumstances, to draw an adverse inference or conclusion from a suspect's silence or failure to mention, when questioned under caution prior to charge, a fact which they later rely on in their defence. An inference can also be drawn when a defendant is silent on charge (s 34(1)(b)). For further information see [the right to silence and the ECHR\(opens an external website in the same tab\)](#).

A suspect's silence is not in itself sufficient to establish guilt. A prima facie case, 'sufficiently compelling to call for an answer', must be made if the court is to invoke an adverse inference from the exercise of silence.

Where a suspect maintains their right to silence or fails to mention a fact on which they later rely in their defence in court, a trial judge is entitled to draw the jury's attention to the suspect's silence and invite the jury to draw an adverse inference.

The jury can be invited to consider why an innocent party would refuse to answer reasonable questions and whether any defence offered was plausible.

Through case law, the courts have identified [six conditions](#) that must be satisfied prior to a court drawing an adverse inference under [CJPOA section 34](#)([opens an external website in the same tab](#)).

The judge may also draw attention to an explanation offered, which after consideration of all the evidence, may be less convincing than an explanation, which was offered at the time the suspect was being interviewed under caution and could, therefore, be checked.

Section 36 and section 37 CJPOA

Section 36

This permits the court or jury to draw adverse inferences from a suspect's failure or refusal to account for objects, marks or substances in certain circumstances.

Section 37

This outlines the circumstances where a suspect is found and arrested by a constable at a place at or about the time the offence was alleged to have been committed, and who fails or refuses to account for their presence in that place at that particular time.

The court will not be able to draw an adverse inference unless the investigator has, prior to putting questions to the suspect, warned them that their failure or refusal to give an account may not allow the court or jury to draw a proper inference. This is known as a [special warning](#).

In serious cases consideration should be given to the preparation of an adverse inference pack.

Six conditions

There are six conditions which must be met when showing adverse inference.

1. The alleged failure to mention a fact which they later rely on in their defence must occur when the suspect is being questioned under caution.
2. The failure to mention these facts must occur before or on being charged.
3. The questions which were not answered were posed in an attempt to discover whether or by whom the offence had been committed.
4. The suspect failed to mention a fact which was later relied on in their defence.

5. The suspect could, in the circumstances existing at the time, reasonably have been expected to mention the facts they relied on at trial.
6. The provision only applies to criminal proceedings.

[R v Argent \[1997\] 2 Cr App R 27\(opens an external website in the same tab\)](#)

To comply with these requirements, the investigator must ensure that the suspect is at an authorised place of detention and has been told that they have the right to consult a legal representative prior to being questioned, charged or informed that they may be prosecuted.

Refusal of legal representation

Although the suspect must be advised of their right to legal representation, they may decline to consult a legal representative or choose not to have them present during an interview. In these circumstances, the court will still be entitled to draw an adverse inference from the suspect's silence or failure to mention a fact which they later rely on in their defence.

Section 34

CJPOA s 34 permits a court or jury to draw an adverse inference where a suspect fails to mention any fact on which they later rely in their defence, this fact being one which they could reasonably have been expected to mention when being questioned under caution.

This section has generated considerable case law which refines the legislation and provides an interpretation for investigators (see [six conditions](#)).

Case law

Considerable case law has developed which refines the legislation and provides an interpretation for investigators, for example, six conditions.

Investigators should regularly review their legal knowledge to ensure they remain up to date. Failure to do this may lead to an investigator conducting an interview in a manner which does not allow a court the opportunity to draw a proper inference.

Legal knowledge can be updated by the regular review of databases such as:

- [The Police National Legal Database\(opens an external website in the same tab\)](#)
- [Lawtel\(opens an external website in the same tab\)](#)
- [The Crown Prosecution Service \(CPS\) Legal Guidance\(opens an external website in the same tab\)](#)

Adverse inference package

An important part of the investigator's role is to be proactive in considering possible events at court. If a suspect has refused to answer questions, or has failed to mention a particular point while under caution, there is a possibility that during the court hearing the suspect may put forward previously unmentioned information as part of their defence.

The purpose of an adverse inference package is to highlight to the CPS the various points during the interview where the suspect was given the opportunity to mention something that they are relying on in their defence statement.

To do this it is useful to prepare a file demonstrating the suspect's initial response which can, on request, be handed to the court.

Preparing the file

This involves reviewing the defence statement, where provided, and cross-checking it with documents that form part of the case preparation, thereby highlighting any change to the suspect's account.

It is a matter for the jury to determine whether the suspect's failure to mention those facts was reasonable. If they conclude that the suspect was acting unreasonably, they can draw an adverse inference from the failure to mention those facts.

Defence statement

It is essential for the investigator to be aware of the content of pre-interview briefings with legal advisers, interview plans, custody detention times, and recordings of interview, particularly where the suspect has either remained silent or given no comment answers.

Only by having this information can the investigator be ready to submit a package to the court which illustrates why the jury should draw an adverse inference. Although it is not strictly speaking the responsibility of the investigator to create such a package, doing so will contribute to a successful prosecution. It is, therefore, in the investigator's interest to assist through efficient planning and preparation.

Prepared statement

Suspects may use prepared statements to reduce the chance of an adverse inference being drawn. Prior to starting the interview, the interviewer may wish to ask the legal representative whether a prepared statement is likely to be produced.

If a pre-prepared statement is handed in, or read out by the suspect's legal representative at the beginning of an interview, the investigator is still entitled to question the suspect about either the contents of the prepared statement or other matters.

A prepared statement is compiled by the suspect's legal representative in consultation with the suspect, signed and dated by the suspect and submitted by the defence prior to or during a suspect interview. Where the investigator is aware that a statement has been prepared but is not submitted, the interview should be conducted as planned, based on the material available to the investigator at that time.

On receipt of a prepared statement, the investigator should consider suspending the interview to consider the contents of this document.

There may be occasions when the suspect prepares a signed and dated statement that is not submitted to the police until charge or, in some cases, until trial. This may be because the statement contains incriminating information or may otherwise assist the prosecution case.

Even if the suspect maintains their right to silence, the investigator should ensure that the questions posed give the suspect every opportunity to provide a full verbal account.

The leading cases in relation to prepared statements are:

- [R v Knight \[2003\] EWCA Crim 1977](#)(opens an external website in the same tab)
- [R v Turner \(Dwaine\) \[2003\] EWCA Crim 3108](#)(opens an external website in the same tab).

Statement containing new material

The statement should be assessed in the light of what is already known about the offence. Investigators should reassess their interview plan as further questions may be amended or prepared as a result of having the new material. Where, following the submission of a prepared statement, a suspect remains silent and a fact not mentioned in the statement is later relied on in the defence, the court or jury is entitled to consider drawing the appropriate inferences. Where a prepared statement containing material that is new to the investigation is tendered at the point of charge, consideration may be given to interviewing the suspect about it if they are still in custody.

Suspect on bail

If the suspect is on bail, there is no power to detain them for the purpose of such questioning but they can be asked to remain voluntarily and be interviewed about the content.

Special warnings

PACE Code C requires the use of special warning in certain circumstances. This is an additional caution. Legislation does not provide a specific form of wording for a special warning, but for an inference to be drawn it must be given in language that the suspect is capable of understanding. [PACE Code C \(opens an external website in the same tab\)](#) 10.11 and Note 10D state that it should include the following:

- details of the offence
- specific facts which the suspect is being asked to account for
- why the investigator thinks these facts may link the suspect to the offence
- making the suspect aware that a court may draw an inference if the suspect fails to account for these facts
- stating that a record is being made of the interview and that it may be given in evidence if the suspect is brought to trial

When to introduce a special warning

- At the end of a relevant topic, in the early stages of an interview.
- In the latter stages of the interview, prior to the challenge phase.

Difference between caution and special warning

The caution must be given before any questions are put to a suspect.

The special warning is required only where adverse inferences may be drawn under section 36 or 37 of the Criminal Justice and Public Order Act 1994.

- Section 36 allows an inference to be drawn when a suspect is arrested and fails or refuses to account for any object, marks or marks on objects found on their person at the time of their arrest. These objects or marks must be found in or on their clothing or footwear – or otherwise in their possession – or the place they were at, at the time of their arrest. The investigator must reasonably believe that the presence of that object, substance or mark may be attributable to that person's participation in the commission of an offence.
- Section 37 allows an inference to be drawn when a suspect was found by a constable at a place at or about the time the offence is alleged to have been committed – and for

which that constable has arrested them – and the suspect fails or refuses to account for their presence there. The investigator must reasonably believe that the presence of the person at that place and time may be attributable to their participation in the commission of the offence.

Bad character evidence

Bad character is evidence of, or a disposition towards, misconduct on the part of the defendant, rather than evidence relating to the facts in issue.

The Criminal Justice Act 2003 (CJA) made fundamental changes to the admissibility of evidence relating to the defendant's character and that of victims or witnesses. Section 103 provides for the admissibility of previous convictions in support of the propensity to commit like offences and/or to be untruthful. Common law rules, in the main, are abolished.

Prior to the 2003 Act, an interviewer could refer to previous bad character. The interview was not restricted to issues of material and admissible evidence. Such references stood to be removed. There was a risk that subsequent admissions might be disallowed if they were seen to follow from oppressive questioning.

The present law, by making a propensity to be untruthful and/or a propensity to commit offences relevant as evidence, reduces this possibility. As a result, these issues should be addressed in interview.

Evidence of bad character is admissible only if the [appropriate conditions](#) apply.

The investigator should, therefore, identify those conditions in framing questions. If the issue is a propensity to similar offending, the similarities should be referred to.

Criminal Justice Act

The 2003 Act specifically requires that the bad character be of the same description (a statement of the offence in a charge would be in the same terms) or category (prescribed by the secretary of state) and requires the court to have regard to the length of time between previous offending and the current case.

This does not prevent the investigator from establishing other similarities. The following all assist in establishing due relevance:

- location (having previously offended thereabout)

- nature of victim (for example, preys on older victims)
- specifics of modus operandi (method of entry, goods stolen, for example, antiques)
- words or phrases used towards the victim
- patterns of offending

The matter should not be raised where the link between the current charge and previous offending is not strong.

Propensity to commit

Proving a propensity to commit an offence can be difficult and has been raised during trials on a number of occasions, covering several aspects which could be used to show propensity. *R v Hanson* [2005] EWCA Crim 824 highlights that a propensity for untruthfulness is not intended to be the same as a propensity for dishonesty. The provision is directed towards assessing the probative value of any remarks made by the defendant at interview or in their defence.

R v Hanson [2005] EWCA Crim 824 tries to clarify the difference between untruthfulness and dishonesty by saying:

“As to propensity to untruthfulness, this, as it seems to us, is not the same as propensity to dishonesty. It is to be assumed, bearing in mind the frequency with which the words honest and dishonest appear in the criminal law, that Parliament deliberately chose the word ‘untruthful’ to convey a different meaning, reflecting a defendant’s account of his behaviour, or lies told when committing an offence.”

Three questions help to determine which convictions should be considered.

1. Does the history of conviction(s) establish a propensity to commit offences of the kind charged?
2. Does that propensity make it more likely that the defendant committed the offence charged?
3. Is it unjust to rely on the conviction(s) of the same description or category and/or will the proceedings be unfair if they are admitted?

There is no minimum number of offences which will go to show propensity. When considering significant features, eg, aspects of the defendant’s modus operandi, the courts are encouraged not to view evidence of propensity too widely or too narrowly.

Evidence put forward to show a propensity does not have to be evidence of previous convictions. CJA s 103(2) states that the prosecution can show a propensity by 'any other way of doing so'. This may include, for example, behavioural traits.

Appropriate conditions

If untruthfulness is relevant, the defendant has to have made a denial which they or another party disputes. Previous examples of false denials can then be raised.

Although CJPOA s 34 states that an inference can be drawn from silences in certain circumstances, this alone would not justify raising previous untruthfulness.

Issues relating to correcting false impressions or attacking the character of prosecution witnesses are more likely to occur at trial and are matters for the prosecutor. During the proceedings, the prosecutor can substantiate issues raised at interview and has a further opportunity to plead inclusion of bad character evidence according to events unfolding in the trial.

These provisions can prevent the defendant advancing a plausible defence which, if their true character were known, would make their defence less likely. Investigators should research the defendant's bad character so that they can counter any claims.

The investigator has to choose the grounds and timing in cases where the provision is likely to apply, in order to remain within the spirit of the law and for the testimony to be admissible. A propensity to offend is relevant and progressively more relevant according to similarity and frequency of offending.

In the same way that prosecution witnesses can be challenged by bad character, for example, 'You have lied before, why should the jury believe you?', the defendant can now also be challenged. The wording of the challenge should be carefully considered. For further information see case law examples [R v Hanson and others \[2005\] EWCA Crim 824\(opens an external website in the same tab\)](#), [R v Edwards \[2005\] EWCA Crim 1813\(opens an external website in the same tab\)](#).