

<b>PROCEDURE GUIDANCE</b>		
<b>Title:</b>	<b>Interviews with police officers and staff</b>	
Practice / Business Area:	Corporate Management	
Department Responsible:	Professional Standards	
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<b>SOUTH WALES POLICE PROCEDURE OBJECTIVE:</b>		
To protect the integrity of South Wales Police, its officers and staff and preserve our communities' confidence in the impartial discharge of policing duties.		
<b>PROCEDURE:</b>		
<p>This guidance <b>does not</b> relate to criminal proceedings or civil action involving police officers/police staff in connection with their employment or any such proceedings which:</p> <ul style="list-style-type: none"> <li>• arise directly or indirectly from the execution of their duties,</li> <li>• may bring discredit upon the officer/staff member or the Force,</li> <li>• may interfere with the impartial discharge of their duties; or</li> <li>• are likely to give rise to the impression amongst members of the public that it may so interfere, should be reported immediately to the BCU Commander/Head of Department when the proceedings are commenced</li> </ul> <p>Similarly, the BCU Commander/Head of Department should be informed of:</p> <ul style="list-style-type: none"> <li>• any case in which officers/staff are involved or intend taking proceedings in their private capacity</li> <li>• Unauthorised disclosure, including verbal disclosure of personal data, is a breach of the Data Protection Act 1998.</li> <li>• Officers or staff will only attend any judicial proceedings when properly served with a summons or subpoena. Service of such documents should be reported to the relevant BCU Commander/Head of Department</li> <li>• Without prior consent, police officers and members of police staff must not: <ul style="list-style-type: none"> <li>- grant interviews to solicitors, insurance companies and other parties; or</li> <li>- supply them with statements (proof of evidence) in any civil or criminal proceedings; or</li> <li>- supply any information, which may be used in any civil or criminal proceedings.</li> </ul> </li> </ul>		
<b>Applications for interview</b>		
<p>When any police record has been supplied to an applicant, they will be allowed to interview the officer(s)/staff member(s) concerned on payment of the appropriate fee (see Supply of Accident Report Abstracts and Witness Statements for Civil Proceedings policy) on the understanding that if the officer/staff member is required to give evidence, they must be subpoenaed or made subject of a witness order.</p>		
Arrangements will be made impartially, whether the interview is on behalf of a plaintiff,		

respondent, prosecutor or defendant.

### **Restrictions on grant of interview**

As a general rule, interviews in respect of civil proceedings or private criminal prosecutions will be permitted only where proceedings have commenced.

In civil proceedings, this will be permitted only after receipt of a:

- certificate by the solicitor that proceedings have commenced
- that notice of defence has been delivered or
- after service of a subpoena.

In criminal proceedings, interviews will be permitted only after service of a witness order.

Permission for interviews prior to these stages may be authorised by the Chief Constable - to whom any application should be referred.

### **Civil proceedings in relation to use of police vehicles**

Where civil proceedings arise from road traffic cases involving police vehicles, officers/staff members directly involved in the incident must not be made available for interview.

Independent reporting officers, however, may be made available subject to the approval of the Chief Constable.

### **Interviews with Motor Insurers Bureau (MIB)**

The MIB may be allowed to interview before proceedings have commenced when an unidentified driver is involved.

### **Private enquiry agents and solicitors agents**

Interviews will not be granted to private enquiry agents but may be granted to agents of solicitors on production of evidence of identification and authority to act on behalf of their principals.

### **Interview arrangements**

Interviews will take place at a police station or Roads Policing Unit (RPU) offices in the presence of an officer not below the rank of Inspector and of a rank senior to that of the person to be interviewed.

RPU officers should be supervised by a senior officer also from RPU.

BCU Commanders may also request the attendance of a member of the RPU at any interview where it is believed that their presence would be beneficial, e.g., where technical knowledge may be important to the issues.

Relevant police records and other documents will be sent to the interviewee for the guidance of the supervising officer. Where there is doubt about the information that may be given, BCU Senior Management Team/Head of Department or their deputy will be consulted.

Applicable fees will be collected at the time of the interview unless prepaid.

### **Agencies exempt from interview fees**

No fee will be charged for interviews by:

- Her Majesty's Forces,
- Local Authorities,
- Fire Services,
- Motor Insurers Bureau,
- Information supplied to hospitals and doctors for the purpose of claims for emergency treatment or examination under the Road Traffic Act.

### **Further interviews**

When an additional interview is requested with the same officer/staff member, e.g., for the purpose of taking a proof of evidence, a further interview fee will not be charged.

Clarification of questions of fact should be dealt with by correspondence, if possible.

### **Interviews with former police officers**

Where a former police officer has agreed to be interviewed, the interview may take place at a suitable police station where the case papers will be made available.

They must make their own arrangements directly with the person seeking the interview about any fees and other expenses incurred.

### **Interviews in relation to non-police incidents**

Officers/staff who witness an incident unconnected with their employment may be interviewed in their private capacity, provided it does not come within the above provisions and that their actions at the time could not have been a contributory cause of the incident.

All doubtful cases are to be referred to the Assistant Chief Constable (Operational Support) together with a statement from the employee concerned.

### **Attendance at civil proceedings and private prosecutions**

A subpoena or witness order must be served before an officer/police staff may give evidence in any proceedings, including tribunals, in respect of any matter connected with their police duties unless called on behalf of the Chief Constable or Police and Crime Commissioner.

The same criteria apply to the production of documents.

Parties to any proceedings who request the attendance of police personnel or the production of documents must be advised accordingly.

### **Legal representation on behalf of Chief Constable and Police And Crime Commissioner**

When a police witness is to appear in proceedings and their BCU Commander/Head of Department is of the opinion that the Chief Constable and/or Police and Crime Commissioner should be represented, either because of the nature of the evidence to be given or if police procedures and action may be criticised, the BCU/Departmental Commander will submit a report to the Chief Constable in the first instance.

### **Conduct Money**

When a subpoena is served, conduct money must be tendered.

**OFFICIAL**

A fee will be charged for each day an employee has to attend a County Court, High Court or Tribunal.

Conduct money will be deducted from the charge for the first day.

The conduct money will be paid into the BCU/Departmental collections and deposits account.

No charge other than conduct money is made for attendance at a Magistrates Court but travelling, subsistence allowances etc. must be claimed.

**Travelling and subsistence allowances**

Claims will be made from BCU/Departmental Administration in respect of any travelling, lodging or subsistence allowance in accordance with Police Regulations or Police Staff rates.

**Recovery of fees and expenses**

At the end of the case the officer/staff member will submit a report to their BCU Commander/Head of Department giving details of attendance and expenses incurred. An invoice will be completed at the BCU/Departmental Administration and forwarded to the party requesting the interview.

**Process involving more than one party**

Where more than one party serves a subpoena or witness order on the same member, conduct money will be accepted from the first party serving the subpoena or order. Any subsequent claim for conduct money and expenses will be claimed from the party losing the case in civil cases and from the court in criminal cases.