

# Obtaining initial accounts from victims and witnesses

## **Guidelines for first responders**



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# Summary of guidelines

This College of Policing guidance report contains a set of guidelines on eliciting victim and witness initial (first) accounts. The guidelines are designed to improve the accuracy and quantity of information provided by witnesses and victims in their first account to the police. A victim is also a witness, and the term ‘witness’ is used throughout the guidance to refer to both.

The guidelines consist of:

- ten practical guidelines for the front line
- two strategic-level recommendations for senior officers
- four recommendations for future research to fill a gap in the evidence.

For each guideline, the type and strength of the evidence underpinning the guideline is shown, together with a summary of the evidence and what this might mean in practice. The practice information has been developed using practitioner expertise, generally applicable suggestions extracted from existing guidance on **achieving best evidence**, and relevant information from the research evidence.

More information about **the process used to develop this guidance** can be found later in this document. A summary of the guidelines is shown below.

# Summary table

## Practice guidelines for the front line

**Evidence-base:** empirical evidence  practitioner evidence available 

<p><b>1 Rapport building</b> </p> <p>Officers and staff should, wherever possible, take steps to build and maintain rapport with the witness throughout the interaction</p> <p>Evidence-base: good moderate limited </p>	<p><b>2 Witness separation</b> </p> <p>Officers and staff should separate witnesses to take initial accounts and make sure they are out of earshot of other witnesses, unless this is not possible</p> <p>Evidence-base: good moderate limited </p>	<p><b>3 Clarifying sources of information</b> </p> <p>Throughout the first account, officers and staff should clarify the source of the information the witness is providing, for example by asking 'Did you see this yourself?'</p> <p>Evidence-base: good moderate limited </p>	<p><b>4 Alcohol intoxication</b> </p> <p>Officers and staff can take an initial account from an intoxicated person</p> <p>Evidence-base: good moderate limited   practitioner evidence</p>	<p><b>5 Witnesses' own words and open questioning</b> </p> <p>Officers and staff should allow the witness to give an account in their own words, using open questions where possible, to obtain sufficient reliable information to determine next steps</p> <p>Evidence-base: good moderate limited </p>
<p><b>6 Non-leading approach to questioning</b> </p> <p>Officers and staff should gather information in an objective way and remain neutral if giving feedback, both verbal and non-verbal, to the witness on the information they are providing</p> <p>Evidence-base: good moderate limited </p>	<p><b>7 Allowing uncertainty</b> </p> <p>If a witness is unable to be specific then the officer or staff should not push them to provide an answer</p> <p>Evidence-base: good moderate limited </p>	<p><b>8 Suggesting eye closure</b> </p> <p>In some circumstances, the officer may suggest that the witness close their eyes if they need help to focus and recall more detail</p> <p>Evidence-base: good moderate limited </p>	<p><b>9 Advice on information exposure</b> </p> <p>After taking an initial account, officers and staff should consider advising witnesses that exposure to other sources of information about the event may affect their recollection and where possible it should be avoided. If it is unavoidable, the witness should be advised to make a note of the sources</p> <p>Evidence-base: good moderate limited </p>	<p><b>10 Identify and record needs and vulnerabilities</b> </p> <p>Officers and staff should seek to identify and record any apparent witness needs and vulnerabilities, including reported and observed demeanour, reluctance, and physical or communication needs, to inform future decision making</p> <p>Evidence-base: practitioner evidence </p>



## Strategic recommendations for chief officers

### 1 Building knowledge and skills



Officers and staff should be supported to develop the skills and knowledge to use evidence-based memory retrieval techniques, such as mental reinstatement of context and eye closure, where appropriate

Evidence-base:  
good|moderate|limited



### 2 Use of self-administered interviews



Senior officers in charge of critical incidents or serious crimes should consider use of a self-administered interview in single incidents involving high numbers of witnesses

Evidence-base:  
good|moderate|limited



## Future research questions

1. How can rapport building be improved in practice and what are the barriers to officers and staff building rapport?  
\_\_\_\_\_
2. What is the impact of 'realistic' levels of witness alcohol intoxication on the amount, specificity and consistency of information elicited?  
\_\_\_\_\_
3. Which situations and methods of delivery are most effective for self-administered interviews?  
\_\_\_\_\_
4. What impact does a written/online interview have on perceived police legitimacy?

# Introduction

## Who developed this guidance?

This guidance was developed by a College Guideline Committee of frontline practitioners and subject matter experts, supported by College of Policing specialists.

## What is this guidance for?

This College guidance is designed to provide clear evidence-based practice guidelines on eliciting victim and witness initial accounts.

The aim of the guidance is to:

- improve the effectiveness of evidence collection
- maximise the value of information for any subsequent investigation and criminal justice process
- promote early identification of witness needs and vulnerability.

Information obtained in an initial account provides the foundation for any subsequent investigation and criminal justice process.

This includes support given to the victim or witness.

Obtaining a first account is not always considered part of the investigation, but if essential information is missed or not drawn out at this stage, the investigation and any subsequent process may be less successful. This guidance emphasises the importance of eliciting quality information at this early stage in the process, which takes place before the formal interview stage. The initial account underpins the formal interview and it is important to use a similar investigative approach.

That said, the circumstances in which an initial account is taken can create specific time pressures not present in formal interviews. The practice guidelines set out here are tailored to the context and priorities of obtaining initial accounts.

### What do we mean by an initial account?

The following definition of an initial account is used for this guidance:

‘Eliciting an initial account is vital to inform any police action that is immediately necessary in respect of an allegation or an incident. Any initial questioning should be intended to elicit a brief account of what is alleged to have happened, for the purpose of:

- protecting life and property, identifying offenders, and securing and preserving evidence,
- establishing whether an offence has been committed and prioritising areas of the investigation,
- assessing the risk to the victim, witness and any other person.

A more detailed account should be left until the formal investigative interview takes place.’

### What types of initial account does the guidance focus on?

The guidance focuses specifically on initial accounts from people presenting as victims and witnesses at the time the initial account is given. Formal suspect interviews are therefore excluded, although it is likely that some initial accounts may in fact come from a person who subsequently becomes a suspect. If, while taking the initial account, it emerges that the witness may be a suspect, the account should be stopped and the person cautioned.

The guidance is intended to apply whenever an initial account is obtained from a potential victim or witness at the start of, or during, the investigation and criminal justice process. Any formal interview of a victim or witness is not covered under this guidance.

### Who is the guidance for?

The guidance is aimed primarily at frontline officers and staff in roles that may require them to elicit initial accounts from victims and witnesses. It is also aimed at those who supervise and train those officers and staff.

Although this guidance has been developed primarily for face-to-face interactions, call handlers may find a number of the guidelines relevant to their role, as they often take a form of initial account over the phone.

### How evidence-based is this guidance?

The guidance draws on an extensive review of the best available research evidence, supplemented by the experience of frontline practitioners. Although there is a large evidence base in this area, the majority of the research is from laboratory-based studies. These studies tend to place research participants in a variety of simulated situations and test different approaches to improving their recall. Although these settings are necessarily artificial, the studies do provide potentially useful findings for approaches that can be used by frontline officers to improve the quality of initial accounts. Practitioner experience informed how the research evidence was used.



# Guideline 1:

## Rapport building

**Officers and staff should, wherever possible, take steps to build and maintain rapport with the witness throughout the interaction.**

### Evidence summary

On balance, the evidence suggested that building rapport with interviewees can increase the amount and accuracy of information provided. The evidence comes from 8 studies, 7 of which were experiments set in a laboratory using university students and/or staff, which tested the effects of rapport building.

Practitioners also felt that rapport building is an essential part of obtaining quality information when obtaining an initial account. Both practitioners and Guideline Committee members stressed the importance of rapport being maintained throughout the interaction and not just being used at the beginning of the process.

Building rapport has been shown to be an important way to improve the accuracy and amount of information elicited from victims and witnesses. Practitioners described rapport as how they communicate to develop a relationship or bond with the witness which allows them to 'feel comfortable in your company'. This may seem somewhat aspirational in some response contexts but practitioners felt that rapport is an essential part of the initial account which should be built from the beginning of the encounter and needs to be maintained throughout. As is emphasised in existing guidance on achieving best evidence, it is not a step that can be ticked off as completed once the initial account taking has begun.

Although rapport building has been shown to be effective, there is little information in the research on what this means in practice. Indeed, every practitioner interviewed described rapport differently, but the factors they identified as helping to establish good rapport can be grouped as follows:

### Evidence-base:

 Empirical evidence: good|**moderate**|limited



## Hints and tips from the front line

### Factors for establishing good rapport

#### Officer/staff behaviour

Be: yourself, human not robotic, honest, open, professional, non-judgmental, polite, empathetic, friendly, culturally aware.

#### Officer/staff treatment of the witness

Allow or help them to: be emotional if that's what they need to explain their story, calm or settle down, be comfortable, gain trust, ask questions, focus on the important points.

Listen and show interest, make them feel believed.

#### Officer/staff deployment

If possible, think about deploying an officer who may have particular experience and/or expertise to speak to a person, considering gender, age, culture, familiarity/previous contact.

#### Dynamics of the conversation

Keep the conversation natural and simple, avoiding jargon.

Open and close the conversation clearly.

Explain who you are, avoiding artificial 'rapport-building' topics like their favourite football team.

Explain what is going to happen and what is expected from them.

Use appropriate pace and tone of voice (especially important for creating rapport over the phone as the person cannot see you).

#### Adapt the approach to the person

Give them time and reassurance if they need it, or just get on with it if that's what they want.

If the witness is a child you might: get down to their level, engage with their issues, avoid overdressing if there is an opportunity to plan ahead.

Ask the witness how they would like to be addressed. If they indicate they are of a non-binary gender identity, ask about preferred pronouns.

Consider introducing yourself using your name and pronouns to provide an opportunity for them to express their own preferences.

Use the gender neutral terms 'they/them' if you are not sure.

**Gender considerations:** Increasingly in our society, a person may use a range of terms to describe their gender including, among others, transgender and non-binary. These are not always well understood but may affect the information provided in an initial account, particularly if the incident witnessed relates to a person's gender identity. A witness may be less open about gender identity if concerned about how the police may react. Asking the witness how they wish to be addressed may help build rapport, encourage better engagement and set the dialogue on the right track.

Witnessing or being a victim of a crime can be a traumatic experience. Practitioners felt that remaining calm, trying to calm the person and letting them take their time were important for managing rapport with an emotional witness.

## Hints and tips from the front line

### Building rapport with emotional witnesses

- 'Take your time. You have to be gentler with victims who have never dealt with the police.'
- 'Reminding them of the need to collect the best evidence, and that I am there to do my job to the best of my ability so that I can do the best for them, sometimes helps people concentrate more on the incident, as opposed to how they feel.'
- 'Patience and perseverance – there's nothing worse than putting them under pressure.'
- 'Slow down the probing questions so as not to overwhelm. Reassure them if they are struggling for answers.'



## Hints and tips from existing guidance

To establish rapport during a first account, you should try to personalise the process and engage the witness.

- Introduce yourself and treat the witness as an individual.
- Help the witness feel as safe and relaxed as possible, for example by asking some brief neutral questions.
- Try to interact meaningfully with the witness, making it feel like a two-way conversation rather than asking a list of predetermined questions.
- Try to communicate empathy.
- Explain to the witness what you would like from them, to make the experience less intimidating.

Be aware of your non-verbal behaviour during the initial account.

Try to:

- respect the witness' personal space
- avoid speaking to the witness face-to-face which can feel confrontational – a ten-to-two position may encourage more positive conversation
- be as calm and relaxed as possible yourself, to encourage similar behaviour from the witness.



## Guideline 2:

# Witness separation

**Officers and staff should separate witnesses to take initial accounts and make sure they are out of earshot of other witnesses, unless this is not possible.**

### Evidence summary

Sixteen studies tested the effects of a discussion between co-witnesses on recall accuracy. These studies were predominantly conducted in university laboratories using student samples. Fourteen of those studies found that witnesses were significantly more likely to report information they had not directly observed during an event when they were exposed to co-witnesses during or before giving their own account. There was also some evidence to suggest this exposure can lead to an overall reduction in accuracy.

Separating witnesses can reduce the likelihood of them reporting information they have not directly observed. While this is established practice at the formal statement stage and specifically in relation to domestic abuse incidents, this should also apply to initial accounts generally. It is acknowledged that separation might not always be possible, for example in a street fight involving a group of people where it might not be practical to speak to everyone separately, or where an officer is single-crewed and one or more of the parties is not cooperative. In such circumstances, it may be worth reminding the witness to report only what they have witnessed themselves. However, where possible, separation is likely to be beneficial for the investigation process.

Where all relevant witnesses have yet to be identified, the importance of separating witnesses may be a factor in considering where to take the account, and/or who will be present alongside the witness during it. Persons offering to support the witness during the account may themselves be witnesses. Any person supporting the witness should not be a witness in the case and must not be allowed to prompt or speak for the witness.

Witness separation is also relevant where the account is being taken over the phone, as the caller may be with additional witnesses. The officer or staff may wish to check with the witness at the beginning of the conversation and ask them to move away if they are with someone who also witnessed the event, explaining the reasons for this request.

### Evidence-base:



Empirical evidence: good|**moderate**|limited



## Guideline 3: Clarifying sources of information

Throughout the first account, officers and staff should clarify the source of the information the witness is providing, for example by asking ‘Did you see this yourself?’

### Evidence summary

An analysis of 25 individual studies and two additional primary studies indicated that, on balance, warning individuals that they may have been exposed to misinformation from other sources prior to questioning them improves overall recall accuracy and reduces the likelihood of them reporting misinformation from other sources. The Guideline Committee felt that asking witnesses to clarify the source of the information would reduce the likelihood of them reporting information they had obtained from elsewhere.

### Evidence-base:



Empirical evidence: **good**|moderate|limited



Research indicates that when witnesses are exposed to information about an event from other sources, their memory of what they witnessed themselves, and what they saw or heard from others can become confused. Advising witnesses about this possibility prior to asking them for their account can help them think carefully about the source of their memories and provide a more accurate account.

Research also shows that explaining to the witness why information they were exposed to after an event may be different to what they witnessed personally can increase the impact of the advice.

The Guideline Committee felt it would be important to clarify sources in a supportive way that does not make the witness feel disbelieved, so that rapport is maintained.

Officers/staff could provide this advice before starting the initial account, alongside other information providing clarity to the witness about what is needed from them. This process is sometimes described as setting the ‘ground rules’. Practitioners felt this can help to set and manage expectations while taking initial details or for the wider process, as well as managing the questioning dynamic.

### Hints and tips from the front line

#### Ways of providing this advice

You could:

- ask the person to explain what happened in their own words and to not to rely on what others have told them between the incident taking place and the officer’s attendance
- emphasise to the person that the account should be from them personally, what they saw and heard, not what other people have told them
- advise them to be aware that some of what they read, especially on social media, might not necessarily be accurate.

# Guideline 4:

## Alcohol intoxication

Officers and staff can take an initial account from an intoxicated person.

### Evidence summary

The evidence from the twelve experiments reviewed suggested that alcohol intoxication can, but does not always, have a detrimental effect on recall. Overall, experiments testing the effects of blood alcohol concentration (BAC) levels broadly equivalent to the UK drink drive limit generally found no effect on recall accuracy. Three experiments testing the effects of higher levels of BAC, however, found alcohol had a marginally detrimental effect on recall accuracy in some tests. Evidence suggested that alcohol intoxication can reduce the amount of information recalled, particularly when at higher doses. When testing the impact of delaying taking an account from intoxicated participants by comparing recall accuracy when intoxicated immediately after an event to accuracy after a one week delay (when sober), two experiments found participants were more accurate when intoxicated rather than sober following a one week delay.

Practitioners also felt it would be appropriate to take a first account from witnesses who appear intoxicated and to note their own observations regarding the apparent intoxication in their duty statement/pocket notebook/call log.

### Evidence-base:

 Empirical evidence: good|moderate|**limited**

 Practitioner evidence: **available**

Unless a witness is physically unable to provide an initial account, taking an account should not be delayed due to alcohol intoxication as the effect of a delay on accuracy appears to outweigh the effect of intoxication.

Practitioners agreed that they would, as a minimum, take basic details from an apparently intoxicated person. Practitioners suggested that, when taking an initial account from an apparently intoxicated person, it was important to consider:

- whether it would be inappropriate to ask a person to sign anything if they appear intoxicated – the officer could instead document the information in a duty statement or Pocket Notebook (PNB), or consider the use of body-worn video (BWV) if available
- that a person might display apparently intoxicated behaviour but be suffering from a medical or other condition – this also applies over the phone, where a person who sounds intoxicated may in fact be in need of urgent medical attention requiring immediate response.

## Guideline 5: Witnesses' own words and open questioning

**Officers and staff should allow the witness to give an account in their own words, using open questions where possible, to obtain sufficient reliable information to determine next steps.**

### Evidence summary

Evidence suggested that asking questions in an open format tended to increase the accuracy and amount of information provided when compared to more specific closed question styles. The evidence is based on ten laboratory based studies that explored the effects of a variety of open and closed question formats. The study samples varied – some used students and others used adults from the general population, including some with learning disabilities.

Evidence also suggested that when witnesses are made to give more specific answers to questions they are less accurate than when they are able to choose how precise their answers are. Allowing interviewees to balance specificity and accuracy results in higher-quality information. This evidence is drawn from six laboratory studies sampling students.

### Evidence-base:



Empirical evidence: good|**moderate**|limited



During the initial account stage officers and staff are typically looking for brief details of the incident, enough to establish: if an offence has occurred, if there are any immediate safeguarding needs and what action needs to be taken next. The formal statement or recorded interview would elicit the detail required to progress the investigation.

In addition, given the particular focus of an initial account it is acknowledged that open questions may not always be possible as sometimes specific information may be required for time sensitive decision making. Wherever possible the witness should be supported to give an account in their own words by using open questions.

Practitioners consistently indicated that they would start taking an initial account using open questions, but that the exact questioning style would depend on the circumstances and the particular dynamic.

### Hints and tips from existing guidance

You should encourage the witness to provide an account in their own words by using non-specific prompts such as:

- 'Did anything else happen?'
- 'Is there more you can tell me?'
- 'Can you put it another way to help me understand better?'

An open-ended question, for example one which begins with 'tell me', 'explain' or 'describe', is the best kind of question for gaining good-quality information. It allows the witness to give an unrestricted answer, which enables them to control the flow of information. This questioning style also reduces the likelihood of you inadvertently influencing the witness' account.

## Hints and tips from the front line

### Responsive questioning style

- 'I would start by asking what has happened and keeping questions open. If the person goes off on their own story at length, then I would adapt the questioning to regain focus. The call log gives an idea of what the incident is about, which helps to probe and narrow things down to be more precise and figure out if there is an offence.'
- 'My opening question is very open and will be based on what I know already. For example, 'I know you contacted the police earlier – tell me why?' I will then record what is said and may ask more direct questions to get the detail that I need at that time in order to conduct fast-track actions and highlight the best way forward.'
- 'In fast-moving dynamic events, I may well have to ask direct closed questions in order to elicit specific information, for example if we should be in pursuit of offenders, or specific details.'

## Guideline 6: Non-leading approach to questioning

Officers and staff should gather information in an objective way and remain neutral if giving feedback, both verbal and non-verbal, to the witness on the information they are providing.

### Evidence summary

Twenty studies tested the effects of misleading questions. On balance, findings indicated that misleading questions can cause witnesses to report information they had not witnessed, but had been led to believe was true due to question phrasing. There was some evidence to suggest misleading questions can reduce overall accuracy of recall and that this effect occurs when witnesses are misled, verbally or non-verbally.

Additionally, five lab experiments found that implying witnesses had provided information contrary to other witnesses led to them changing their account when questioned again later, often leading to less accurate accounts.

### Evidence-base:



Empirical evidence: good|**moderate**|limited

It is important to phrase questions as neutrally as possible. Leading questions are phrased in a way that prompts or suggests a particular answer and have been shown to reduce the accuracy of witnesses' accounts.

### Examples of leading and non-leading questions

Non-leading question	Leading question
What time did you notice the phone was missing?	Did you notice the phone was missing before you got home?
OK, and how did he hit him?	OK, did he hit him with a pint glass?
What was the person wearing?	Was the person wearing a baseball cap?

It is also important to avoid giving feedback to witnesses that may lead them to doubt their memory. This includes informing witnesses what other witnesses may have reported (eg, telling a witness that what they report is different to what others have reported). This may lead witnesses to misremember when giving their account and/or change their account if interviewed at a later date.

The person asking the questions may also inadvertently lead a witness through verbal or visual cues, or feedback, including sounds or gestures. Officers and staff should use active listening skills and natural mannerisms to encourage the witness to talk, but should take care not to confirm or agree with what the witness is saying.



## Hints and tips from existing guidance

Active listening, to let the witness know you have heard them, can be done by repeating back to the witness what they have just communicated, taking care not to inadvertently approve or disapprove of the information just given.

Examples of good non-verbal feedback:

- Stay silent during pauses or make simple sounds (not words) to encourage the witness to continue.
- Avoid giving feedback the witness could interpret as approval or disapproval of what they are saying. For example, saying 'Right' might appear to indicate approval, or 'Really?' might suggest doubt. Instead, you could thank the witness for their efforts in general, before or after (not during) questioning.
- Try not to express surprise at information the witness has given as this could be taken as a sign that the information is incorrect.

## Guideline 7:

# Allowing uncertainty

**If a witness is unable to be specific then the officer or staff should not push them to provide an answer.**

### Evidence summary

Evidence drawn from three experiments using student samples indicated that allowing interviewees to provide 'don't know' responses improved recall accuracy, particularly when there was a delay between witnessing an event and questioning. Five other laboratory-based experiments that used computer-administered questioning indicated that, when forced to give more specific answers to questions, witnesses are less accurate than when able to choose how specific their answers are.

Research shows that witnesses are less accurate when forced to give more specific answers to questions than when they are able to choose how specific they are. Forcing a witness to give a response should therefore be avoided. For example, when estimating the time of an incident, witnesses should be allowed to be as precise as they like. If a witness says an event was between two and three hours ago, they should not be pushed for a precise time as they may give false information.

If there is a need to push for a more specific answer for operational reasons, the witness should be asked how sure they are of their answer, and the less specific answer should be recorded too. This will ensure subsequent investigations are not misdirected by inaccurate or uncertain information.

### Hints and tips from existing guidance

Explain to the witness that, if you ask a question they do not understand, or one they do not know the answer to, they should say so – it is acceptable to say 'I don't know' or 'I don't understand'.

### Hints and tips from the front line

#### Not pushing for an answer

One practitioner indicated that, when taking an initial account from a child, they would tell them it's OK if they don't remember. They felt this would help to reassure them during the initial account process.

### Evidence-base:



Empirical evidence: good|**moderate**|limited



## Guideline 8: Suggesting eye closure

**In some circumstances, the officer may suggest that the witness close their eyes if they need help to focus and recall more detail.**

### Evidence summary

Evidence from 12 experiments found that asking interviewees to close their eyes during recall can improve the accuracy and amount of information recalled. No experiment found that eye closure had a detrimental effect on recall. The majority of experiments were conducted in a laboratory setting using undergraduate students as mock witnesses. Two experiments conducted in more realistic settings found no effect on the accuracy and amount of information, but an increase in forensically relevant information recalled. There is also some evidence from three experiments to suggest using this technique can increase the duration of an interview. The Guideline Committee felt, therefore, that this technique would only be appropriate in some circumstances.

Evidence suggests that getting witnesses to close their eyes during recall can improve the accuracy and amount of information recalled. Closing their eyes may help witnesses recreate the original context in their mind's eye, as well as possibly helping to reduce distractions.

It is recognised that, while this technique could be used when taking an initial account, it may not be appropriate in some circumstances and may make people feel uncomfortable – particularly if the initial account is being taken on the street or while the offender is in the vicinity. If a witness is struggling, however, it might be a helpful memory retrieval technique provided the witness is not pressured to do it. The following ways to introduce the technique were suggested:

- ‘Close your eyes and think of where you were. What happened next?’
- ‘If it helps you to focus, you could try closing your eyes or focusing on the wall.’

### Evidence-base:



Empirical evidence: good|**moderate**|limited



## Guideline 9: Advice on information exposure

**After taking an initial account, officers and staff should consider advising witnesses that exposure to other sources of information about the event may affect their recollection and where possible it should be avoided. If it is unavoidable, the witness should be advised to make a note of the sources.**

### Evidence summary

Sixteen studies tested the effects of co-witness discussion on recall accuracy. Fourteen of those studies found that witnesses were significantly more likely to report information they had not directly observed during an event when they were exposed to co-witnesses who shared what they had witnessed. This effect was also consistently observed in 13 experiments when the misleading information was presented as a written narrative (eg, a mock media report). Exposure to misleading information can lead to an overall reduction in accuracy. The Guideline Committee felt that, with particular regard to social media, news outlets and conversations relating to the incident, a note should be made of information sources to help witnesses think about the source of their memories if questioned later.

### Evidence-base:



Empirical evidence: good|**moderate**|limited



Evidence suggests that, if exposed to verbal or written information about an incident, witnesses can be susceptible to reporting that information, even if they did not observe it themselves. Advising witnesses could make them aware of this risk and might help them to think about the source of their memories if questioned later. It is recognised that asking witnesses to record full details of where they heard additional information about the incident may not be practical.

## Guideline 10: Identify and record needs and vulnerabilities

**Officers and staff should seek to identify and record any apparent witness needs and vulnerabilities, including reported and observed demeanour, reluctance, and physical or communication needs, to inform future decision making.**

### Evidence summary

Practitioners said they would consider witness needs or vulnerabilities when taking the initial account. They reported that identifying and recording witness needs enables any implications to be taken into account in their own immediate response. It also flags them so they can be considered in any subsequent contact or ongoing investigation.

Practitioners and Guideline Committee members felt that the information recorded should include reported and observed demeanour, any indication of reluctance (and the reasons for it), and physical or communication needs that may require a specific course of action.

### Evidence-base:



Practitioner evidence: **available**

The quality of officer and staff recording of initial accounts is important to any ongoing investigation, and accurate recording (especially of witness needs and vulnerabilities) is part of ensuring a quality account. Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services has often raised the importance of identifying and recording witness needs and vulnerabilities at the earliest opportunity. Conducting a needs assessment at an early stage is also a requirement under the Victims' Code and is best undertaken at initial contact, to be amended later as required. A key consideration is to identify the steps required to enable effective communication, engagement with the investigative process and victim/witness safety.

Identifying and recording witness needs and vulnerabilities are important to inform subsequent action by others, but also help the practitioner decide what immediate action is required.

The person obtaining the initial account may have previous knowledge of the witness or needs may become apparent when speaking to them. The witness may not volunteer information about their needs for any number of reasons, which makes it important to record what is observed as well as what is stated by the witness. If more is disclosed than the current incident, this may also change assessment of needs.



## Hints and tips from the front line

Examples of needs that could be recorded and their implications

Need/vulnerability recorded	Considerations for now	Implications for later
<ul style="list-style-type: none"> <li>■ Intimidated</li> <li>■ Learning difficulties</li> <li>■ Age (very young/ elderly)</li> <li>■ Gender (including where a person identifies as trans, non-binary or any other gender identity and/or has expressed a preference for a particular form of address or pronouns)</li> <li>■ Difficulties with expressive communication</li> <li>■ Difficulties in understanding (including language barriers)</li> <li>■ Physical disability</li> <li>■ Whether they can read and/ or write</li> <li>■ Dementia</li> <li>■ Vulnerable due to living in close proximity to offender</li> </ul>	<ul style="list-style-type: none"> <li>■ Are they able to provide an account?</li> <li>■ Are they able to understand?</li> <li>■ Do they need special questioning now?</li> <li>■ Are they able to read back the account and sign it (may need to read it out to them if they cannot read)?</li> <li>■ Do I need to consult a family member (eg, dementia/ capacity issues)?</li> <li>■ Does the gender of the officer need to be considered when deciding on deployment?</li> <li>■ Can I deal with this (designated powers, eg, PCSO or training)?</li> </ul>	<ul style="list-style-type: none"> <li>■ Will they be able to provide a written statement?</li> <li>■ Will they need an ABE interview?</li> <li>■ Will they need an appropriate adult/interview supporter/ intermediary/ interpreter (including sign language)?</li> <li>■ Will they need special questioning?</li> <li>■ Will they be able to read and sign a statement?</li> <li>■ Might capacity need to be assessed?</li> <li>■ Do preferred pronouns or forms of address need to be flagged to maintain consistency in any future contact?</li> </ul>

## Recording witness demeanour

Recording a description of the witness' demeanour or behaviour can provide insight into the incident and flag potential effects on recall. It may also be key to determining the correct charge, for example, the level of charge for public order offences. It is important to record the behaviour as observed rather than an assumption of what might be causing the behaviour. For example, instead of saying the person seemed drunk, say their words were slurred.

Practitioners can record demeanour in the initial account itself (where they are recording the person's own words), and / or note their observations of the person's demeanour in their duty statement or PNB, or as part of the witness assessment.

The introduction of BWV in many forces provides an opportunity to improve recording of demeanour. As highlighted by one practitioner: 'BWV recording of initial contact is fantastic. No-one can argue with video... BWV is another witness. It supports victimless prosecutions.'



## Children and vulnerable adults

Children and vulnerable adults will be referred to specialist officers if they are to be interviewed, but first responders frequently come across such vulnerable individuals in a response situation. The priority in such circumstances is to:

- obtain an account, if necessary, to establish whether an offence has been committed and to obtain sufficient initial detail to address any immediate risk of harm
- assess if specialist involvement is required, for example if the person should be ABE interviewed, and follow relevant local processes.

Where the child or vulnerable adult can communicate verbally and it is necessary to ask them questions, these should be limited to those required to achieve the above aims. Asking too many questions at this stage might result in the person experiencing unnecessary stress when they are asked to repeat their account in a formal interview later. It could also compromise their evidence at a later stage by generating trivial inconsistencies between their accounts, particularly if leading questions are inadvertently used.

## Hints and tips from existing guidance

### Communicating with vulnerable individuals

When taking initial details from a person who has difficulty in understanding, for example, a child or vulnerable adult, consider adapting your questioning style.

- Ask one question at a time and allow the person enough time to finish before asking another. Each question should be simple, focusing on one point.
- Use straightforward words and concepts the witness is likely to understand – avoid abstract words, double negatives and jargon.
- Check the witness understands what has been asked, by asking them to explain back to you what they understand by the question. Just asking ‘do you understand’ might prompt them to say yes even if they do not understand – for example to please you (if they think it is the answer you are looking for), or as a guess.



## Managing and recording reluctance

Practitioners agreed that the first step when dealing with a reluctant witness is to find out why the witness is reluctant and note any information obtained.

Recording the nature and reason for reluctance helps the responding officer take steps to address its cause. It also helps those taking forward the investigation and any prosecution to make decisions about whether to seek a witness summons and whether there is a reasonable prospect of conviction without them.

## Hints and tips from the front line

### Supporting a reluctant witness continued

## Hints and tips from the front line

### Supporting a reluctant witness

Cause	What you might do
General examples of approaches to reluctance	<p>‘Try to find out why. Encourage them. Demonstrate patience. If needs be, try to obtain the information required via another party. For example, they may have already told the call taker all the information that I need at this stage.’</p> <p>‘I give them my business card and let them know I am interested in what they have to say. I let them know their information could prove valuable to the outcome of the incident/case. I also let them know I can see them when and where they prefer if it makes them more comfortable.’</p> <p>‘Advise how you can help and encourage the witness. “What you are reporting is against the law. You have done the right thing.” Don’t promise what you can’t do. Keep your voice soothing, encouraging, slowly ask them about what prompted them to ring. Talk about something else or yourself, as I find the witness will often talk about the offence if you throw in little questions.’</p>

They do not like the police

‘Be conscious not to be overbearing. You cannot force someone to be a witness. Remind them that they must have had a reason to call, that they wanted help and that you are now here to try and help.’

‘If it involves a family member, remind them they are helping their family as opposed to the police, and that they can help bring someone to justice.’

‘Ask yourself if there is another way of getting the information, for example, through a third party.’

They fear repercussions

‘I am honest with them about the process they are entering and the fact that there are measures in place within the law to protect witnesses, but they do not always stop criminals from causing problems for the witness. But we would be here for them, should that happen.’

‘Tell them about special measures which may be available and are designed to protect the witness. For example, using screens in court.’

They have never been involved with the police before or are afraid of the police

‘Tailor the approach to the individual. If a child thought the police were there because they had done something wrong, reassure them that they are not.’

‘Familiarise them with the processes. Use explanatory leaflets. Victims and witnesses are not obliged to cooperate but don’t take non-cooperation at face value.’



# Strategic recommendation 1:

## Building knowledge and skills

**Officers and staff should be supported to develop the skills and knowledge to use evidence-based memory retrieval techniques such as mental reinstatement of context and eye closure, where appropriate.**

### Evidence summary

Evidence suggests mental reinstatement of context (MRC) techniques can improve the accuracy and amount of information recalled. This is compared to free recall interviews and standard interviews (that do not include specialist retrieval techniques), and using the 'report everything' (RE) technique. The evidence comes from 15 studies, predominantly sampling students, which tested the effects of MRC techniques (including Sketch MRC).

Additionally, evidence from 12 studies indicated that asking interviewees to close their eyes during recall can improve the accuracy and amount of information recalled.

There was some evidence to show these techniques increase the duration of interactions, therefore the Guideline Committee felt they were not feasible to use in all initial account situations.

MRC is a technique for improving memory recall. It involves the interviewer encouraging the witness to mentally revisit the environmental and personal context surrounding the incident. They can do this by, for example, asking the witness to form a mental picture of the environment in which they witnessed the event.

Other techniques include asking the witness to draw a sketch plan of a scene or memory, which can aid memory retrieval. In an initial account context this technique may be particularly useful when witnesses were recalling spatial information, identifying the location and movements of multiple witnesses at a scene or for road traffic accidents.

Although traditionally used as part of a cognitive interview, evidence suggests MRC can be effective on its own and could potentially be used in an initial account context.

Currently, Professionalising Investigations Programme (PIP) level 2 investigators are trained in techniques such as mental reinstatement of context when learning about the cognitive interview. The committee felt that officers and staff involved in initial account taking should also be given the appropriate skills and knowledge to use these memory retrieval techniques.

### Evidence-base:



Empirical evidence: good|**moderate**|limited



## Strategic recommendation 2: Use of self-administered interviews

**Senior officers in charge of critical incidents or serious crimes should consider use of a self-administered interview in single incidents involving high numbers of witnesses.**

### Evidence summary

Evidence suggests use of a self-administered interview (SAI) immediately after participants have witnessed an event can increase the overall amount of information recalled, with no impact on accuracy. Evidence also suggested using an SAI can improve the quality of information recalled when questioned again a week later. The evidence is drawn from 13 laboratory-based experiments.

The Guideline Committee agreed an SAI should only be used when witnesses are too numerous for officers/staff to interview them all, and not as a standard alternative to verbal initial accounts.

### Evidence-base:



Empirical evidence: good|**moderate**|limited

An SAI is a standardised set of clear instructions and questions that enable witnesses to provide their own written statements. SAIs may not be suitable for all circumstances and should only be used when it is not feasible to take an initial account verbally. SAIs should not be used as a standard replacement for verbal initial accounts. Senior officers in charge of critical incidents or serious crimes should make decisions about deploying an SAI based on the scale of an event and number of available witnesses. A particular use for the SAI could be as a triage measure to identify key witnesses with whom to conduct follow up enquiries. Computer-based SAI packages are readily available.

The committee felt that witnesses should complete the SAI form in the presence of police officers or staff and should not be allowed to take it away. They felt this was important in case the witness needs support and to minimise the risk of misinformation and non-completion. The committee also felt care should be taken to ensure the SAI is administered to those who will be able to read and understand its instructions. Some SAI packages have a computer-generated voice that speaks the question to assist respondents who require support with reading.

Research indicated the benefits of using an SAI are only realised if used immediately or very soon after the event. It is not recommended to use an SAI if substantial time has passed since the event.



## Recommendations for Future research questions

### **1. How can rapport building be improved in practice and what are the barriers to officers and staff building rapport?**

On the whole, the conceptualisation of rapport building in the studies that tested the effectiveness of rapport lacked detail. The Guideline Committee indicated officer and staff understanding and implementation of rapport building is often limited and better understanding of how to best build rapport in practice would be beneficial.

### **1. What is the impact of 'realistic' levels of witness alcohol intoxication on the amount, specificity and consistency of information elicited?**

The majority of experiments that tested the effects of alcohol intoxication on recall quality induced BAC levels of approximately 0.08 per cent (the UK drink drive limit). This is comparatively low compared to intoxication levels of victims and witnesses often observed by officers and staff when attending incidents.

### **3. Which situations and methods of delivery are most effective for self-administered interviews?**

The studies synthesised in the review that tested the effectiveness of SAIs were laboratory-based experiments. Therefore it is important to understand the effectiveness of different modes of SAIs in real-world settings.

### **4. What impact does a written/online interview have on perceived police legitimacy?**

The studies reviewed that tested the effectiveness of the SAIs were all laboratory-based experiments. Therefore it is important to understand the effect of using the SAI on victims' and witnesses' perception of this approach in real-world settings.

# The development process

## **How this guidance was developed**

This guidance was developed by the College Initial Accounts Guideline Committee according to the College of Policing pilot process. The process involves bringing together an independent committee of academics, practitioner topic experts and frontline practitioners who collectively review the best available evidence and agree whether any guidelines for policing practice can and should be made. The evidence presented to the committee includes evidence from the best available research in the topic area together with expertise elicited directly from practitioners.

## **Identifying research evidence**

The research evidence underpinning this guidance was identified through a review of the evidence adopting systematic review principles.

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## **What is a systematic review?**

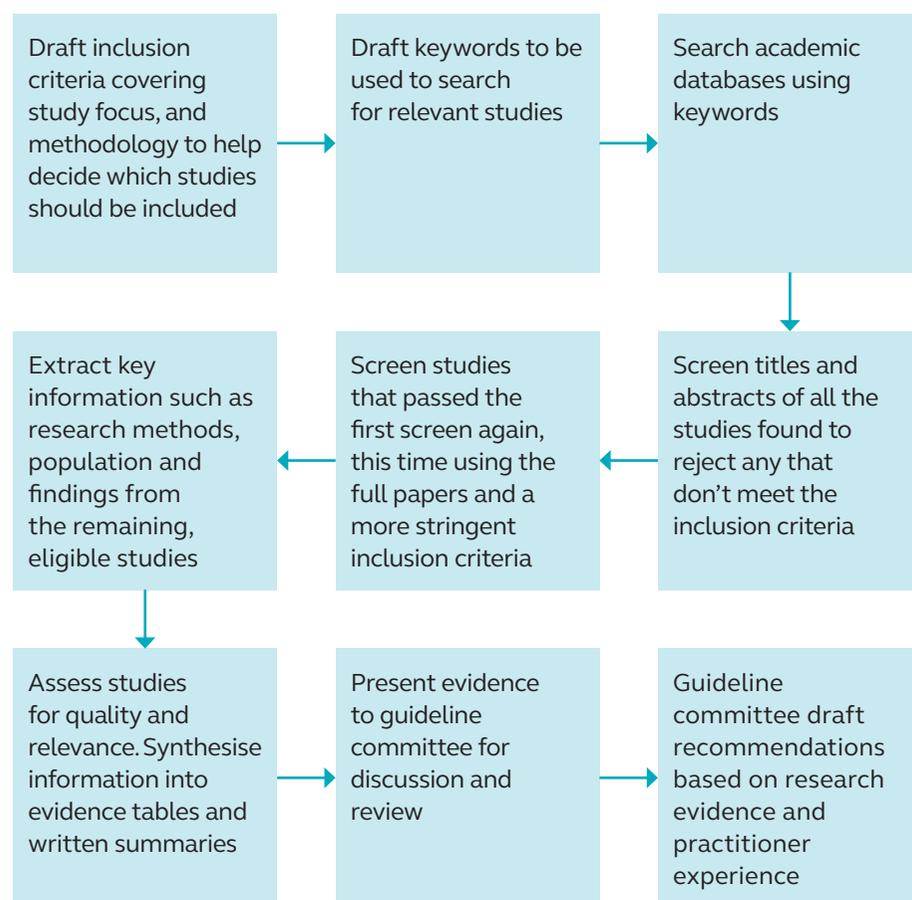
A systematic review summarises the research evidence on a particular topic, using strict criteria to identify relevant studies and exclude studies that do not meet pre-set quality and methodological requirements. Systematic review principles are used to make sure that the entire process is objective, transparent and potential bias is minimised. By using systematic reviewing principles we are able to identify relevant evidence that can be used to support decision making and practice, as well as highlight any gaps in the evidence base.

The evidence review focused on the following questions:

1. What works in eliciting quality information from witnesses in pressurised or dynamic environments?
2. What factors affect the quality of information provided by witnesses?

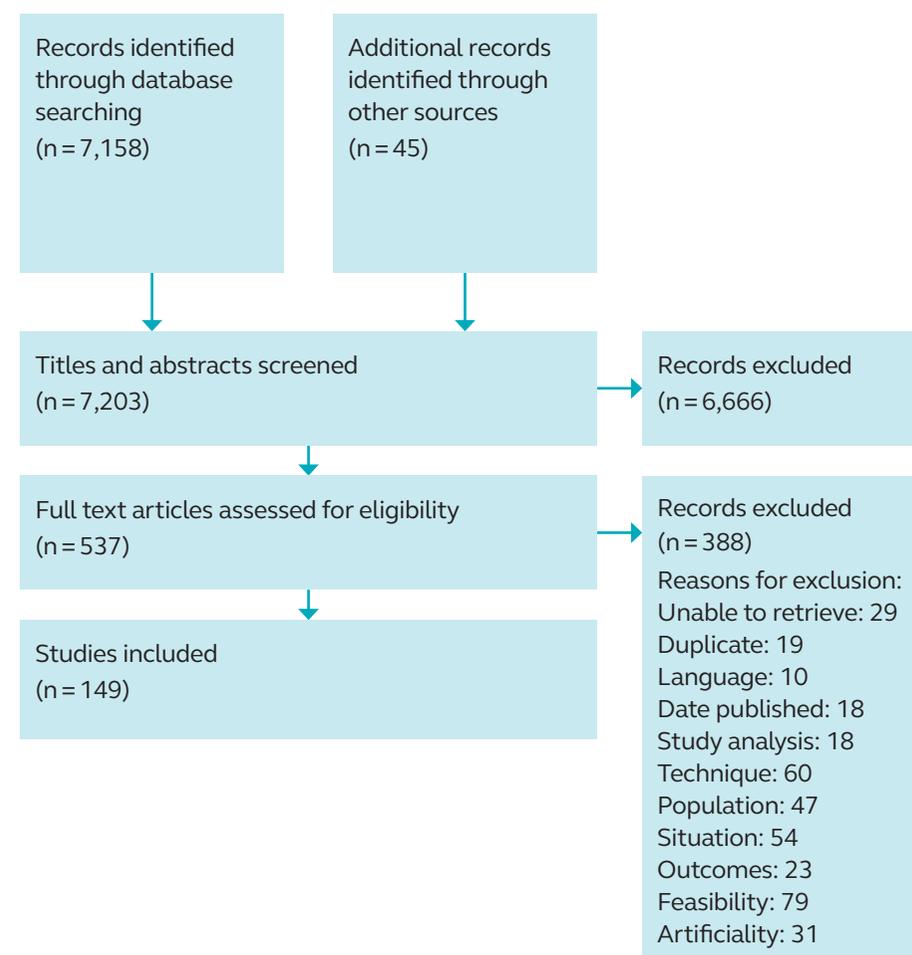
Quality was defined as the amount and accuracy of the information provided. A review protocol was developed for each question.

The figure below outlines the process followed:



## Flow of the evidence

The diagram below shows the flow of studies through the different phases of the review. The studies for both review questions were reviewed concurrently as individual studies often informed both questions, therefore all studies are captured in one diagram. The diagram illustrates just how extensive an evidence review can be, with initial searching returning thousands of studies before sifting, rating and reviewing returns a smaller number of studies that constitute the best available evidence to answer the question.



## Assessing the evidence

An evidence rating which represents the author's judgement about the strength of the research evidence is provided for each guideline. The strength of the research evidence has been rated on a three-point scale. Ratings are based on three features:

**1. Relevance:** An assessment of the extent to which the context of the study translates to the situations in which the guidelines will be applied, often referred to as 'ecological validity.' If a study is focused on a different sector, in artificial settings, or a different population, relevance is considered to be lower.

**2. Consistency:** An assessment of the consistency of the findings across the body of evidence as a whole.

**3. Risk of bias:** A risk of bias tool was created to assess factors that may have influenced the results of the study. This includes:

- the methods used in the study
- whether the participants were likely to be representative of the wider population
- whether there seemed to be important differences between the control and treatment groups.

High-quality studies would be considered to have a low risk of bias and received higher ratings.

## Practice evidence review

Practitioner experience was collected using a number of methods. A general call for practice was issued to all forces asking for examples of police practice, training or ongoing research relating to obtaining initial accounts. The College Development Team also conducted semi-structured telephone interviews with frontline officers and staff who had experience of obtaining initial accounts

in their roles. It also sent a questionnaire to all force PIP contacts. Responses were recorded and analysed to understand any common themes or key issues raised.

The areas covered in the surveys were selected by the Guideline Committee as those they felt represented gaps in the research evidence. The areas included:

- the range of roles responsible for obtaining initial accounts in forces
- aims of the initial account – what officers felt they needed to get from the initial account and how this differed from a formal interview
- rapport building – examples of how to build rapport in practice
- identifying witness needs – examples of how officers and staff assess witnesses and identify/respond to vulnerability
- ground rules – examples of how officers and staff manage witness expectations of the initial account and what is expected of them
- recording information, including specifically recording demeanour of the witness at initial contact
- variations in how officers and staff take initial accounts according to setting (live incident or post-event), crime type and whether conducted remotely or in person.

In total, 36 participants from 22 forces responded. Participants included frontline responders, PCSOs, telephone resolution team members, civilian investigators, front counter clerks, call handlers and those in training and development roles.

The 2011 Ministry of Justice manual **Achieving Best Evidence in Criminal Proceedings** was also examined for generally-applicable material relevant to each of the guidelines agreed by the Guideline Committee.



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