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MANUAL OF GUIDANCE

Complaints and Discipline Investigation

May 2017



PIPS
Police
Intelligence
and
Professional
Standards
Unit

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Complaints and Discipline Investigation

Prepared by
the Accountability, Rule of Law and Anti-Corruption Programme (ARAP),
in cooperation with the Ghana Police Service

May 2017

PREFACE

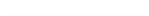
This Manual of Guidance on Complaints and Discipline Investigation has been prepared in cooperation with the Accountability, Rule of Law and Anti-Corruption Programme (ARAP), in response to a request from the Inspector General of Police. It forms part of a development and training programme that will equip current and future PIPS' investigators with the necessary skills and knowledge to conduct thorough and professional investigations of complaints from the public. The Manual has established a number of minimum professional standards in relation to each skill area required of a PIPS' investigator.

The standards will ensure that training in the investigation of complaints is closely linked to workplace demands. Newly appointed PIPS' officers will learn by observing practical demonstrations of each skill area, then demonstrate that they can perform the skill in a safe learning environment. Only when a newly appointed officer can demonstrate all of the required skills will he or she be certified as meeting the professional standard as a PIPS' investigator. Once implemented in the workplace the professional standards create a benchmark that will ensure that the quality of PIPS investigation work is consistently delivered to an acceptable level of quality.

The Manual is the product of a close and productive collaboration between ARAP and a number of GPS officers. It is our hope that this document and the related training programme will help PIPS to move forward in its aspiration to provide complaints and discipline services that meet with public expectations and international standards.

DCOP/Mr. Simon Afeku
Director General
Police Intelligence and Professional Standards Unit

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INTRODUCTION

This Manual has been developed in cooperation with the Ghana Police Service (GPS) and forms part of the broader programme of training for PIPS' officers, on the investigation of complaints from members of the public and other discipline cases: the Complaints and Discipline Investigation Course (CDIC). The primary area of concern for PIPS' investigators is the type of behavior that is captured by Section 82 of the Police Service Regulations 2012, known as 'major offences' (see Appendix C), and - to a lesser extent - those activities known as 'minor offences' (see Appendix B) under Section 82 of the same Regulations. The Manual also provides for the possible change in current policy whereby PIPS investigators only deal with disciplinary offences, and allow CID staff

to investigate the same allegation if it reveals the basis of a criminal offence. It is proposed that, where there are grounds to suspect that the alleged behavior - if proven - would amount to a criminal offence, it should be investigated as such by PIPS from the outset. This would reduce the burden on police resources, as well as the stress and inconvenience caused to the petitioner, witnesses and police defendant.

Table 1 provides a brief analysis of the necessary knowledge and skills required to investigate the major discipline offences that are listed under Appendix C and other criminal matters. In order to know how to do a particular job properly, it is necessary to define the 'competencies' it requires. A

Table 1: Competencies Required in Complaints and Discipline Investigations

Competence Area	Required Knowledge/Skills
(1) Initial Action	<ul style="list-style-type: none"> Take receipt of a notification of crime Complete event log – Complaints and Discipline Database (CDD) Secure evidence Arrest <i>in flagrante</i> and search of defendant, if applicable Conduct initial evaluation
(2) Gather petitioner/witness evidence	<ul style="list-style-type: none"> Plan and prepare witness/petitioner interviews Conduct (structured) witness/petitioner interviews Prepare (structured) witness/petitioner statements of evidence Evaluation of evidence
(3) Gather police defendant evidence	<ul style="list-style-type: none"> Plan and prepare police defendant interview(s) Facilitate a Voluntary Statement Conduct (structured) defendant interview(s) Prepare a structured written record of interview
(4) Finalize Docket (case file)	<ul style="list-style-type: none"> Prepare Docket (case file) Prepare covering report (including summary of evidence) for DG Facilitate 'Parading of Parties' Prepare final report for IGP decision

competency is a cluster of closely-related abilities, knowledge and skills that enable a person to act effectively in a job. In April 2017 ARAP conducted a functional analysis of PIPS that examined how complaints and discipline investigation is done. On the basis of interviews with a large number of PIPS' investigators, ARAP was able to identify four main competencies: (a) the initial actions required when notified of a complaint; (b) gathering evidence from petitioners and witnesses; (c) gathering evidence from police defendants who are accused of misconduct or criminal behaviour; and (d) preparing the Docket (case file) for the attention of the DG and, later, the IGP. As seen in Table 1, each of these competencies can be analyzed in terms of the component skills and knowledge that they require.

ARAP has adopted a 'competency-based' approach to training PIPS' investigators. That means converting each area of skill and knowledge (within a competency) into a learning objective. This approach means that PIPS' officers are not just *told about* a particular area of knowledge and skill in a classroom, and then expected to perform it in the workplace. The CDIC will provide demonstrations of the particular skill, so that PIPS' officers can see it performed and then perform the skill themselves, while assessed by the trainers.

This Manual of Guidance provides information about much of the skills and knowledge required under each of the four core competencies of a basic crime investigator. Part One looks at the general principles of complaint investigation, founded on best practice and international standards; while Part Two examines a structured approach to complaints and discipline investigation, developed on the basis of successful and ethical techniques. This system encourages officers to adopt a cycle of five activities in each investigation: planning and preparation; engaging and explaining; obtaining an account, before clarifying and challenging; conducting the closure; and evaluating your work and the evidence gathered. It recognizes that at the heart of every complaint investigation lie the central skills of interviewing witnesses, petitioners and defendants in a structured and methodical manner.

In Part Three the Manual moves to the skill of planning and preparing – the most important feature of a successful and professional PIPS' investigator. This leads on to the components of the interview itself. Engage and explaining at the start of the interview is dealt with in Part Four, obtaining an account from the witness or petitioner or defendant is covered in Part Five, as well as clarifying the account and – where necessary – challenging what has been said. Part Six looks at the process of closure of an interview and evaluating the interview evidence and considering how it has contributed to the total evidence in the case. Part Seven provides detailed guidance on how to write a statement of evidence on behalf of a witness or petitioner, and Part Eight deals with the drafting of a summary of evidence as part of the covering report of the Docket (case file).

This Manual not only acts as a reference document for officers who undergo the PIPS training course. ARAP hope that it will be used as a reference source in the workplace and a mechanism for improving the quality of PIPS' investigation work.

PART ONE
GENERAL PRINCIPLES
OF COMPLAINT RESOLUTION

1.1 As depicted in Figure 1, the laws that regulate the complaints and discipline process of the Ghana Police Service describe a three-stage process: notification, investigation and adjudication. The primary source of law is the Police Service Act 1974, which is further elaborated in the provisions of the Police Service (Administration) Regulations 2012. The 1974 Act indicates that a member of the public may make a written and signed complaint regarding any misconduct, and states that allegations of bribery, corruption, oppression or intimidation by a police officer, must be addressed to the superior officer in charge of the district or unit in which the accused officer belongs, or to the Inspector-General of Police (IGP) (Section 23(2)). Whereas allegations of neglect or non-performance, or any other misconduct by a police officer should be addressed to a superior officer (Section 23(3)).

as the circumstances require (Section 23(4)). A complaint is received in the form of a ‘letter of petition’ and reviewed by the Director General of PIPS, who allocates it to an investigator. The investigation then follows the standard pattern of a crime investigation: the investigator interviews the petitioner (complainant), prepares a statement of evidence and secures any documentary or material evidence; identifies the defendant (accused officer), obtains a statement of evidence and then interviews the officer; and finally prepares a summary of the evidence and forwards the file to the Director General of PIPS for a decision.

LOCAL RESOLUTION OF COMPLAINTS

1.3 Local supervisors and commanders are strongly urged to resolve complaints at the local level,



Figure 1: Stages of the Discipline Procedure

¹ The term ‘superior officer’ is defined under the First Schedule of the Police Service (Administration) Regulations 1974 as an officer of or above the rank of Assistant Superintendent.

1.2 Once notification of a complaint is received, the Act states that the officer to whom a complaint is addressed should cause a ‘full and impartial investigation to be made’, and send a report on the conclusion to the complainant, and such action on the report

rather than automatically forwarding discipline cases to PIPS. As indicated in the Police Service Act, senior officers have primary responsibility for maintaining discipline among their staff, and ensuring that they deliver police services to an acceptable

standard. Some complaints from members of the public are of such a serious nature that a formal investigation by PIPS is vital to ensure that public confidence in the system is maintained. However, many complaints are considered to be ‘low level’, in that they involve less serious allegations such as incivility, impoliteness or intolerance. There are also many cases where it is clear at the outset that there is insufficient corroborating evidence to support a formal discipline procedure. In such cases the relevant senior officer should attempt to resolve the complaint at the local level, before referring it to PIPS for investigation.

1.4 Once a complaint by a member of the public is recorded, the Director General of PIPS must decide if the alleged circumstances are such that it meets the criteria for a formal investigation, or if it is suitable for local resolution. Local resolution demands that the relevant senior officer is active in solving, explaining, clearing up or settling the matter with a complainant. Moreover, the process gives police officers the opportunity to explain and justify their actions and, if appropriate, to apologize for any wrongdoing. Complainants get a chance to air their feelings directly to the police, and so build up a better relationship based on mutual understanding. The relevant senior officer should talk with the complainant so that they understand what the complaint is about and take appropriate action to put things right. The relevant senior officer may also want to take the opportunity to explain what has happened from the perspective of the police officer involved.

1.5 Local commanders must also seek a timely conclusion to each complaint. They must ensure that the complaints system is ‘citizen focused’: i.e. having as its primary aim to achieve petitioner (or complainant) satisfaction rather than to simply test the blameworthiness of police officers. Of particular relevance to local resolution is the principle that the resolution of complaints should be done at the earliest opportunity and at the lowest level of GPS. PIPS must act as arbiter of the methods used to achieve this, not the complainant. Local resolution should be relatively quick and straightforward, and this should be part of the explanation of what is going to happen about the complaint. It means

solving, explaining, clearing up or settling the matter with the complainant. While achieving complainant satisfaction may be too high an expectation in some cases, the complainant’s acceptance of the outcome has to be the objective. Therefore the complainant’s consent to local resolution needs to be based on sound information and a clear understanding of what will and will not happen before consent is given.

USE OF SUMMARY PROCEEDINGS

1.6 As per the requirements of the Police Service Regulations, the relevant senior should always use the procedure for summary proceedings for a minor offence, rather than referring the case to PIPS. Prior to initiating such procedures, the senior officer should first consider whether it is appropriate to use the progressive discipline system. After establishing the facts, there may be no need to implement the formal disciplinary procedure. A verbal warning may be given to provide the opportunity for improvement or for a matter to be corrected. If an action plan is implemented as a result of the informal verbal warning, it should be ensured that the member of staff knows what is expected and that reasonable and attainable targets are set. Such action is intended to be corrective and to encourage the employee to achieve and maintain the required standard of conduct, where reasonably practicable, without recourse to the formal disciplinary procedure. An informal warning should be issued in a timely manner.

PURPOSE OF PIPS’ INVESTIGATION

1.7 If local resolution is not possible or desirable, the Director General will allocate the case to a PIPS investigator and instruct him or her to commence a formal investigation. For the PIPS officer obtaining information, gathering evidence and seeking the truth are the primary goals of a police discipline and complaints investigation. Interviews with witnesses, petitioners or defendants will help to determine the facts on which later decisions are

taken. The major source of evidence in discipline and complaints investigations comes from interviews with petitioners and witnesses. This should be accurate and in as much detail as possible. It is the information provided by witnesses and petitioners that may enable the PIPS investigator to validate or challenge a police defendant's version of events. Therefore, the PIPS officer must investigate fully the accounts given by witnesses or petitioners before interviewing any police defendants.

PRINCIPLES OF DISCIPLINE INVESTIGATIONS

1.8 An admission from a defendant may go some way to supporting a subsequent finding of guilt in a Service Enquiry, or prosecution and conviction but should not be solely relied upon to guarantee it. Evidence should always be sought within the interview that will help validate any confession that is made. Faced with an admission, the investigator should seek further details to help confirm the account and not take the accuracy of what is said for granted. Later challenges to the truth or fairness of a confession can always be made. PIPS investigators should anticipate these challenges both by obtaining evidence from all other available sources and during the interview with the police defendant. The following are the main principles of a discipline and complaints investigation:

- a)** The overall purpose of the complaints and discipline investigation is to obtain accurate and reliable information from petitioners, witnesses, defendants and other sources, in order to discover the truth about matters under PIPS investigation.
- b)** Discipline and complaints investigations should be approached with an open mind. Information obtained from the relevant parties and other sources should always be tested against what the PIPS' officer already knows or what can reasonably be established.
- c)** When questioning anyone a PIPS officer must act fairly in the circumstances of each individual case.

d) The PIPS' investigator is not bound to accept the first explanation given - questioning is not unfair merely because it is persistent.

e) Even when the right to silence is exercised by a police defendant, the PIPS investigator still has a right to put questions.

f) When conducting an interview, the PIPS' investigator is free to ask questions in order to establish the truth, and is not constrained by the more rigorous rules applied to lawyers in court.

g) Vulnerable people, whether petitioners or witnesses, must be treated with particular consideration at all times.

1.9 It will help to look at each of these principles in more detail, as they provide an authoritative guide to discipline and complaints investigations. The role of a discipline and complaints investigation is to obtain accurate and reliable information from petitioners, witnesses, police defendants and other sources, in order to discover the truth about matters under investigation. This principle embodies a number of important points. All information obtained during the investigation should be accurate, and should be as complete as possible without omission or distortion in order to discover the truth about matters under investigation.

NEED FOR RELIABLE INFORMATION

1.10 The information also needs to be reliable. This means that the information has to be obtained, in an ethical and lawful manner, and will stand up to subsequent scrutiny. It is information that can be used to further the investigation, open up other lines of enquiry and act as a basis for questioning others. Discipline and complaints investigations should be approached with an open mind. Information obtained from the person who is being interviewed should always be tested against what the PIPS officer already knows or what can reasonably be established. An 'open mind' means that nothing should be pre-judged. PIPS officers must be prepared to believe what people might say but

must equally be on guard against deception. While petitioner and witnesses and are generally trustworthy, the investigator must be aware that they can invent stories to protect a friend or relative, or to distract PIPS from their own misconduct. Witnesses can also be influenced by what they hear other witnesses say, and it is vital that they are interviewed separately. Police defendants may also make false admissions in order to protect others.

1.11 PIPS investigators must use their intelligence and common sense. This principle requires that they consider what the interviewee says in the light of what is already known and against what might be verified or established in the future. When questioning anyone a PIPS officer must act fairly in the circumstances of each individual case. This is an instruction to take into account the characteristics of the person that the investigator is talking to. PIPS investigators may need to be more understanding of a person who has no previous experience of the police discipline and complaints system. Questions will have to be more carefully introduced and phrased. Whereas other people, who have more experience of discipline and complaints procedures, may need to be dealt with in a firmer manner.

NEED FOR IMPARTIALITY

1.12 It would be unfair for a PIPS officer to allow personal interests, views, and feelings, to influence his or her attitudes or behavior in favour of or against any individual. Petitioners, witnesses, and defendants should be given a fair hearing whatever the PIPS investigator's personal feelings about them may be. It is the circumstances, or merits of each case that must determine the amount of time PIPS investigators give to those who allege they have been victimized, or who claim to have relevant information or who deny committing a disciplinary or criminal offence.

1.13 A PIPS' investigator's reaction to a person as an individual will inevitably influence his or her judgment about what they have to say. With training and practice PIPS investigators can question

people and respond to the information they wish to provide, fairly and without prejudice. The PIPS interviewer is 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 petitioners, witnesses and defendants will not be obtained easily. This is not simply about the possibility of false information, or untruthful answers from respondents. The PIPS officer seeks the truth and is entitled to be sceptical if scepticism is justified, in the interests of fairness. Petitioners, witnesses and police defendants may be economical with the truth or downright dishonest. Where there is good reason for suspicion, it is right to be persistent on those grounds alone. Equally PIPS investigators may be persistent because they feel there is more information that could be provided. Careful and continuing questioning will ensure it is provided.

1.14 Even when the right to silence is exercised by a police defendant the PIPS investigator still has a right to put questions. This principle reaffirms the right of the PIPS officers to put questions to those whom they believe can help establish the truth of the matter under investigation. Police defendants have the right to remain silent, but PIPS officers may continue to ask questions and record the fact that a defendant officer elected not to answer. The practical problem for the PIPS' interviewer is frequently not so much whether to continue to question, but how to continue questioning in an effective and acceptable way. The police defendant must be given an opportunity to respond to all the relevant questions. Hence the PIPS investigator must ensure that he or she has asked all the relevant questions that they need to ask. It is important to realize PIPS must give the defendant officer sufficient time to decide whether or not to reply and to formulate their answer.

1.15 It should also be borne in mind that the problem of reluctance to answer questions is not limited to the case of the police defendant. Witnesses may also be reluctant to talk, for various reasons. In all cases silence may be challenging but PIPS investigators have the right to continue to ask questions to further their investigation.

When conducting an interview, PIPS officers are free to ask questions in order to establish the truth, and they are often less constrained by the rules applied by lawyers in court. In court, lawyers are often adversaries and have to pit their wits against one another according to the rules that the judge will enforce. Lawyers' questions are constrained by the rules of evidence. This principle reminds the PIPS' officer that an investigation to discover the truth is not the same as proving an argument in court. It is not subject to the same rules. A PIPS' officer can ask those questions that are required in order to establish the truth, and need not be constrained by the rules governing the admissibility of evidence. However, PIPS questioning must be professionally acceptable and conducted according to the law.

VULNERABLE PERSONS

1.16 Vulnerable people, whether petitioners or witnesses, must be treated with particular consideration at all times. It is important to recognize that being vulnerable does not automatically exempt or disqualify a person from being interviewed. The term vulnerable means people who are incapable of fully representing themselves or protecting their own interests. For example those with learning difficulties or mental and/or physical disabilities or handicaps, and young children or anyone else who may be considered to be in need of particular consideration. Vulnerable persons may well include otherwise capable people who, by virtue of the nature of the offence and their experiences as witnesses or petitioners, are too distressed to give a good account of themselves. In some circumstances this may mean that vulnerable persons are incapable of providing a reliable and accurate account of the incident under investigation. Questions can and may be put, but it requires special care to interview effectively in such cases. PIPS investigators have to learn to be sensitive to the condition of the interviewee. The quality of the information obtained will be adversely affected unless the special needs of the individuals are taken into account.

PART TWO

A STRUCTURED APPROACH TO OBTAINING EVIDENCE

2.1 Interviewing is the principal method of gathering evidence in discipline investigations and it should be done in a structured and methodical manner. What is required is a simple yet effective way of structuring an interview, whether it seeks to obtain evidence from a petitioner or witness or police defendant. A well-planned and carefully conducted interview has a good chance of obtaining accurate and reliable information. It should ideally include planning and preparation; engaging the interviewee and explaining procedures; obtaining a free and uninterrupted account; clarifying details and challenging inconsistencies; and evaluating the evidence.

with a particular person is necessary now, or whether there are more important priorities to attend to at this time in the investigation.

2.3 Figure 2 shows how the phases in investigation link together. It describes a model that highlights the need to sustain a working relationship throughout the interview. For example, explaining the purpose of an interview is a task that may require repetition and re-definition throughout the interview. It is important to remember that there are no rigid boundaries between the phases in the interview (as indicated by the three interlocking ovals) and flexibility is required

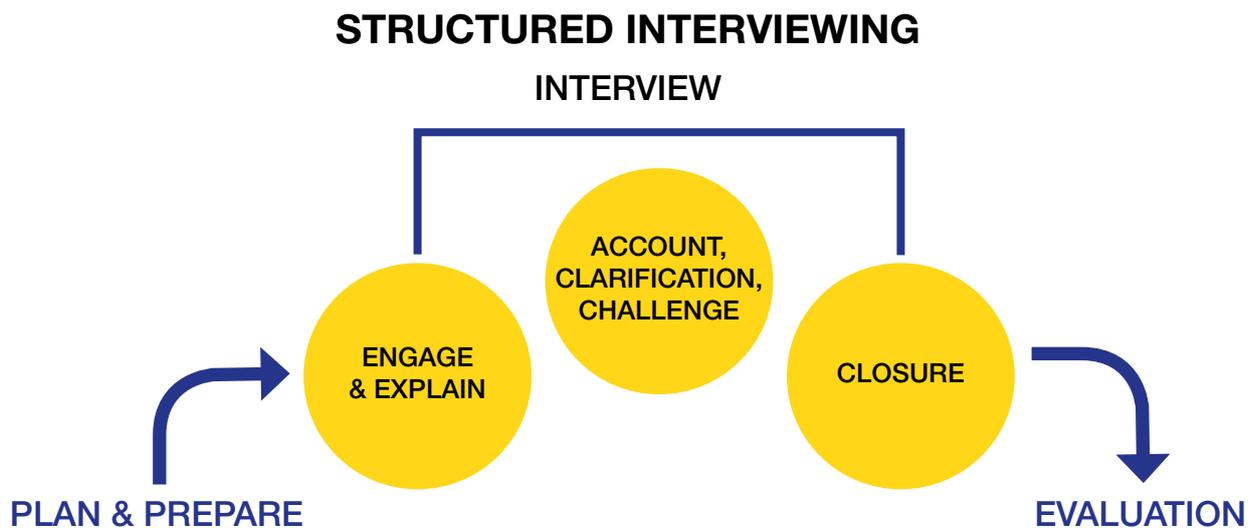


Figure 2: A Structured Approach to a Discipline Investigation Interview

2.2 During the course of a discipline and complaints investigation it may be necessary for the PIPS' officer to conduct a number of interviews. He or she will need to decide the order in which the interviews are conducted, with a view to maximizing their effectiveness. The timing of the interviews within an investigation needs to be carefully managed and the objectives of any particular interview clearly defined. First of all the PIPS investigator needs to decide whether or not an interview

throughout. For example Closure is linked back to Account, Clarification and Challenge. This indicates that the investigator might need to re-open discussion of the interviewee's account during the Closure phase. The interviewee may recall some new information or may wish to test the investigator's memory of what they have previously said. When this happens the interviewer will naturally return to the Account, Clarification and Challenge stage.

2.4 How the PIPS' officer interviews a defendant police officer and the effectiveness of that interview, will be influenced by the amount and quality of the information he or she has previously obtained from other sources. Defining the interview objectives will help clarify fundamental decisions that have to be made about the interview. Consideration must be given to interview requirements and strategy, and the PIPS officer will need to consider where to conduct the interview. All these decisions constitute part of the 'planning and preparation' phase and are addressed in more detail in Part 3.

PRELIMINARY STEPS IN INTERVIEWING

2.5 The interview, as shown in the diagram, is divided into three phases, referred to as: engage and explain; account, clarification, and challenge; and closure. At the earliest opportunity the PIPS investigator should establish a relationship with the interviewee and seek to maintain it throughout. This is what is meant by 'engage'. At the beginning of an interview the PIPS' officer will need to 'explain' the purpose of the interview, the rights of the individual, ground rules and any relevant procedures. This area is addressed in detail in Part 4. Account, clarification and challenge is where the PIPS' officer obtains the interviewee's full account of events. The investigator may need to clarify or challenge their account because of inconsistencies in what they have said or with other evidence in the PIPS officer's possession. This area is addressed in detail in Part 5.

EVALUATING THE EVIDENCE

2.6 In this phase the PIPS' investigator needs to bring the interview to a conclusion. This is done by agreeing on what the interviewee has said, and explaining what happens next. This area is addressed in more detail in Part 6. Having conducted an interview it is necessary to evaluate its significance within the framework of the entire investigation. In the 'evaluation' phase, a number of questions must be considered:

- a) What information has been obtained?
- b) How does the account given in this interview match other available evidence?
- c) What action needs to be taken?
- d) What further enquiries now need to be made?
- e) How did the PIPS' investigator perform/how could they develop their skills?

2.7 The PIPS officer's previous plan may need to be revised. Information obtained during the interview may suggest a need for an urgent reassessment of priorities. Sometimes there may seem to be precious little time for Evaluation or indeed Planning and Preparation but that must not detract from the importance of these two phases. Time must always be spent on these phases.

MEMORY-ENHANCING TECHNIQUES

2.8 Even though the structured interviewing system is applicable to all categories of interviews in discipline investigations there are special requirements and demands, depending on the type of interviewee. Where a PIPS officer decides to interview witnesses or petitioners will vary according to circumstances, and it is frequently a matter at his or her discretion. The use of memory-enhancing techniques are especially appropriate when assisting co-operative witnesses or petitioners in recalling details. They may also be appropriate to use with co-operative police defendants to assist them with their recall, check the consistency of their accounts, or to demonstrate the truth of their versions of events. The accounts of petitioners and witnesses may have to be queried. The process of clarification in the case of police defendants can frequently lead to direct challenge to their versions of events. This method of obtaining evidence provides a structure for discipline investigation interviewing in much the same way that an architect provides the plans of a house. Building the house requires a whole collection of different practical skills and this is so with discipline investigation interviewing.

2.9 As interviewers PIPS' officers assume responsibility for initiating and maintaining conversation with the interviewee in the interview. It is important to closely examine some of the basic characteristics of conversation and conversation management that are applicable throughout all three phases of the interview. In particular, PIPS' investigators need to examine:

- a) How to personalize the interaction.
- b) The need to listen actively.
- c) Taking turns to speak and the need to allow the interviewee's contribution.
- d) How topics flow within the conversation.
- e) Appropriate use of questions.
- f) Monitoring the progress of an interview.

These are the techniques that interviewers need to employ in order to facilitate a dialogue in which the interviewee is encouraged to participate.

ADOPTING AN APPROACHABLE STYLE

2.10 As interviewers PIPS' officers need to adopt an approachable style. They must try to remove any barriers of authority they have as police officers and members of PIPS. This helps establish a professional relationship (see Part 4). The PIPS' investigator's appearance and the way he or she behaves are known as non-verbal communication and can influence the attitudes of other people towards you. Initial impressions may influence the tone for the remainder of the interview. If an interview initially sees the PIPS' officer as impatient and unsympathetic they may interpret their subsequent behavior in that light. They may respond in a way that makes the PIPS' investigator feel impatient and unsympathetic even if they were not to begin with.

2.11 Facial expressions, the way an investigator is seated and his or her actions with pens, paper and files can all give impressions to the interviewee.

Such signals, if taken negatively will not encourage an interviewee to participate in the interview. Adopting an approachable, confident and straightforward manner will maximize the investigator's chances of obtaining accurate and reliable information. PIPS' investigators must remember to treat interviewees the way they would wish themselves, or their family or friends to be treated.

2.12 On meeting the interviewee it is important that the PIPS' investigators introduce themselves. They should indicate clearly how they would like to be addressed. Having done this the officer should find out how the interviewee would like to be addressed. Using that name will demonstrate the investigator has respect for them as an individual. Not treating interviewees as individuals, can lead to difficulties within the interviewing process. During the interview it is up to the investigators to convey to the interviewee that they are genuinely interested in their comments, views and statements. Maintaining eye contact, using non-verbal signs of encouragement, effective listening and summarizing all help to demonstrate interviewer's interest in their account.

2.13 Listening is not a passive activity. Investigators must actively process the information that is being provided by the interviewee. They must consider how the information fits in with knowledge they already have and how it affects the interview plan. Active listening allows the investigator to establish and maintain rapport helping you to:

- a) Identify topics during the interview and therefore manage the conversation;
- b) Communicate the investigator's interest in the interviewee and their account; and
- c) Identify important evidential information.

ENCOURAGE INTERVIEWEE TO GIVE THEIR ACCOUNT

2.14 Investigators should maintain eye contact with the interviewee, use non-verbal prompts such

as nodding in agreement. They should reinforce these actions by incorporating the interviewee’s words into the officer’s questions, as well as when summarizing their account. Table 2.1 provides details of three of the more important elements of active listening. PIPS’ investigators will be familiar with people who dominate conversations by interrupting and not allowing others their turn to speak. They speak loudly in their attempt to have people listen to their story. When asking questions, they invariably answer their own question. These people are only interested in their own agenda, having poor social and communication skills. During an interview the PIPS’ investigator should give the interviewee their turn to talk and the time to do so. This helps them feel part of a conversation and encourages talking. Remember that it is always the interviewee’s version of events that the PIPS investigator wants to hear, and it is only fair they have an opportunity to have their say. In the initial phases, the investigator may well need to speak more while explaining the purpose of the interview and setting the ‘ground rules’ etc. In later phases the investigator will need to listen more as they endeavour to analyse the information that is being given.

2.15 Investigators must inform the interviewee at the outset, that they will be giving them time to answer their questions and that they expect the interviewee to answer truthfully and accurately. Waiting for a reply will convey the message that the interviewee has time to formulate their thoughts and give their replies. This practice enables the PIPS’ investigator to have ‘thinking time’ about where they are in the interview process and where any information might take them. It is important to let the interview flow naturally from one topic to the next. By effectively listening to the interviewee’s account the investigator will encourage the natural progression of the conversation. During the ‘engage and explain’ phase the PIPS’ officer will be providing a lot of information and must actively strive to bring the interviewee into the conversation. In the ‘account’ phase the interviewee should be providing the investigator with information.

2.16 There are five main interrogatives that the investigator should use in open questions: Who, What, Where, When, Why and How? These questions are open, clear, and direct and encourage answers from the interviewee. They in turn

Table 2.1: Elements of Active Listening

Comprehend	It is an important aspect of listening that investigators gain a full and accurate understanding of what is being said and that they can separate fact from opinion. Active listening should encourage interviewees to tell how you they feel about an incident
Sustain	Investigators should reinforce their commitment to giving interviewees adequate time and space to talk by making use of open posture, eye contact, encouraging nods of the head and other non-verbal cues to indicate their continued attention
Summarize	Another important part of active listening is to summarize what has been said. Summarizing has the following advantages: <ul style="list-style-type: none"> • It helps concentration; • It assists the investigator’s comprehension and gives the interviewee the opportunity to confirm or contradict the accuracy of the officer’s understanding; • It assists the transfer of information into the investigator’s memory; • It demonstrates that the investigator is interested and listening to the other person

encourage the interviewee to search their memory to provide an accurate and reliable account. Open questions minimize the possibility of suggestion and may increase the amount of relevant information obtained. The ‘Why’ question needs to be asked although best practice suggests the investigator should leave these questions to the ‘challenge’ stage of the interview. When the PIPS’ investigator’s questions are directed at particular features or details, like footwear or vehicle colour, they should still ask open productive questions which will encourage the interviewee to recall in their own words. For example:

“What was she wearing?”

is preferable to *“Did she have joggers on?”*

“What was the colour of the car?”

is preferable to *“Was it a dark colour car?”*

2.17 It is imperative that the PIPS’ investigator avoids using leading questions, so as not to mislead the interviewee and plant a false memory. These questions have no place in discipline investigation interviews. In the case of the interviewing police defendants it may well give cause for his or her lawyer to intervene. Multiple questions (i.e. asking more than one question at the same time) may cause confusion for the interviewee. It takes a great deal of mental effort on the part of the interviewee to recall something in detail. Changing topics prematurely before the interviewee has fully exhausted the account that they can or wish to give, is distracting and counter-productive. The investigator should wait until a more appropriate time in the interview before asking questions about another topic. Finish each topic before moving on. If something comes to mind during one topic that is not immediately relevant the investigator should write it down in order that it can be raised later and is not forgotten.

TAKING NOTES DURING INTERVIEW

2.18 It is essential that the PIPS’ investigator keeps track of the information provided by the interviewee. This means continually monitoring the

progress of the interview so that the investigator can determine whether there will be a need to clarify or challenge any parts of their account. It is useful to take notes during an interview. The investigator should note important points or questions in order that they can clarify or challenge the information when appropriate. Note taking will also help the investigator later to write a report, statement or summary of the interview. This is particularly important with witness and petitioner interviews, as it is difficult to retain in memory all that the interviewees have to say. In these circumstances, notes will help the PIPS investigator recall valuable information and enable them to use the interviewee’s own words rather than police jargon. In certain cases it is now recognized as best practice for skilled interviewers to record witness and petitioner interviews, as well as defendant interviews on audio or videotape.

PART THREE

PLANNING AND PREPARATION

DEFINITION OF A DISCIPLINE INVESTIGATION INTERVIEW

3.1 Planning and preparation is one of the most important phases of effective discipline investigations, and should be carried out no matter what type of interview is being considered, whether it is with a petitioner, witness, or police defendant. Planning and preparation ensures that the PIPS' officer are ready to conduct an effective and ethical interview. A discipline investigation interview can be defined as the questioning of a person regarding his or her involvement or suspected involvement in an incident which, if proven, would amount to a disciplinary offence under the Police Service Regulations 2012 or a criminal offence under Ghana's criminal legislation. That involvement might be as a petitioner (victim), witness or defendant. There are a number of points to be considered in the planning and preparation phase of all interviews:

- a) How this interview might contribute to the discipline investigation?
- b) What is known about the interviewee and what needs to be established?
- c) Legal requirements.
- d) Offences and 'points to prove'.
- e) Practical arrangements.
- f) Pre interview disclosure of evidence.
- g) Prepared statements prior to defendant interview.

3.2 Each point should be considered in relation to the others when preparing for a discipline interview. The circumstances of each case will determine the importance of each of these points and how they

impinge on one another. When and where the interview takes place may be affected by the need for an appropriate adult for a vulnerable person, or for an interpreter to be present if there is a language barrier. Planning and preparation for a discipline interview gives the PIPS' investigator an opportunity to review the investigation, establish what evidence is available and decide what he or she wants to achieve from the interview. Every interview must be prepared with the needs of the investigation in mind. An investigator has to consider how the evidence from this interview might help to establish the truth of the matter under investigation. The PIPS' investigator needs to consider such questions as:

- a) Order in which persons need to be interviewed?
- b) Why is a particular interviewee's viewpoint so important?
- c) What information does the investigator need to obtain?
- d) Does the investigator need to interview the interviewee now, or wait until they have obtained more information about the circumstances of the offence?

Such questions will help ensure that the PIPS' investigator obtains relevant and useful information from the interview.

LEGAL REQUIREMENTS IN AN INTERVIEW

3.3 To interview effectively the PIPS officer needs to take account of the interviewee as an individual. He or she will need to ensure they have the necessary background knowledge. Some of the information which will help to establish the background of the petitioner, or witness or police defendant are listed under Table 3.1. PIPS' Investigators must be fully familiar with the legislation that governs the

conduct of interviews with witnesses and petitioners, including the provisions of the Criminal Procedure Code 1960 and the relevant parts of the Service Instructions (Amended) 2017. Perhaps most importantly, there are a number of legal requirements that affect the conduct of discipline/criminal investigation interviews with police defendants. These include:

- a) Purpose of the interview.
- b) Recording the interview.
- c) Right to legal advice.
- d) Right to remain silent.
- e) Right to be informed of the alleged facts.
- f) Right to be interviewed in a free and ethical manner.

3.4 It is important that in all interviews the PIPS investigator knows the points necessary to prove for various disciplinary offence, whether minor or major (see Appendices B and C). The need to cover these points should not dominate the interview by controlling the flow of information. Nor should they artificially constrain or distort the account or events given by the interviewee. Therefore, it is important that the interviewee is encouraged to provide a full explanation of the events, before being asked specific questions that are relevant to the proof of any offences that may have been committed. The PIPS' investigator must clearly identify all the possible offences he or she is investigating as part of the planning and preparation process. They should determine the points to prove and any defence that might be offered. The main areas to consider are listed in Table 3.2.

3.5 There are a number of approaches to identifying the points to prove and some of them will be considered in the PIPS' training course. In most cases the investigator will have to look at the definition of a particular offence and determine the *actus reus* and *mens rea* (see Appendices B and C for the minor and major discipline offences that PIPS' officers deal with).

PRACTICAL CONSIDERATIONS WHEN INTERVIEWING

3.6 Practical arrangements are an important consideration in the planning and preparation for a discipline interview. These practical issues apply to the planning of petitioner, witness and police defendant interviews. The factors to be considered are:

- a) Visiting the scene of the incident/crime.
- b) Searching premises for evidence.
- c) Location of the interview.
- d) Roles of interviewers.
- e) Time.
- f) Equipment.
- g) Exhibits and property.

3.7 Visiting the scene of a discipline incident or a criminal offence can assist the planning and preparation for interviews, particularly if the PIPS investigator has no previous knowledge of the location. Where necessary the investigator should arrange for photographs or a video recording of the scene. If not practicable then they can consider making or obtaining a sketch plan of the scene. This evidence gathering will assist investigators orientate themselves. It will provide the interviewer with information that may be needed to conduct an effective challenge to an interviewee's account. This process will also assist the Service Enquiry or, as the case might be, the prosecutor as well as the judge(s) when they try to visualize the scene when evaluating the evidence.

DECIDING THE BEST LOCATION FOR AN INTERVIEW

3.8 Interviews with witnesses and petitioners may take place at a location other than the PIPS'

Table 3.1: Planning an Interview - Necessary Background Information

Age	Knowing their age will help determine the most appropriate time for the interview and whether an ‘appropriate adult’ will be needed.
Gender	In certain types of crime, for example sexual offences or domestic violence, it will be important to consider the gender of the interviewee. The investigator should consider whether or not he or she is the most appropriate person to conduct the interview.
Domestic circumstances	Knowledge of an interviewee’s domestic circumstances may indicate to the interviewee that the PIPS’ investigator has done his or her research. The investigator should consider speaking to members of the family, relatives, associates, colleagues and neighbours.
Cultural background	Can affect the way a person prefers to be addressed. Consider how formal your approach needs to be. Does the interviewee have a strong regional dialect and will the investigator be able to understand him or her? Does the interviewee understand or speak English or another language known to the investigator? Consideration should be given to using an interpreter.
Educational background & intellectual disadvantage	Knowing something of a person’s educational background and achievement can provide an indication of their vulnerability. Interviewees who are intellectually disadvantaged may not understand the significance of the investigator’s questions and the implications of their answers.
Physical and mental health	Some interviewees may be vulnerable because of the condition of their physical and mental health. Investigators should be alert to signs and symptoms of health problems during their planning and preparation. If the PIPS’ officer does not feel able to make an informed decision, he or she should consider getting advice from a suitably qualified person.
Previous contact with PIPS	Information about an interviewee’s behaviour when interviewed or dealt with previously, may be a guide to an interviewee’s general attitude and behaviour toward PIPS’ investigators. However, it should be noted this attitude and behaviour may have been in response to the situation at the time. Background checks may reveal information about the types of offences committed by a police defendant and the methods used. Investigators should always consider liaising with interviewers who have previous knowledge of the interviewee, and always check the Complaints and Discipline Database for previous complaints and findings of guilt.
Report of the incident	Knowledge of the incident and details of what was reported may indicate whether an interviewee is likely to be cooperative or hostile. Previous contact with the PIPS is a useful indication of the cooperation the investigator might expect. Consideration should be given to checking the Complaints and Discipline Database, and local intelligence.
Traumatic experience	PIPS officers should consider not only the background and personal characteristics of the interviewee, but also the experiences they have recently undergone, as a witness petitioner. This may affect the timing of interviews because of their need for treatment, counselling or social support.

Table 3.2: Points to Prove: Planning for an Interview

Action (actus reus)	What did the defendant do?
Method (modus operandi)	How did the defendant commit the crime?
Intent (mens rea)	What was the defendant's mind at the time? Why did he/she commit the crime?

offices. Investigators should always consider surroundings and the possibility of noise and interruptions. Many people would prefer their own home, but investigators need to consider whether they are going to get enough peace and quiet. Remember that recalling information from memory requires concentration and therefore somewhere quiet. Is it appropriate to use the person's house or place of work? If there are exhibits can the investigator access them there? PIPS investigators need to consider the possible implications of interviewing a petitioner or witness at work, if either place was the scene of incident/crime. Generally, police defendants ought to be interviewed in an interview room at a PIPS building and, if possible, by way of audio recording. However there will be occasions when 'urgent interviews' have to be conducted in a police station or other location.

3.9 There are real advantages when two PIPS officers are able to conduct interviews together and it is important that they work together in planning and preparing for the interview. The roles and responsibilities of each officer ought to be considered and then agreed before the interview. Thorough preparation will avoid the possibility of the second officer interrupting or breaking planned silences or pauses between questions. The investigators' plan should include an indication of when the second officer is going to ask questions. This might be at the end of each topic or when the first officer has finished asking all his or her questions in relation to all the topics. There may be occasions when the interview needs to be suspended in order to revise the plan.

3.10 Planning means always allowing sufficient time to conduct the interviews. Police defendant interviews may also be affected by legal requirements and availability of interview rooms. The interview of a witness may be influenced by work

or domestic responsibilities. Preparation should include making sure the PIPS officers have all the necessary forms and equipment required. For example, audio recording equipment may be used in certain sensitive cases or interviews with child petitioners or witnesses. If so it is important to check in advance that the equipment is working correctly. Some exhibits and property may be too large to show in an interview room or at the home address. Alternative arrangements may need to be made such as using photographs or video recordings of the items. All property should be clearly marked and identified to assist in the interview.

DISCLOSURE OF INFORMATION BEFORE DEFENDANT INTERVIEW

3.11 If having reviewed the evidence the investigators decide to interview the defendant, they must consider whether and when to disclose the various pieces of information in their possession. In some cases they may feel it appropriate to disclose all the information to a defence lawyer prior to interview. Investigators should remember the important points to consider are:

- a) What to disclose?
- b) When to disclose?
- c) How to disclose – verbally or in written format?
- d) What not to disclose?
- e) Why the investigator not disclosing that information?
- f) How to handle non-disclosure if challenged?

The investigator must make these decisions in the full knowledge of the likely consequences. They could affect the whole investigation, as well as the interview and any subsequent trial. He or she should keep a personal written record of what was disclosed as this may help later in the event of any misunderstanding or argument at the Service Enquiry or court, as to what was actually disclosed.

3.12 A written interview plan summarizes the aim(s) of an interview and provides a framework on which to base questioning. A written plan will give PIPS investigators the confidence and flexibility to conduct a professional and effective interview. A written interview plan is an effective tool to assist

in the process. It is important to consider the following points:

- a)** The range of topics the investigator plans to cover;
- b)** The points necessary to prove the possible offence(s) under investigation;
- c)** Any points which may be a defence for committing the offence(s) under investigation;
- d)** Introduction of exhibits;
- e)** Evidence which suggests the defendant might have committed the offence;

INTERVIEW PLAN – PLANNING AND PREPARATION

INTERVIEWEE (FIRST NAME & SURNAME):	DATE:
OFFENCE(S)	
POINTS TO PROVE	DEFENCES
PURPOSE OF INTERVIEW	
RELEVANT ISSUES	
FACTS ALREADY ESTABLISHED	FACTS TO BE DETERMINED
RECORD OF INFORMATION DISCLOSED TO DEFENCE LAWYER/LEGAL REPRESENTATIVE	

3.13 These points may be added to during the interview as the interviewee introduces new information and requires clarification or challenge. A written plan will assist to:

- a)** Keep track of what has been covered and what remains to be dealt with;
- b)** Identify areas where the interviewee's account conflicts with what is already known or, has been suggested in other accounts;
- c)** Identify new information whilst keeping track of the purpose of the interview; and
- d)** Identify any issues that have not been covered.

3.14 It is important to remember that the interview plan may be required as evidence and should be retained. One possible outline of an interview plan is provided on the opposite page. The boxes can be filled in as the interviewer identifies topics in their planning and preparation they wish to address (the interviewer's areas). PIPS investigators will need to consider in their planning and preparation which approach is suitable for interviewing the relevant witness or defendant.

PART FOUR

PRELIMINARY STEPS IN INTERVIEWING

ENGAGING THE INTERVIEWEE IN CONVERSATION

4.1 The PIPS investigator go through some preliminary steps at the start of an interview: these steps involve engaging the interviewee and explaining the procedure. During this phase the investigator begins to establish a relationship with the interviewee. Engage is the first step in order to encourage conversation. The ‘explain stage’ is used because the interviewee must understand the purpose of the interview (Section 14.2: Police Handbook, 2010). Engaging someone in conversation is not always an easy task. This is especially true if the person is a stranger. Factors such as their background, age and gender may also make it more difficult. Witnesses and petitioners are usually strangers and from a wide range of backgrounds. The way the investigator engages them in conversation will therefore not be the same in every case.

4.2 First impressions may influence how a conversation develops. PIPS investigators and interviewees can be influenced by appearance, manner and speech regardless of what is said. Factors that make it difficult to manage first impressions include anxiety, which may come from both the investigator and interviewee. A PIPS’ officer may believe that a witness is reluctant to speak or that a police defendant has been advised not to answer questions by his or her lawyer. A witness may not have had any previous contact with a police officer. This may cause the interviewee to be anxious. The result of this is that both parties may enter into conversation reluctantly, thereby confirming that their anxiety was justified. Therefore the PIPS’ investigator must give thought as to how he or she is going to manage the opening of the interview.

4.3 In any complaint investigation interview it helps to have an understanding between investigator and interviewee. To establish a working

relationship the PIPS’ officer should treat them as individuals with a unique set of needs. This is done by personalizing the conversation. For example by the way the investigator addresses the interviewee, and how he or she shows an interest in them and their individual circumstances.

4.4 The PIPS’ officer’s responses to an interviewee must not be the result of a stereotypical image based on culture, clothing, speech, behaviour, etc. The aim is to create an atmosphere in which the interviewee will want to talk to PIPS. Sometimes the investigator’s efforts may not be effective due to personality differences. The offence may be such that the witness, petitioner or police defendant wishes to talk to another PIPS’ officer (e.g. a sexual assault petitioner may wish to speak to an officer of their own gender). In such circumstances it might be prudent to stop the interview and find someone else to conduct it. The new interviewer would need to be fully briefed about the interview to date. Establishing a professional working relationship is as important in a police defendant interview as with any other. This might take more effort because of the tensions involved in interviewing a fellow police officer, especially when he or she attempts to make the PIPS’ investigator feel uncomfortable by implying that what he or she does is an act of betrayal.

ESTABLISHING A RAPPORT WITH A POLICE DEFENDANT

4.5 However, the PIPS officer can counter this by explaining why the complaint process is important and can establish a working relationship by acting in a professional and considerate manner before the interview begins, by:

a) Keeping the police defendant informed of what is happening (e.g. when they are going to be interviewed).

b) Being realistic about how long preparations will take and trying to keep the person informed.

c) Ensuring that the police defendant receives sufficient refreshments.

d) Ensuring their entitlements have been appropriately dealt with.

4.6 As the investigator engages the interviewee in conversation he or she can begin to explain the purpose of the interview and the form it will take (Section 14.2: Police Handbook, 2010). This will consist of three main issues:

a) Reason(s) for the interview.

b) Routine(s) that will be adopted.

c) Outline of the interview.

4.7 The interviewee may know why they are being interviewed, but it would be wrong to assume that to be the case without first checking. They may be unclear of the potential importance of their contribution to the investigation. For many, this will be their first contact with the PIPS, therefore it is important to ensure they have a clear idea of what is expected of them. The investigator should not assume that an interviewee is conversant with PIPS investigations and the complaint investigation system. With police defendants this means ensuring that they know and fully understand the reasons for the discipline investigation.

4.8 Whilst an investigator may be familiar with interviewing and the routines that are involved, many interviewees are not. It is useful therefore to explain these routines at an early stage to help relax the interviewee. These routines include:

a) Introducing and explaining the roles of any persons present.

b) Informing the interviewee as to how, why and by whom notes or a statement will be taken.

c) Explaining the introduction of exhibits.

d) Explaining the formalities of writing a statement of evidence.

e) Explaining the use of audio recording of interviews.

4.9 The investigator should explain to petitioners, witnesses and police defendants that they will be asked to give their account of the incident under investigation. Give the interviewee a chance to ask any questions or express any concerns that they may have about the process at this stage.

ENCOURAGE UNINTERRUPTED ACCOUNT

4.10 All interviewees need to know that the primary purpose is to establish the truth of the matter under investigation (Section 14.1: Police Handbook, 2010). The following points cover the ‘ground rules’ that a PIPS’ investigator should explain in all discipline interviews. Interviewees should be encouraged and permitted to give an account of all that they know and not to edit their account, but tell the investigator everything that comes to mind. In all complaint investigation interviews the interviewee needs to know that they can give their account of what happened in *their* own words. They should give the full story as they understand it to have happened. This is particularly important with young or vulnerable people. Detailed accounts will help establish the truth better than accounts that are vague. Investigators need to explain that if they don’t know something, they should say so and not be influenced by what they think that PIPS wants them to say.

4.11 Recalling an event from memory can be difficult, especially after a period of time has elapsed or when there are other distracting things going on. When the matter under investigation is painful, embarrassing, complicated or confusing, remembering things accurately and giving a truthful account of them can be even more difficult. A PIPS’ investigator should tell the interviewee he or she understands that considerable effort and concentration is required and they will be given time to remember and provide their account.

4.12 When there are grounds to suspect that a police defendant has committed a criminal offence, the PIPS' investigator must ensure that the police defendant is made aware of his or her rights under the Constitution. According to Article 14(2) the person should be aware of the reason for his or detention and told that they have a right to a lawyer of their choice. At the start of the interview the police defendant should be cautioned and told that he or she is not obliged to answer questions that might implicate them in a criminal offence, and that anything they do say will be recorded and may be used in evidence (Section 14.2: Police Handbook, 2010). The procedural elements of defendant interviews should become part of establishing a professional, working relationship. Their purpose is to inform the police defendant of his or her rights and what is going to happen. Where a police defendant is suspected of involvement in a criminal offence the investigator must ensure they understand the caution, if he/she does not the investigator should then explain it in his or her own words until they do. The investigator should assure them that they will soon be able to give their account of what happened and clear up any misunderstandings that may have occurred. The police defendant should be told that that PIPS want to go to the truth of the matter. Non-procedural questions should be avoided at this stage.

PART FIVE

OBTAINING EVIDENCE THROUGH INTERVIEWING

5.1 Having engaged the interviewee (petitioner or witness or police defendant) in conversation and explained what is expected of them, it is important to obtain the fullest account that they can, or will provide. There are a number of essential processes a PIPS' investigator must go through to obtain an accurate and reliable account. These are:

- a) obtaining the interviewee's own uninterrupted account;
- b) expanding and clarifying their account; and
- c) when necessary challenging the interviewee's account.

ENCOURGING A FULL ACCOUNT

5.2 In this section these processes will be explored in more detail, as well as the problems of coordinating them. There are techniques for helping an interviewee to provide a full and accurate account of events. Some of these were dealt with in Part 2, such as:

- a) personalizing and interaction;
- b) listening actively;
- c) taking turns to speak;
- d) expecting the interviewee's contribution;
- e) identifying conversational topics;
- f) questioning; and
- g) monitoring and evaluating progress.

5.3 These are the conversational basics required of all interviewers when obtaining an accurate and reliable account. The focus is on whether the petitioner, witness or police defendant is cooperative

or uncooperative. It is important to note that interviewees can move from being cooperative to uncooperative and vice-versa, within the interview process. The PIPS' investigator(s) during the planning and preparation stage will need to consider how they deal with possible changes in the interviewee's behaviour. They will also need to be fully alert during the interview, in order to detect such changes.

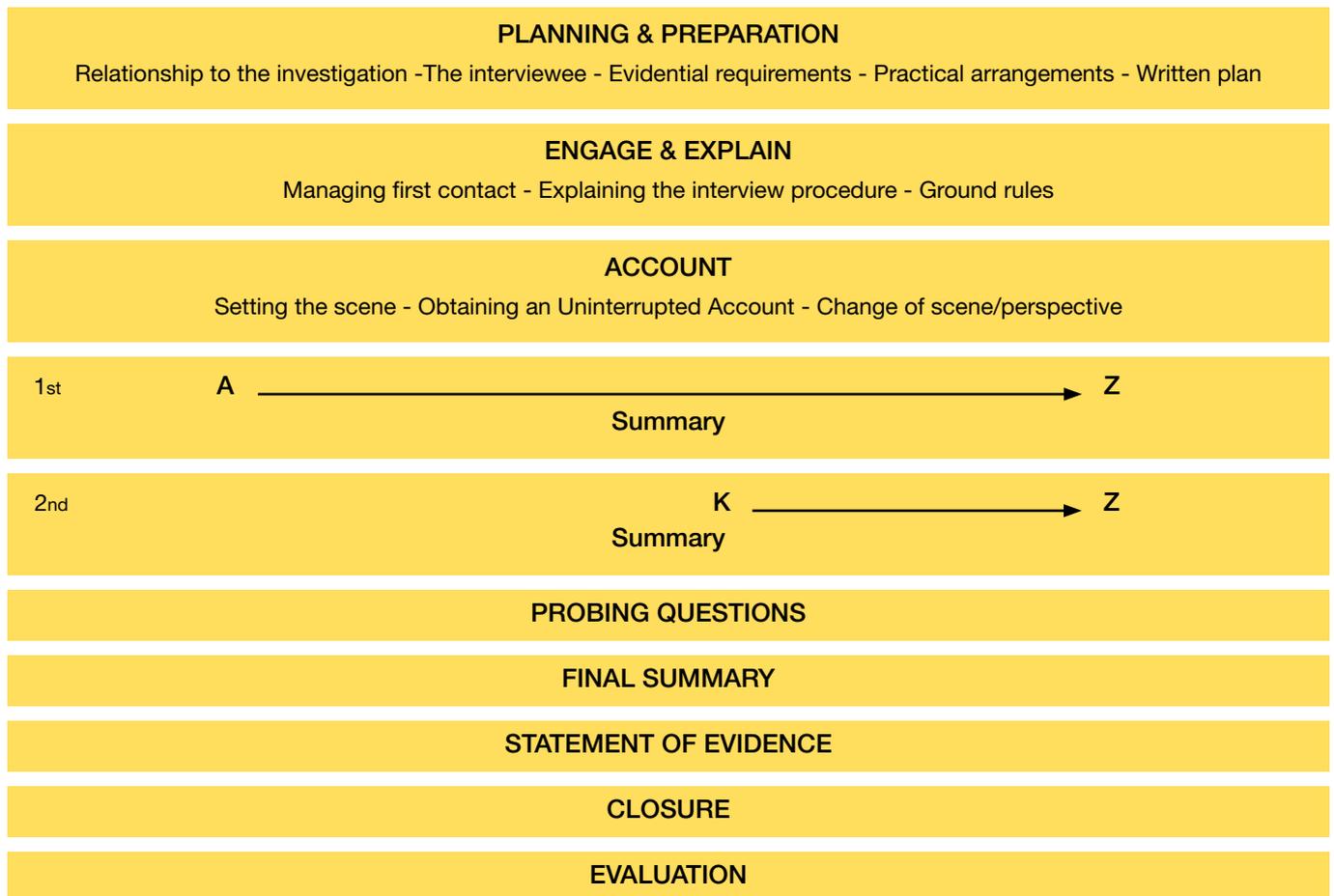
5.4 It will be recalled that the purpose of a discipline investigation interview is to obtain the truth (accurate and reliable information) about the matter under investigation (Section 14.1: Police Handbook, 2010). During the 'engage and explain' phase the investigator should have given the interviewee 'ground rules' on how to provide their account. The following guidelines should assist in the process of obtaining a complete account, whether the investigator is dealing with a cooperative and willing interviewee or an uncooperative and resistant interviewee.

5.5 In many cases the interviewee will have difficulty in recalling information. Frequently an interviewee will be recalling an event that they experienced days, weeks, or even months previously. For example, interviewing an interviewee about their ownership of a motor vehicle that was stopped by an MTT officer some weeks earlier. It is often difficult to recall details accurately and easily. The interviewee's ability to recall will not only be influenced by time but by trauma as well. However, if the interviewee is given time to concentrate and is willing to make the effort, more details about the incident may be recalled. Many people already use the technique of 'setting the scene' when they cannot find an important item, such as a lost purse or wallet. One might ask oneself a simple question in order to retrace one's movements.

REINSTATE THE CONTEXT

5.6 Psychologists describe the scene-setting technique as 'reinstating the context'. It is very

Figure 5.1: Structured Interview



useful in helping people recall events and increasing the amount they recall. Therefore it is important that investigators assist willing interviewees where appropriate in setting the scene. They can help them to relive the event by metaphorically putting them back at the scene: this is done by making simple statements that encourage them to concentrate on recalling the event. These are not questions, as such. Indeed no questions are asked at this stage. The very nature of a question may distract or 'lead' an interviewee to recall areas they may not have recalled in the first instance. It is important that the investigator should wait to hear what the interviewee can recall.

5.7 In between each statement the PIPS' investigator makes, he or she should allow time for the interviewee to think, concentrate and focus. This will be helped by using one or more of the trigger sentences in Table 5.1 below. It should be remembered at this point that the interviewee is silent as they work hard to recall information. The more

time and effort spent on setting the scene without actually leading the interviewee, the more information the interviewee will give. Feelings need to be addressed and quite often questions in this arena are not asked because the interviewer perceives it to be a painful process. The PIPS' interviewer needs to consider asking such questions as they attempt to obtain the maximum information. The investigator can also assist in setting the scene by referring to other events that occurred either before, at the time or even after the incident.

5.8 By now the PIPS investigator should have helped 'set the scene'. He or she should ask the interviewee to give an uninterrupted account of everything they know about the matter under investigation. This process has two important advantages. Firstly, the investigator gets to know their version without prompting or interrupting them; and secondly, interviewees have a chance to explain their views and feel they have had an opportunity to say what they wish.

Table 5.1: Sentences that trigger recall

Think about what you are doing	Think about what is happening
Focus on everything you can see	Concentrate on who you were with
Concentrate on what was said	Think about what you could hear
Concentrate on what the weather was like at the time	Think about how you were feeling

5.9 As the interviewee gives their first account, the PIPS' investigator should listen carefully and note areas that he or she may wish to obtain further details about. This could include such details as clothing worn, the route travelled, or what happened at a particular place or time. Interviewees must be given sufficient time to provide their first account and encouraged to do so using the techniques described in Part 2. On occasions it may not be possible to obtain a first account. This may be because an interviewee who, even after careful explanation, does not understand what they are required to do. When this happens the PIPS' investigator must consider the aims of the interview in his or her written plan. It is necessary to systematically cover the questions/topics that the investigator identified during the planning and preparation phase. Open questions should be used to encourage the interviewee to give a full response. It will undoubtedly help the interviewee if they are given the opportunity to draw a plan or sketch of the area where the incident took place. It will also assist the interviewee and members of the Service

Enquiry (or court) at a later date should the matter come to trial.

5.10 During the interview, the PIPS investigator should encourage the interviewee to search through their memory extensively. It is extremely unlikely that everything available in their memory will be recalled initially. To obtain as much detail as possible the investigator must encourage the interviewee to make repeated attempts at recalling information from different perspectives. Often when a person is asked to explain what happened it is the visual scene they emphasize, in a chronological order. Information is received through all five senses so the PIPS' investigator should encourage the interviewee to use their senses. Quite often interviewees will talk about what they have seen and occasionally about what they have heard. They should be asked to think about smells, touch and taste. The idea is to help trigger the interviewee's memory of the time in question. The process of recalling contextual information can help the interviewee recollect information that is relevant.

Table 5.2: Special considerations in a petitioner or witness testimony

DURATION	How long was the person under observation?
DISTANCE	What was the distance from the eyewitness to the person/incident?
VISIBILITY	What was the visibility like? Including time of day, street lighting, etc.
OBSTRUCTIONS	Was there anything obstructing the view?
PRIOR KNOWLEDGE	Did the witness know, or had they seen the police defendant before?
MEMORY TRIGGER	Was there something specific that made the person/incident memorable?
TIME LAPSE	How long is it since the witness last saw the police defendant?
ERRORS	What, if any, errors or material discrepancies are there in the witness' account?

5.11 The first account given by the interviewee may be incomplete. Often an interviewee’s account will need to cover a broad time span or range of events. It may be difficult for an interviewee to manage such a wide range of information all at once. Subsequent questions must be put systematically to ensure they have remembered all they can. On some occasions it will help if the investigator breaks down the questioning of the interviewee’s account into manageable topics or episodes. During the planning phase he or she will have already identified possible topics (interviewer’s areas). These areas can be modified or added to, as the interviewee provides their account. By breaking down the account in this way the investigator can keep track of what has been covered, and understand new information introduced by the interviewee and fit it into the overall investigation.

TEST THE RELIABILITY OF THE WITNESS’ EVIDENCE

5.12 A PIPS’ investigator can then expand the account by systematically probing each topic and asking for more details when necessary. It helps to use an open question to start probing the areas that have been identified. An investigator should keep asking questions about each topic until they have all the information they need, or the interviewee is unable to provide more information. One area possibly identified in the planning and preparation stage, is the need to properly test the quality and reliability of the witness’ identification account. This Manual will refer to the evidential points that test reliability as ‘special considerations’, which should always be included in the investigator’s probing questions (if not clarified in the account stage) and in the statement of evidence (for a witness or petitioner). They are listed in Table 5.2. Note that these points **MUST** always be recorded as part of the witness statement (see Section 11).

5.13 It is important to summarize what has been said about each aspect of the interviewee’s recall to check that what has been understood is accurate, before moving on to the next. To maintain the conversational flow a PIPS’ investigator should

link the summary to the topic with an open question. For example,

“The first police officer, wearing a yellow fluorescent jacket, got out of the police car and walked over to your car whilst the police driver stayed in the police car. What happened next?”

REMEMBER TO SUMMARIZE WHAT HAS BEEN SAID

5.14 Apart from giving the investigator the opportunity to check on their understanding of what has been said, summarizing also gives the interviewee the opportunity to add to, or alter what they have said. It also helps maintain a professional working relationship by showing the interviewee that the PIPS’ investigator has listened and understood what they said. This should encourage the interviewee to continue their account and to be increasingly open with the PIPS interviewer as the interview progresses. Summaries also have the benefit of affording a break for the interviewee as the PIPS’ officer contributes to the conversation. Summarizing will also provide an opportunity for the interviewer to reinforce his/her memory. On occasions there will be a lot of information in one topic area. To avoid becoming overloaded with this the investigator may need to summarize the interviewee’s responses before the end of the topic and summarize the whole topic before moving on.

5.15 Clarification is required when the investigator finds inconsistencies in the interviewee’s account, or when they are unclear about what the interviewee is saying. Often this will be clarified when obtaining the expanded account. However, sometimes the PIPS’ officer may wish to note the inconsistency and raise it later. Eventually he or she will have systematically examined the interviewee’s account and obtained all the information they can give. The investigator must now assess the information obtained against the aim(s) of the interview and the interviewer’s areas identified in the written plan. A good interviewer will then be able to decide whether to challenge the interviewee’s account

5.18 Any interviewee can become uncooperative or resistant, whether witnesses or police defendants. Where a PIPS' investigator perceives that the interviewee is likely to be uncooperative and resistant they will need to manage the conversation, and may need to take greater control over much earlier on. The first questions that are asked are of vital importance and may well set the tone for the rest of the interview. It is important to ask open questions and probing enough to demand a response. Initially the aim will be to obtain an account. It may well be that the initial questions bring little response in terms of an account that the investigator can probe, and there may be a need to ask further questions in order to obtain a sufficient account that can be probed.

DEALING WITH 'NO COMMENT' INTERVIEWS

5.19 Operationally there will be occasions when interviewees whether on legal advice or not, will respond to questions by saying 'no comment'. The well-prepared PIPS' interviewer should not be swayed by this response. The investigator should ask all the relevant questions as if the interviewee was responding and give time for each question to be answered. Remember it is important to ask questions now so as not to leave any gaps, the defence might fill in at the Service Enquiry or in court. Failure to ask the relevant questions at the outset may preclude inferences being drawn at the adjudication stage.

DECIDING WHEN TO CHALLENGE

5.20 The account needs to be challenged when the investigator has good reason to believe that an interviewee is deliberately withholding relevant information, or knowingly giving a false account. Figure 5.2 indicates the stage in the interview when challenges should be made. On occasions it might not be appropriate to challenge the account on the basis of its completeness during the current interview. What an interviewee says may

be inconsistent with evidence from other sources. This evidence could have come from other interviewees or consist of material or forensic evidence. Inconsistency with other evidence does not, of course, necessarily mean that the interviewee is lying or even mistaken. But such inconsistency will need exploration, either immediately or in the future. It is important to bear in mind that both clarification and challenge refer to the task of exploring with the interviewee the reasons for their evasiveness or inconsistencies. They do not refer to the manner in which this is done. There are three aspects that the investigator ought to consider when challenging an interviewee's account: the timing of the challenge, the need to adopt a clarification-seeking rather than argumentative approach, and the need to ask for an explanation of discrepancies.

5.21 The timing of some challenges can be planned. Within the structured interview model best practice suggests that such challenges should take place towards the latter part of the account stage, as indicated in Figure 5.2. However there can be no hard and fast rule about when to challenge an interviewee's account of events. A PIPS' investigator would normally not challenge an interviewee whilst they are actually giving their account. Doing that might discourage them from continuing to give their explanation. Challenges may occur in response to the interviewee's version of events, given before or during the interview, which is inconsistent with other evidence in the investigator's possession. Alternatively, they may occur when the interviewee contradicts his/her earlier account or appears to offer inconsistent details within his/her account.

5.22 The PIPS' officer should explain to the interviewee that he or she wishes to explore certain areas or points again. It is important that the continued questioning is presented as a form of problem solving to which the interviewee can contribute. The investigator can explain that there are certain aspects of their account that they wish to explore further. That way, the interviewee is not put on the defensive and they find it easier to change their account or add to it, without embarrassment and without losing face.

TACKLING DISCREPANCIES IN THE EVIDENCE

5.23 It is important to ensure that any discrepancies requiring an explanation or gaps in the evidence are clearly put to the interviewee. To begin with the PIPS' investigator should ask the interviewee for suggestions as to how the discrepancies between their account and the evidence PIPS has gathered have occurred. In the case of evasiveness, the investigator should ask for anything they might be able to add to what they have said, as there are still some questions PIPS will need to have answered. The purpose of the enquiries should be reiterated and there should be an indication of the openness of PIPS' search for the truth. The investigator should explain that he or she will be continuing enquiries until satisfied that an accurate and reliable understanding of what has happened is achieved.

5.24 Initially the PIPS' investigator should avoid trying to give an explanation of why the discrepancies have occurred, such as by indicating that the interviewee is lying. The interviewee should be given plenty of time to respond to the query. Eventually the investigator may need to state openly that he or she thinks that the interviewee is lying. The comment in itself is not oppressive. The conversational techniques discussed earlier should be used (i.e. personalizing by using their preferred name, asking open questions, listening actively, expecting the interviewee's contribution and summarizing their explanations) before going into the next problem.

ROLE OF SECOND INTERVIEWER

5.25 Although interviewing petitioners and witnesses is often done on a one-to-one basis, interviews with police defendants might be better done with two PIPS' officers. Where they work in pairs, the lead interviewer will have negotiated the overall strategy with the second interviewer and briefed him or her accordingly. This should have been done

in the planning and preparation stage. When there is a second officer in the interview, he or she should be allowed the opportunity to question areas they may have identified as being ambiguous or in need of clarification. A decision must be made whether the second interviewer will come in at the end of each interviewee's area (or interviewer's area), or before/after the first officer's challenge phase. Part of the second interviewer's role will be monitoring progress during a tape recording of an interview, or taking notes for the written record of interview if there is no tape recorder. There is no right or wrong answer but the correct use of the second interviewer can be advantageous. It is important to consider the effect of two interviewers on the interviewee, and the possibility of confusion as the interviewee attempts to deal with questions from more than one interviewer.

PART SIX

EVALUATING THE EVIDENCE

EXPLAIN THE NEXT STEPS IN THE INVESTIGATION

6.1 Every interview should be brought to a close when a decision is made that no purpose is served by continuing. It is important to plan the termination or closure of an interview. This should be done in a courteous and professional manner. When the interview is clearly drawing to its close, the aim should be to ensure that there is mutual understanding about what has taken place, and to verify that all aspects have been sufficiently covered. It is also important to explain what will happen in the future and to facilitate a positive attitude towards providing accurate and reliable information in the future.

6.2 An investigator must be satisfied that he or she has covered all the questions that should be asked, and that the interviewee provided all the information they are able and willing to provide. Moreover, the interviewer should be able to decide that all the aims of the interview have been achieved. Reviewing the interviewee's account tests whether closure is appropriate and consolidates the information provided in the interview. It helps to explain to the interviewee that the entire account is going to be summarized and that this will give them an opportunity to confirm, alter, clarify, deny or add anything they wish.

CLOSING A 'NO COMMENT' INTERVIEW

6.3 Where police defendants have remained silent, or refused to answer questions the investigator can summarize by systematically going over the points. This tends to highlight the allegation and any defence which may be open to them but which they have declined to comment on. This ensures that the police defendant has no

doubt about what has been covered and where they have adopted their right to silence. If necessary raise additional issues that occur during the summary and be on the look out for signs that the interviewee might have more to say. A police defendant may indicate willingness, verbally or non-verbally, to answer questions about topics on which they had previously remained silent. A witness/petitioner may suggest that they have relevant information that has not been discussed.

AVOID DISCUSSING THE LIKELY OUTCOME OF THE INVESTIGATION

6.4 Once the account has been summarized the investigator should ask the interviewee if they have any questions. An interviewee may well want to clarify whether they will be required to attend a Service Enquiry or court and what this entails. They may have worries and concerns about their personal safety or some other query. A willingness to listen at this point may well prove fruitful, not only in obtaining information but also in their attitude towards the interviewer and other PIPS' investigators in the future. If they do ask questions, honest answers should be given and if the answer is not known this should be clearly stated. Investigators should not discuss the matter of likely charges or penalties that might be imposed. It should be made clear that this is a matter for the IGP, Service Enquiry or prosecutor.

EXPLAIN THE NEXT STEPS IN THE INVESTIGATION

6.5 There are formal aspects to the closure of a defendant interview that must be complied with. In particular the investigator must announce (tape recorded) or note (written record) the time that the interview finishes. He or she should also explain

to the police defendant what is likely to happen next, and ensure that he/she understands the process. As far as possible the interviewer should ensure that abrupt endings are avoided by making sure that adequate time is set aside to close the interview properly and explain the next stages of the process. It must be borne in mind that most witnesses and petitioners will not have been through this experience before and will therefore, in appropriate cases, appreciate information regarding petitioner support and the witness protection scheme (if applicable), whether or not they will have to attend a Service Enquiry or court, and claims for compensation. At this point it is important that the case is not discussed with the witness or petitioner, who may have different perceptions of the incident. Doing so could confuse them, contaminate the evidence and have the effect of devaluing their efforts.

6.6 Witnesses and petitioners may need the support of friends, relatives, and in some circumstances, professional counseling. Spending time with witnesses and petitioners after an interview reinforces the trust that was developed earlier and can pay dividends. Developing a professional relationship will hopefully encourage interviewees to report information that they might recall later or come forward to help police with other matters in the future.

EVALUATE THE EVIDENCE DRAWN FROM THE INTERVIEW

6.7 Evaluation is an integral part of an interview, just as much as any other phase. It is important that the PIPS' investigator assesses what impact the interview has had on the investigation and what action needs to be taken next. Consideration should be given to how the investigation has changed as a result of this interview. For example, the police officer suspected of assault may now appear to have been acting in self-defence. The interview may have provided new lines of enquiry to follow, such as the involvement of another person not previously known about. Maybe it has merely confirmed and strengthened a

previous view of the investigation. An investigator must be precise about what evidence is available to support his or her understanding of this incident and identify where he or she is merely putting forward an opinion. In the case of interviews with police defendants it will be necessary to assess the strength of available evidence to support the allegation that the defendant committed the crime and whether there is sufficient evidence to charge them with an offence. The investigator should make a careful note of the reasons for his or her conclusions and what further action needs to be taken.

6.8 It will also be useful for the investigator to evaluate his or her performance. This will help improve his or her interviewing skills by learning from experience. This means asking what did the investigator do well, what could you have done better, and the areas in which development is needed.

ENSURE THAT PETITIONER IS KEPT INFORMED

6.9 It is vital that the complainant is kept informed of progress in respect of a complaint investigation, and subsequent Service Enquiry or court hearing. This duty falls to the Director General of PIPS and it is, therefore, imperative that all the actors in a complaint and misconduct process provide feedback to PIPS and that the Complaints and Discipline Database is updated. Once a decision is made by the IGP to refer a case for formal proceedings, the case should be tried within three months of the date of the decision. Where formal proceedings have not occurred within three months, the Service Enquiry Monitoring Unit (Police HQ) should make enquiries as to the cause of the delay and take such action as is necessary to ensure proceedings start as soon as practicable.

6.10 As required under the Police Service Regulations, the complainant should be informed of the result of the discipline process, regardless of whether it resulted in a Service Enquiry and

penalty or not. This information must be communicated in writing and provide a brief summary of the grounds for the final decision, and indicate that a copy of the discipline investigation report can be made available on request. The Service Enquiry Monitoring Unit in Police Headquarters should actively track the progress of each case that has been referred to the IGP, and provide timely feedback to the Director General of PIPS.

PART SEVEN

PREPARING A STATEMENT OF EVIDENCE

7.1 The oral evidence of witnesses and petitioners in a police complaint case, are fundamental components of the entire investigation process. Success will be largely contingent upon the quality of the evidence itself: i.e. what a witness saw, heard and felt. PIPS' officers have a duty to ensure that the best possible witness evidence is made available to the Service Enquiry or court. This will be the result of three areas of effort: investigation skills, structured interviewing skills, compliance with Service Instruction 193 (Statement Writing) and statement writing skills. Table 7.1 reproduces the provisions of Service Instruction 193 and PIPS' investigators should ensure that they are fully familiar with its requirements. In the case of police defendants, it is normal practice to allow the officer to complete a voluntary statement, as per the provisions of Service Instruction 184 (see Appendix G). This document is normally written and signed by the defendant, with little or no involvement by the PIPS officer. This part of the Manual is concerned with those Statements of Evidence that are prepared by the PIPS' investigator for the petitioner or a witness.

FIDELITY, RELEVANCE, CLARITY, & COHERENCE

7.2 Writing statements of evidence that achieve international standards and best practice must meet four main criteria: fidelity, relevance, clarity, and coherence. It is vital that the words recorded in the statement correspond to the exact recollection of the witness – in other words, that the statement has fidelity to what was said. The use of the cognitive interviewing will greatly assist in achieving the best possible recollection of the witness' memory of the events. That recollection should be confirmed by making notes of the main facts, and making a verbal summary that the witness can confirm. Fidelity also involves using the vocabulary of the witness. A witness will lose credibility in court if he or she is

asked to confirm the contexts of a statement that involves words that he or she would not normally use, or (worse still) the statement includes words that the witness does not understand.

7.3 A statement of evidence must contain facts that are of relevance to the disciplinary offence or criminal behaviour that is the subject of the allegation against the police defendant. This must mean that the PIPS investigator becomes aware of the rules of evidence and what the criminal law and related guidance considers to be relevant material to a particular offence. The average witness will of course have no idea what is or is not relevant and will be guided by the investigator's advice. A common area of confusion among witnesses is so-called 'hearsay'. This can be defined as anything that was not seen or heard or felt by the witness. For example, a witness might say during interview:

'I know that the police officer punched Kwasi, because Ebenezer told me that he saw the police officer do it.' This statement is hearsay and should not be included in the witness' evidence. However, the following statement by the witness will be admitted, *'I know that police officer punched Dennis, because I saw the police officer do it.'*

7.4 It is also vital that a statement of evidence is easily understood by the Service Enquiry or court. That means that it should employ simple and easily comprehensible language. This is normally achieved by using short sentences that deliver ideas in a concise language. It means avoiding the use of jargon and abstract language. Every statement of evidence should also have a coherent and obvious structure. The following notes describe the preferred structure of a statement of evidence, one that maximizes the ability of the Service Enquiry or court to readily comprehend what the witness saw and heard.

7.5 Unless instructed otherwise, people tend to write down information about an event or incident

Table 7.1: Service Instruction 193 – Witness Statements

1	<p>a) In all cases, statements shall be taken from each person able to give useful evidence and whom it may be necessary to call as a witness for the prosecution.</p> <p>b) Statement of witness shall be taken down in writing as early as possible in the investigation and shall be filed in the case docket.</p> <p>c) Under no circumstances, however, shall police delay any practical step in the investigation in order to take written statements (See Service Instruction 181).</p> <p>Each witness statement shall be signed by the person who made it, and if he is illiterate and cannot sign his name, he shall be required to make his mark. Where the Statement covers a number of pages the deponent’s signature/mark shall be made at the foot of each page. Every statement shall be correctly dated and shall show the place at which it was written. Any mark affixed as signature to a statement by an illiterate shall be correctly witnessed by the Police Officer taking it or by another Police Officer as “witness to mark” and the name of the witness shall be shown on the statement.</p>
2	<p>Every statement given by a witness, which is not actually written by the person giving it, shall be read over to him before he is asked to sign it with his signature or mark, and it shall be endorsed by:</p> <p>a) the Officer who actually wrote it and</p> <p>b) the interpreter, if one is used, in the following forms:</p> <p>c) “I hereby certify that I have read and explained the contents of this document (through interpreter) to the person whose name is appended and that such person appeared to understand its contents and to approve of them”.</p> <p>d) “I hereby certify that I have interpreted the statements of the witness from to English, and this document itself from English to to the best of my knowledge and ability”.</p>
3	<p>ACCUSED PERSON AS WITNESS: No member of the Service below the rank of Inspector, when prosecuting two or more persons on a serious charge shall, on his own authority, withdraw a charge against one of the accused in order to use him as a witness for the prosecution. Should the necessity arise for each action to be taken, instructions shall first be obtained from a Senior Police Officer.</p>

in the order in which they recall the details. Indeed, many police officers who have not received training in writing a statement of evidence tend to follow a similar pattern. They invite the witness or petitioner to tell them what happened and then immediately start writing down what they hear. The result can often be a confusing and incomplete presentation of the witness’ evidence. The way in which the statement is written should make the job of the legal experts and prosecutors easier, not more difficult. Those who make decisions in Police HQ need to be able to quickly evaluate the strength of the witness or petitioner, and the credibility of their evidence. The legal expert or prosecutor’s task will be made easier if the witness’ evidence is presented in a structured way, allowing the lawyer to see the critical parts that contribute evidence to the case. The legal expert or prosecutor will need to know where and when the incident occurred, and why the witness or petitioner was in that particular location (i.e. setting the scene). Next the lawyer needs to learn about what the witness or petitioner

saw, heard and felt (i.e. the action or activities), as well as a good description of those responsible for the action (i.e. the actors). This is the alleged *actus reus* – the offending behavior or criminal act that must be proved if the Service Enquiry or court is to find the alleged actors guilty.

7.6 Finally, the legal expert or prosecutor needs to assess the ability of the witness or petitioner to identify the police defendant(s) as the alleged actors, or persons responsible for the offensive behavior or criminal act. This is absolutely vital in cases where the petitioner or witness does not know the police defendant, and has had no previous contact with that person. It is also important where the petitioner or witness claims to know the police defendant, but has not seen or met the person for some time, or has only ever seen the person from a distance in the past. If there is a possibility of mistaken identity the statement must clearly articulate the strength of the petitioner or witness’ memory. The essential features of a properly

Table 7.2: Structure of a Statement of Evidence

(1) PROFORMA: WITNESS/PETITIONER DETAILS
(2) INTRODUCTION
(3) SET THE SCENE
(4) DESCRIBE THE ACTION
(5) DESCRIBE THE ACTORS
(6) ADD 'SPECIAL CONSIDERATIONS'

structured statement of evidence are summarized in Table 7.2.

7.7 The words included in the short introduction will vary according to the circumstances. However, they will normally consist of a short paragraph in which the witness or petitioner introduces him/herself to the Service Enquiry or court, and tells the adjudicators who they are and where they are from. It also acts as a prompt by reminding the witness or petitioner that they may have to present their evidence to the Service Enquiry or court in person, at a future date, once the Statement of Evidence is signed. It will help to look at a (fictitious) example of a statement made by Dr. Kwame Armah about an assault that he witnessed while driving to work. At the beginning of the statement Dr. Kwame Armah tells the Service Enquiry or court who he is:

'I am a medical doctor from Ashanti Region. I am prepared to attend a Service Enquiry or court and give evidence regarding the following matters'.

Note that Statements are always written in the 'first person' (i.e. I am a medical doctor). This is because the witness is making a direct statement to the Service Enquiry or court about what he or she saw and heard.

START BY SETTING THE SCENE

7.8 The Statement usually describes an event or incident that a witness has seen and heard, or that

a petitioner has experienced. It is imperative, therefore, that the Statement carefully 'sets the scene' of the main action. This should include reference to the day, date and time of the incident or event. It should also refer to the location and, if it is a motoring incident, the direction of travel of the witness. There may be occasions when a witness is not sure of street names, etc. and the location might be described according to landmarks or other physical features instead. For example, the witness might remember that they were near a church or mosque, or hotel or supermarket, etc. Now let's look at the 'scene setting' in our example:

'At approximately 10.10am on Monday 10th April, 2017, I was travelling alone in my VW Passat vehicle from my home town toward Accra. I was travelling along the main highway from Kwabenya to Accra. Traffic was fairly heavy. As I approached the roundabout at Haatso-Atomic Road I came to a halt behind a long queue of vehicles'.

7.9 Next the statement should describe the action. This is perhaps the most challenging part of a statement. It is usually the longest and most detailed part of the statement structure. In legal terms this part of the statement describes the *actus reus*² – the criminal behaviour or misconduct that lies at the heart of the allegation. The description of action must be set out in chronological order: in other words, in the order in which the events occur. It must only include that which the witness recalls during the interview. There must be no 'contamination' by the interviewing officer or officer writing the statement on behalf of the witness or petitioner. Contamination occurs when

² *Actus reus* is a Latin legal term that means 'evil act' or 'bad action'.

an officer either uses knowledge obtained from other witnesses to the same incident, or ‘fills in gaps’ with detail that the officer speculates should or could have occurred. The description of action in Dr. Kwame Armah’s statement is as follows:

‘As I waited in the traffic queue I noticed that some cars were approaching from behind me, overtaking the line of cars that I was waiting in. Then I noticed a man wearing a yellow shirt emerge to my right, walking along the edge of the road. He walked between the front of my car and the back of the car in front, toward the centre of the road. As he passed the front of my car I heard a screech of tires, and a car stopped to my left. It had been overtaking the line of cars and almost hit the man in the yellow shirt as he emerged. I noticed that it was a dark blue Nissan Patrol with the emblems of the Ghana Police Service on its passenger door.

Suddenly the man in the yellow shirt began shouting at the driver of the police car. He appeared to be very angry: his face was wet with sweat and he was shaking his fist at the police driver. The driver then got out and stood next to my car, close to my window. He said something to the man in the yellow shirt, but I could not understand the words. Instantly the policeman reacted by lunging at the man in the yellow shirt, punching him and kicking him. The man in the yellow shirt fell to the ground next to my car, and the policeman continued to kick him while he lay on the ground. I could hear the attacker shouting, ‘You stupid fool. You could have been killed, you fool.’ The man in the yellow shirt screamed and seemed to be in pain from the blows.

At this point two more police officers arrived. One of them pulled the man in the yellow shirt away from the Nissan Patrol driver, handcuffed him and marched him off in the direction of Accra. I noticed that the man in the yellow shirt had blood around his nose and mouth, and appeared to be in distress. A third police officer spoke to the Nissan Patrol driver for a few minutes, before they both got back in the blue Nissan and drove toward Accra’.

7.10 Note that in many Statements the witness will recall words that were spoken and heard by the witness. These words must be indicated to the Court by being placed in inverted commas (Either “...” or ‘...’). For example: *The police officer approached me and said, ‘What are you doing blocking the road?’ I replied to the officer, ‘My car has broken down and I cannot move it.’* Only once the action has been described should the statement go on to a full and detailed description of the actors – those involved in the *actus reus*. Let’s look at the example:

I would describe the Nissan Patrol driver as follows: black, male, approximately 40 to 45 years, muscular build and about 1.8 meters tall. He had close-cropped hair, which was thinning on top. He had a broad face and was clean shaven and had a generally smart appearance. He wore a dark blue police shirt that appeared to be new, and matching blue trousers. I would describe the man with the yellow shirt as follows. He was black, male, about 50 to 55 years, slight build, approximately 1.6 meters tall. He had an angular face with hooked nose, and prominent front teeth. He had what sounded like an Ewe accent from the Volta Region. I cannot recall the appearance of the police officers that arrested him.

7.11 When there are a number of actors there is a potential for confusion, particularly when the witness does not know the actors by name. This is often the case with offenders who are police officers or security staff, who all look broadly alike and wear a similar uniform. It is recommended that during the interview you assist the witness by suggesting that they refer to the police officers as the ‘Nissan Patrol driver’ or ‘man in the dark blue uniform’, etc. Alternatively, refer to man A, man B, etc. In the *Description of Actor* section you can then make it clear which person or actor is being described.

REFER TO ‘SPECIAL CONSIDERATIONS’

7.12 As mentioned earlier, there are a number of ‘special considerations’ that apply to the evidence

Table 7.3: Special Considerations that must be addressed in the Statement of Evidence

Distance	What was the approximate distance that separated the witness/petitioner from the other actor(s) or alleged offender(s)?
Duration	What was the approximate period of time over which the witness/petitioner had the other actor(s) or alleged offender(s) under observation?
Conditions	What were the weather and lighting conditions during the time that the witness/petitioner had the other actor(s) or alleged offender(s) under observation?
Obstructions	What if any obstructions came between the witness/petitioner and the other actor(s) or alleged offender(s) whilst they were under observation?
Prior knowledge	Does the witness/petitioner know the other actor(s) or alleged offender(s), and if so when did he/she last see them and for how long has he/she known them?

of an eyewitness to an event or incident. These special considerations will not apply in all cases and the interviewer/statement writer must carefully consider and weight the circumstances of each case and make a decision to add the required detail. Most of these considerations relate to the physical constraints that might have limited the ability of a witness to recall what he or she saw and heard. The most important considerations are listed in Table 7.3. The Statement of Evidence must answer all these questions in order to establish the credibility of the witness’ account in the eyes of the Service Enquiry or Court. The following paragraph demonstrates how these issues are dealt with in our example of Dr. Kwame Armah’s statement:

‘I do not know any of the men involved in this incident, and I have never seen them before. However, I am confident that I would recognize

both the Nissan Patrol driver and the man who he attacked, if I saw them again. I was able to observe both the man in the yellow shirt and the Nissan Patrol driver continuously for a period of about two minutes and at a distance of no more than two meters. There were no obstructions to my view of both men, and conditions were good with bright sunshine’.

7.13 Other matters dealt with under ‘Special Considerations’ will be the impact on the witness or petitioner, where this is relevant. For example, a statement by a person who has been assaulted or threatened must make reference to the injuries caused and the psychological trauma that resulted. Always add reference to those issues in Table 7.4 if the Statement relates to an assault case, if relevant.

Table 7.4: Special Considerations that must be addressed in the Statement of Evidence

Visible injuries	What are the visible injuries that resulted from the attack or assault (i.e. cuts, bruises, deep wounds, bleeding, etc.)?
Non-visible or internal injuries	What did the petitioner experience as a result of the assault or attack, in terms of internal injuries (i.e. internal pain, headaches, sharp pains, aches, etc.)?
Psychological trauma	What did the petitioner experience as a result of the assault or attack, in terms of psychological trauma (i.e. fear, shock, loss of bladder or bowel control, sleepless nights, nightmares, inability to attend work, fear of going into the city, etc.)?

PART EIGHT

PREPARING A SUMMARY OF EVIDENCE

8.1 Once the PIPS' investigator has completed the cycle of investigations he or she will have to prepare a Docket (case file) that contains all the relevant documentation, whether it has been a conducted as a criminal investigation or only as a disciplinary investigation. According to Service Instruction 188, the Docket (case file) should contain the following documents:

- a) The Diary of Action Taken
- b) The report or statement of the Officer in Charge of the case.
- c) The statement of the Complainant or Principal witness.
- d) The statement of corroboration witness, in order of their importance as evidence.
- e) Any cautioned statement by accused; followed by any statements of witnesses supporting him;
- f) Relevant documents such as photographs, telegram, bail bonds, warrant etc.

8.2 Further information regarding the Docket (case file) under Service Instruction 188 can be found under Appendix F. The report of the Officer in Charge (item (b) above) should include a summary of evidence that is specifically written for the benefit of the Director General of PIPS and, subsequently, the senior staff at Police HQ to whom the IGP has

delegated his decision-making authority. It assists those who must appraise the available evidence and make a decision as to whether to proceed with the case, or to terminate it. The Summary of Evidence should meet those same criteria that apply to Statements of Evidence and Summaries of Suspect Interviews, namely: fidelity; relevance; clarity; and coherence.

8.3 It is vital that the words recorded in the summary correspond exactly to what the Director General and others will find in the statements of the witnesses and the summary of suspect interview. Fidelity means using only those facts that have been brought forward in the course of the investigation, and for which a person can (if required) give evidence in a Service Enquiry or court. An interview summary must contain facts that are of relevance to the breach of discipline or criminal behaviour that is the subject of the charge against the police defendant. This must mean that the PIPS' investigator becomes aware of the rules of evidence and what the Police Service Regulations and criminal law and related guidance considers to be relevant material to a particular crime.

8.4 It is also vital that a summary is easily understood by the Director General and other decision makers. That means that it should employ simple and easily comprehensible language. This is normally achieved by using short sentences that deliver ideas in a concise language. It means avoiding the use of jargon and abstract language. In

Table 8.1: Structure of a Summary of Evidence

(1) HEADING
(2) INTRODUCTION
(3) PETITIONER'S (OR VICTIM'S) EVIDENCE
(4) EVIDENCE OF WITNESSES
(5) DEFENDANT'S EVIDENCE
(6) ADD 'SPECIAL CONSIDERATIONS'

addition, every summary of interview should have a coherent and obvious structure. The pattern described in Table 8.1 indicates best practice in writing a summary of evidence.

8.5 Achieving a professional standard in writing summaries of evidence means adopting the four principles that are mentioned above, as well as ensuring that the material is structured to make it easy for the Director General to read and review the evidence that has been acquired from the petitioner, witnesses and police defendant. The summary must be accurate and include all significant evidential points, and it must be fair and balanced. It is important to remember that it is only a summary, and not a verbatim or word-for-word account of everything that was said in the interviews. Therefore, the summary should be confined to an account of those parts of the case that the investigator considers directly relevant in evidential terms, both to the prosecution and the defence, to the matters being considered before the Service Enquiry or court.

8.6 When possible, the Summary of Evidence should be presented in a Memorandum format, using MS Word or similar computer application. The investigator will need to clearly indicate who is the author (FROM:), the addressee (TO:), the date, and the subject matter (SUBJECT:). Simple and readily understood language should be used when completing the subject matter line. Appendix E provides examples of a Summary of Evidence. The following notes of guidance will refer to the six parts of the example, starting with the Heading:

**FROM: Inspector Abedi Appiah, Investigator,
PIPS HQ, Accra.**
TO: Director General, PIPS, Accra
DATE: Monday 10 April 2017
**SUBJECT: Assault Complaint Against Lance
Corp. Samuel Gyan (12467)**

8.7 The Introduction should tell the Director General in just a few words what the case is about. The investigator should think through the answer to the basic questions of WHEN the complaint was reported; WHO alleged that the misconduct or crime had been committed, and BY WHOM; WHAT was

alleged to have occurred; and WHERE and WHEN the alleged incident occurred. As in the example:

On Monday 9th January 2017 Mr. Michael Kuffour made a formal complaint to PIPS that he had been assaulted by a person he came to know as Lance Corporal Samuel Gyan. The alleged incident took place outside the victim's residence at Kofi Portuphy St., Lashibi, Accra, at about 09.20am on Friday 6th January 2017.

8.8 Note that a Summary of Evidence, unlike a Statement of Evidence, is always written in the 'third person'. This is because the Summary is reporting the basic facts of the case to the Director General and other decision makers, briefly describing the evidence, and highlighting any problems or gaps in the trail of evidence. The Summary should tell the Director General whether the petitioner has provided a Statement of Evidence and, if so, what he or she can tell a court in very brief and succinct language. If relevant, mention should be made as to whether the petitioner is vulnerable (elderly, or a minor, or mentally handicapped) and whether the investigator considers him or her to be unreliable or weak, or if they have any other concerns with the witness' testimony. This part of the Summary should read like the following example:

Mr. Michael Kuffour provided a statement of evidence on the day of the incident. According to Mr. Kuffour he was approached by Lance Corp. Samuel Gyan and asked not to park his car outside Kofi Muntari Apartment Block on Kofi Portuphy St, since he (Gyan) wanted exclusive use of the parking area. When Mr. Kuffour refused this request, Gyan became abusive and threatening. Gyan then punched Mr. Kuffour in the face and, while he was lying on the pavement, kicked him several times. Mr. Kuffour states that it was an unprovoked attack, and that he did not hit Gyan who is considerably bigger and younger.

8.9 Next the Summary needs to tell the Director General what other witnesses can tell a Service Enquiry or court about the incident. This should

start with any eye witnesses: i.e. those who can give evidence of seeing or hearing the actual incident. The investigator should briefly indicate whether they confirm or negate what the victim alleges. He or she should also refer to what the expert witnesses might say (i.e. medical doctors, or forensic experts). Finally the Summary must refer to any other material or tangible evidence that has a bearing on the case (e.g. a weapon; stolen property that has been recovered; CCTV footage; etc.). As far as possible the Summary ought to anticipate the Director General's response. For example, if an incident occurs on a city street the Director General will want it to confirm whether or not there was a CCTV camera in the area, from which evidence may be obtained. Let's look at Inspector Appiah's example:

A witness, Mrs. Yvonne Aryee, states that she had a view of the incident from her balcony: she confirms that the larger of the two men (Gyan) punched Kuffour in the face and then kicked him more than once while he lay on the ground. She did not see Kuffour assault Gyan or provoke the attack.

Within one hour of the attack Kuffour attended the Military Hospital in Accra for treatment to his injuries. Dr. Elizabeth Ohene treated the injuries and provided a statement of evidence. According to Dr. Ohene, Kuffour was found to have a nasal fracture (broken nose) with significant swelling, pain and bleeding. Kuffour also had localized bruising and swelling to his back and forearms, consistent with receiving blows from a blunt weapon or boot.

No other witnesses or sources of evidence could be located. There are no CCTV cameras in this part of Kofi Portuphy Street, Lashibi, Accra.

8.10 In the next part of the Summary the PIPS investigator will need to tell the Director General if he or she interviewed one or more police defendants in the case. In brief terms they must tell the Director General what the defendant said in interview or that the defendant refused to answer questions

put by PIPS' investigators. Refer to any inconsistencies, or alibis, or reference to a lawful defence. Let's return to Inspector Appiah's example:

At approximately 10.35am on Tuesday 31st January 2017, Gyan was interviewed by Inspector Appiah, PIPS' Investigator, PIPS HQ, Accra. Gyan admitted that he had had an argument with Mr. Kuffour, and that it had become violent. Throughout the interview Gyan insisted that it was not him but Mr. Kuffour who first became aggressive and violent. Even when told that an independent witness had confirmed Kuffour's account, Gyan insisted that he only punched Kuffour once, and this was done in self-defence after he was pushed backwards into the wall of the building.

8.11 In the final stage of the Summary the investigator should address any Special Considerations concerning the strengths and weaknesses of the evidence that has been gathered. In this part of the text the investigator is effectively alerting the Director General to any concerns about possible gaps or inconsistencies in the evidence. If there are no such concerns, this part of the Summary should be used to reassure the Director General of the strength of eyewitness accounts or other features of the evidence.

In her statement of evidence, Mrs. Yvonne Aryee, states that she was approximately 20 meters from the incident and standing on her balcony. She had a clear and unobstructed view. She states that she does not know either men, but had seen both in the weeks leading up to the incident, entering and leaving the apartment block. She is confident that she can recognise both men again.

At the time of being interviewed by Inspector Appiah on Tuesday 31st January 2017, the victim, Mr. Michael Kuffour, had considerable swelling to his nose and reddening to the surrounding eye sockets and cheeks. His nose was clearly broken and distorted.

APPENDIX A

Interview Plan – Planning and Preparation Form

INTERVIEWEE (FIRST NAME & SURNAME):

DATE:

OFFENCE(S)

POINTS TO PROVE

DEFENCES

PURPOSE OF INTERVIEW

RELEVANT ISSUES

FACTS ALREADY ESTABLISHED

FACTS TO BE DETERMINED

RECORD OF INFORMATION DISCLOSED TO DEFENCE LAWYER/LEGAL REPRESENTATIVE

APPENDIX B

MINOR DISCIPLINE OFFENCES – Police Service Regulations (PSR) 2012

Class	Offence	Reference
Failure to serve public	Lack of civility to any member of the public	Sec 83 (a)
	Neglecting to assist any person injured or taken ill in any public place	Sec 83 (b)
	Withholding or failing to report promptly any complaint against a police officer	Sec 83 (c)
	Accepting directly or indirectly any gratuity, present, subscription or testimonial without the knowledge and permission of the Inspector-General of Police	Sec 83 (d)
Disorderly conduct	Lending money from, or borrowing money from, any other police officer	Sec 83 (e)
	Give a disrespectful utterance against a superior in rank	Sec 83 (f)
	The use of abusive or insulting language to, or quarrelling with, any other police officer	Sec 83 (g)
	Be inattentive, talk, sing or otherwise misbehave at parade	Sec 83 (h)
	Be late for duty or parade	Sec 83 (i)
	Be on or report for duty in dirty clothes or be untidy in person, clothing, arms or accessories	Sec 83 (j)
	Enter a place licensed for sale of liquor when on duty, except when one's presence is required there in the execution of duty	Sec 83 (k)
	Drink an alcoholic beverage while on duty	Sec 83 (l)
	Failure to work to one's beat properly or exhibit irregularity on beat or sentry	Sec 83 (n)
	Idle or lie down without cause when on duty	Sec 83 (o)
Deceitful behaviour	Remove an armband or duty badge when on duty or endeavour at any time to disguise or conceal one's identification number, name or rank	Sec 83 (m)
	Wilfully gives an untruthful answer before a court or at an inquiry or fail without reasonable cause to attend at court or inquiry when so required	Sec 83 (p)
	Make frivolous or vexatious complaint, or aid in making an anonymous complaint	Sec 83 (q)
	Incur debt without a reasonable prospect, or intention, of repaying it, or having incurred a debt, make no reasonable effort to repay it	Sec 83 (r)
	Fail to report infectious or contagious ailment to the Service medical authority; and	Sec 83 (s)
	Engage in a gainful part-time business outside the Service without permission from the Inspector-General Police	Sec 83 (t)

APPENDIX C

MAJOR DISCIPLINE OFFENCES – Police Service Regulations (PSR) 2012

Class	Offence	Reference
Deception & corruption	Engage in an activity outside official duties which is likely to: (i) involve the officer in political controversy, or (ii) lead the officer taking improper advantage of that officer's position in the Service	Sec 82 (c)
	Wilfully or negligently permitting a prisoner to escape	Sec 82 (f)
	Divulge any confidential information to a person not authorised to receive it	Sec 82 (g)
	Disclose official information or communication on matters connected with the Service to an unauthorised person without permission from the officer under whom the officer serves	Sec 82 (k)
	Protect a person otherwise than is allowed by law;	Sec 82 (l)
	Omit to make a necessary entry in an official document, book or record;	Sec 82 (m)
	Make or sign a fake statement in an official record or document;	Sec 82 (n)
	Convey information directly or indirectly to a person concerning a warrant or summons which has been issued or is to be issued against that person	Sec 82 (o)
	Forge an entry in an official record	Sec 82 (y)
Disorderly behaviour	Assault a fellow officer	Sec 82 (a)
	Use without lawful authority any property or facilities of the Service for a purpose not in connection with official duties;	Sec 82 (b)
	Sleep while on duty;	Sec 82 (d)
	Be drunk while on duty;	Sec 82 (e)
	Smoke while on duty	Sec 82 (r)
	Gamble, or permit or fail to report gambling in a police station or barracks	Sec 82 (t)
	Do without reasonable excuse an act which: (i) amounts to failure to perform in a proper manner, a duty imposed on the officer, (ii) contravenes any enactment related to the Service, (iii) is otherwise prejudicial to the efficient conduct of the Service, or (iv) brings the Service into disrepute;	Sec 82 (h)
	Malingering or feign sickness	Sec 82 (p)
Be absent from duty without permission or reasonable excuse	Sec 82 (q)	

MAJOR DISCIPLINE OFFENCES – Police Service Regulations (PSR) 2012

Class	Offence	Reference
Insubordination	Be insubordinate, use abusive or insulting language or quarrel with another officer	Sec 82 (r)
	Disobey a lawful order given at a parade to the officer by a senior officer;	Sec 82 (h)
	Fail to comply with or disobey any of these Regulations or the Service Instructions and policy directives issued by the Inspector-General	Sec 82 (cc)
	Leave one's beat, point or other place to which the officer has been assigned, without permission or without sufficient and reasonable excuse	Sec 82 (aa)
	Engage in a gainful part-time business outside the service without permission from the Inspector-General of Police.	Sec 82 (dd)
	Show oppressive or tyrannical conduct towards a junior officer	Sec 82 (w)
Dereliction of duty	Fail to attend to a reasonable request made to the officer by a member of the public	Sec 82 (x)
	Fail or refuse to assist in the apprehension of a person suspected to have committed an offence	Sec 82 (bb)
	Fail to report the known whereabouts of an offender or fail to exert oneself to make the offender amenable to the law	Sec 82 (s)
	Maltreat or use unnecessary force towards a person in the officer's custody	Sec 82 (j)
	The pawn, sale, loss by neglect, wilful or negligent damage an article of clothing, arms, accessory or necessaries issued to an officer or any Government property committed to the officer's charge	Sec 82 (z)

MAJOR DISCIPLINE OFFENCES – Police Service Regulations (PSR) 2012

Class	Offence	Reference
Firearms and ammunition	In respect of arms or ammunition to:	
	i. take arms and ammunition from the armoury without authority;	
	ii. give out arms and ammunition without authority;	
	iii. keep arms and ammunition without authority;	
	iv. Fail to account for arms and ammunition issued;	
	v. Use arms and ammunition for unauthorised purposes;	
	vi. Misuse arms and ammunition;	
	vii. Mishandle arms and ammunition;	
	viii. Carry or use arms and ammunition in an unprofessional manner;	Sec 82 (v)
	ix. Fire without authority;	
	x. Transfer arms and ammunition without authority;	
	xi. Fail to report the discharge of firearms;	
	xii. Fail within a reasonable period of time to return arms and ammunition issued for duty;	
	xiii. Fail to make a correct entry in the arms and ammunition book;	
	xiv. Fail to take proper custody of firearms in the officer's possession;	
	xv. Fail to present a suspect to court at the require time without just cause; and	
xvi. Unlawfully detain a suspect in custody		

APPENDIX D

Example of a Structured Statement: Evidence of Dr. Kwame Armah

INTRO	I am a medical doctor from Ashanti Region. I am prepared to attend court and give evidence regarding the following matters’.
SET THE SCENE	At approximately 10.10am on Monday 10 th April, 2017, I was travelling alone in my VW Passat vehicle from my home town toward Accra. I was travelling along the main highway from Kwabenya to Accra. Traffic was fairly heavy. As I approached the roundabout at Haatso-Atomic Road I came to a halt behind a long queue of vehicles’.
DESCRIPTION OF ACTION (ACTUS REUS)	<p>As I waited in the traffic queue I noticed that some cars were approaching from behind me, overtaking the line of cars that I was waiting in. Then I noticed a man wearing a yellow shirt emerge to my right, walking along the edge of the road. He walked between the front of my car and the back of the car in front, toward the centre of the road. As he passed the front of my car I heard a screech of tires, and a car stopped to my left. It had been overtaking the line of cars and almost hit the man in the yellow shirt as he emerged. I noticed that it was a dark blue Nissan Patrol with the emblems of the Ghana Police Service on its passenger door.</p> <p>Suddenly the man in the yellow shirt began shouting at the driver of the police car. He appeared to be very angry: his face was red and he was shaking his fist at the police driver. The driver then got out and stood next to my car, close to my window. He said something to the man in the yellow shirt, but I could not understand the words. Instantly the policeman reacted by lunging at the man in the yellow shirt, punching him and kicking him. The driver fell to the ground next to my car, and the policeman continued to kick him while he lay on the ground. I could hear the attacker shouting, ‘You stupid fool. You could have been killed, you fool.’ The man in the yellow shirt screamed and seemed to be in pain from the blows.</p> <p>At this point two more police officers arrived. One of them pulled the man in the yellow shirt away from the Nissan Patrol driver, handcuffed him and marched him off in the direction of the Accra. I noticed that the man in the yellow shirt had blood around his nose and mouth, and appeared to be in distress. A third police officer spoke to the Nissan Patrol driver for a few minutes, before they both got back in the blue Nissan and drove toward Accra</p>
DESCRIPTION OF ACTORS	I would describe the Nissan Patrol driver as follows: black, male, approximately 40 to 45 years, muscular build and about 1.8 meters tall. He had close-cropped hair, which was thinning on top. He had a broad face and was clean shaven and had a generally smart appearance. He wore a dark blue police shirt that appeared to be new, and matching blue trousers. I would describe the man with the yellow shirt as follows. He was black, male, about 50 to 55 years, slight build, approximately 1.6 meters tall. He had an angular face with a hooked nose, and prominent front teeth. He had what sounded like an Ewe accent from the Volta Region. I cannot recall the appearance of the police officers that arrested him.
SPECIAL COSIDERATIONS	I do not know any of the men involved in this incident, and I have never seen them before. However, I am confident that I would recognize both the Nissan Patrol driver and the man that he attacked, if I saw them again. I was able to observe both the man in the yellow shirt and the Nissan Patrol driver continuously for a period of about two minutes and at a distance of no more than two meters. There were no obstructions to my view of both men, and conditions were good with bright sunshine.

Example of a Structured Statement: Evidence of Mr. Tony Yeboah

INTRO	I am a self-employed builder from Kumasi, living and working in Accra. I am prepared to attend court and give evidence regarding the following matters.
SET THE SCENE	At approximately 12.30pm on Tuesday 4 April, 2017, I was driving my Audi A8 (Registration Number GG 2000 - 15) from Madina to Osu in Accra. I had just travelled from a construction site in Madina, and was on route to visit some friends in the city. I was travelling alone along the Airport By-Pass Road, heading toward the city centre. Traffic was fairly heavy. As I approached the junction that leads to Marina Mall I decided stop and get a cup of coffee. The main car park of Marina Mall was full, so I parked on the access road.
DESCRIPTION OF ACTION (ACTUS REUS)	<p>Once I had stopped my car in the access road, a police officer approached me. I noticed that there was another police officer holding what appeared to be a rubber baton, standing about 50 meters away. He was standing next to a large SUV car which was dark blue and had 'Motor Transport and Traffic' written along its side. The first policeman said to me: 'Can't you read? Get back in the car and move it. You cannot park here, you idiot.' He then turned and walked toward the police car. I walked after him and said: 'Who do you think you are? Come here and call me an idiot.' The policeman stopped and turned. I could see that he was smoking a cigarette and appeared to be visibly irritated. As he approached me he flicked the lit cigarette toward me, and it struck my leg. He shouted: 'You failed to show me respect! Now I am going to teach you to do as you are told.'</p> <p>I was now getting angry, and stood in front of him. He pushed me back with both hands and I stumbled. I quickly turned and pushed him back and said: 'What is your problem?' At this point the other policeman came over and stood alongside the first policeman. The first man said: 'We need to teach this goat a lesson.' He then punched me hard in the stomach and I fell to the ground. Both men then began to kick me and hit me with the rubber baton. I curled myself into a ball, and put my hands over my face to protect it. I could not see but felt kicks land in my back, hands, knees and legs. This went on for several minutes, while I heard both men shouting: 'Stupid goat', and, 'You think you can come here and do what you like.'</p> <p>Suddenly the attack stopped and I heard them walk away laughing. I was dazed and in pain. While still lying on the ground I looked up and saw the both men get back into the police car and drive off. I then got to my feet and went back to my car and called my colleagues in Osu, since I felt unable to drive because of the injuries to my right hand and left leg. My friends arrived twenty minutes later and took me to the Ghana-Canada Medical Centre for treatment.</p>
DESCRIPTION OF ACTORS	I would describe the first policeman as follows: black, male, approximately 40 to 45 years, heavy build and about 1.7 meters tall. He had black hair that was cut very short, and a full black moustache. He had a broad face, large nose, and had a generally untidy appearance. He had what sounded like a northern accent. He wore a Motor Transport and Traffic uniform, with a yellow reflective jacket with MTTU on the back and a peaked cap. The other policeman was black, male, about 30 to 35 years, athletic build, approximately 1.9 meters tall. He had a square face with a broad jaw and sharp nose.
SPECIAL COSIDERATIONS	I do not know any of the police men involved in this incident, and I have never seen them before. However, I am confident that I would recognize both men who attacked him, if I saw them again. I was able to observe both MTTU men continuously for a period of several minutes and at very close distance. As a result of the attack I have significant injuries, including fractures in two fingers of my right hand, and substantial bruising to my hands, back, knees, lower legs, arms and elbows. The pain to my hands, arms, back and legs was intense for the first 48 hours. I will not have full use of my right hand for several weeks. A full medical report will be provided by the doctor who treated me at the Ghana-Canada Medical Centre. I have also suffered great mental trauma as a result of the attack, and I have difficulty sleeping at night.

APPENDIX E

Example 1: Structured Summary of Evidence: Alleged Assault by Lance Corp. Samuel GYAN

HEADING	<p>FROM: Inspector Abedi Appiah, Investigator, PIPS HQ, Accra</p> <p>TO: Director General, PIPS, Accra</p> <p>DATE: Monday 10 April 2017</p> <p>SUBJECT: Assault Complaint Against Lance Corp. Samuel Gyan (No. 12467)</p>
INTRODUCTION	<p>On Monday 9th January 2017 Mr. Michael Kuffour made a formal complaint to PIPS that he had been assaulted by a person he came to know as Lance Corporal Samuel Gyan. The alleged incident took place outside the victim's residence at Kofi Portuphy St., Lashibi, Accra, at about 09.20am on Friday 6th January 2017.</p>
VICTIM'S EVIDENCE	<p>Mr. Michael Kuffour provided a statement of evidence on the day of the incident. According to Mr. Kuffour he was approached by Lance Corp. Samuel Gyan and asked not to park his car outside Kofi Muntari Apartment Block on Kofi Portuphy St, since he (Gyan) wanted exclusive use of the parking area. When Mr. Kuffour refused this request, Gyan became abusive and threatening. Gyan then punched Mr. Kuffour in the face and, while he was lying on the pavement, kicked him several times. Mr. Kuffour states that it was an unprovoked attack, and that he did not hit Gyan who is considerably bigger and younger.</p>
EVIDENCE OF WITNESSES	<p>A witness, Mrs. Yvonne Aryee, states that she had a view of the incident from her balcony: she confirms that the larger of the two men (Gyan) punched Kuffour in the face and then kicked him more than once while he lay on the ground. She did not see Kuffour assault Gyan or provoke the attack.</p> <p>Within one hour of the attack Kuffour attended the Military Hospital in Accra for treatment to his injuries. Dr. Elizabeth Ohene treated the injuries and provided a statement of evidence. According to Dr. Ohene, Kuffour was found to have a nasal fracture (broken nose) with significant swelling, pain and bleeding. Kuffour also had localized bruising and swelling to his back and forearms, consistent with receiving blows from a blunt weapon or boot.</p> <p>No other witnesses or sources of evidence could be located. There are no CCTV cameras in this part of Kofi Portuphy Street, Lashibi, Accra.</p>
SUSPECT'S EVIDENCE	<p>At approximately 10.35am on Tuesday 31st January 2017, Gyan was interviewed by Inspector Appiah, PIPS Investigator, PIPS HQ, Accra. Gyan admitted that he had had an argument with Mr. Kuffour, and that it had become violent. Throughout the interview Gyan insisted that it was not him but Mr. Kuffour who first became aggressive and violent. Even when told that an independent witness had confirmed Kuffour's account, Gyan insisted that he only punched Kuffour once, and this was done in self-defence after he was pushed backwards into the wall of the building.</p>
SPECIAL CONSIDERATIONS	<p>In her statement of evidence, Mrs. Yvonne Aryee, states that she was approximately 20 meters from the incident and standing on her balcony. She had a clear and unobstructed view. She states that she does not know either of these men, but had seen both in the weeks leading up to the incident, entering and leaving the apartment block. She is confident that she can recognise both men again.</p> <p>At the time of being interviewed by Inspector Appiah on Tuesday 31st January 2017, the victim, Mr. Michael Kuffour, had considerable swelling to his nose and reddening to the surrounding eye sockets and cheeks. His nose was clearly broken and distorted.</p>

Example 2: Summary of Evidence: Alleged Enlistment Fraud by Chief Inspector Kojo BERNASKO

HEADING	<p>FROM: Dep. Supt. Nathan Apea Asamoah, PIPS Investigator, PIPS HQ, Accra</p> <p>TO: DC Akwasi Akuffo, Director General, PIPS HQ</p> <p>DATE: Friday 12 May 2017</p> <p>SUBJECT: Enlistment Fraud Against Chief Inspector Kojo Bernasko (No. 10567)</p>
INTRO	<p>On Monday 7 May 2017 Mr. Ignatius Kutu Addy made a formal complaint to police that he had been defrauded by a person he came to know as Chief Inspector Kojo Bernasko. The alleged incident took place at Legon Police Station, Accra, at about 09.20am on Monday 5 December 2016.</p>
PETITIONER'S EVIDENCE	<p>Mr. Ignatius Kutu Addy provided a statement of evidence on Monday 7 May 2017. According to Addy he attended Legon Police Station on Tuesday 6 December 2016 and asked about joining the police. Chief Inspector Bernasko invited Addy into his office for a private discussion of how to apply for recruitment. According to Addy, Bernasko gave him an application form and told him to return within three days with the completed form and 300 Cedi and he would ensure a swift recruitment of Addy. On Wednesday 7 December 2016 Addy returned with his friend, Mahamudu Darko, and handed over the form and 300 Cedi in an envelope to Bernasko. Since that time Addy has made no less than eight visits to Legon Police Station and Bernasko has refused to talk to him on each occasion.</p>
EVIDENCE OF WITNESSES	<p>A witness, Mr. Mahamudu Darko, states that he witnessed Addy handing an envelope containing 300 Cedi to Bernasko on Wednesday 7 December 2016 at Legon Police Station: he confirms that Bernasko took the envelope and said that he would contact Addy about his recruitment. Darko also states that he accompanied Addy to Legon Police Station on five further occasions and, on each occasion Bernasko refused to talk to Addy.</p> <p>No other witnesses or sources of evidence could be located. No other officer at Legon Police Station will confirm that Bernasko received a form and envelope from Addy.</p>
POLICE DEFENDANT'S EVIDENCE	<p>At approximately 10.35am on Friday 12 May 2017 Bernasko was interviewed by Deputy Superintendent Nathan Apea Asamoah, PIPS investigator. Bernasko admitted that he had had a discussion with Mr Addy about his desire to join the Service. Bernasko states that he provided a form and advice, but denies making any request for money or receiving any money from Mr. Addy. He states that Mr. Addy became a pest, visiting Legon Station several times and asking why he had not been recruited. Bernasko states that he became weary of Addy's frequent requests and refused to speak to him.</p>
SPECIAL CONSIDERATIONS	<p>In his statement of evidence, Mr. Mahamudu Darko, states that he was approximately two meters from Bernasko when Addy handed the Chief Inspector the envelope on Wednesday 7 December 2016 at Legon Police Station. He had a clear and unobstructed view. Darko also states that he witnessed Addy placing 300 Cedi in the same envelope earlier that day.</p>

APPENDIX F

Service Instruction 188 – Dockets (Case File) in Criminal Cases

1	In every case where a complaint made to Police is investigated, a case docket shall be opened and numbered. The serial number of a docket shall be the same as the relevant number in the register of offences.
2	Dockets shall be maintained by the Officer in charge of the case, whose name shall be entered together with the precise (Brief facts) of the case in the inside of the covers and all entries shall be made by him while he is in charge of the case (See S. I. 181).
3	<p>Every docket shall contain the following documents in the other as they appear below: -</p> <ul style="list-style-type: none"> a) The Diary of Action Taken b) The report or statement of the Officer in Charge of the case. c) The statement of the Complainant or Principal witness. d) The statement of corroboration witness, in order of their importance as evidence. e) Any cautioned statement by accused; followed by any statements of witnesses supporting him; f) Relevant documents such as photographs, telegram, bail bonds, warrant etc.
4	<ul style="list-style-type: none"> a) Particular attention shall be paid to the Diary of Action, as an accurate diary is invaluable to an inspecting or prosecuting Officer and to counsel at the Assizes. b) In the Diary of Action shall be entered correctly all details of Police Action Taken, giving dates and times, particulars of arrests, searches, property recovered, charges, bail, prisoners placed in cells, circulation of descriptions of persons and property, exhibits, telegrams, special and progress Reports on Serious Crime etc. c) Senior Officers and Officers in charge of Police Stations giving instructions regarding investigations shall make a brief note of their instructions in the Diary of Action.
5	On every occasion in which a remand is granted on the application of Police or accused is remanded by the Circuit Court Judge, a brief note as to the reasons for remand will be entered in the Diary of Action.
6	On the Completion of a case the result shall be carefully entered in the Diary of Action and the duplicate copy to CID Form 6 shall be filed in the docket. When a case is dismissed by the Court a brief note of the reasons for dismissal shall be entered in the Diary of Action.
7	No case under investigations shall be closed as "Undetected" without the authority of a Senior Officer, who shall record in the Diary of Action the reasons for its closing and will sign both the entry and that on the outside cover of the docket. Under no circumstance shall cases be closed as "Undetected" for Statistical or routine purposes, and cases in which warrants and summonses are still in force shall remain open until a Senior Officer closes them.
8	When dockets are completed or closed they shall be filed in numerical order in their respective year and quarter and carefully preserved in accordance with the provisions of S.I. 82.

Service Instruction 188 – Dockets (Case File) in Criminal Cases

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- | | |
|----|---|
| 9 | In cases of serious crime a docket may remain open indefinitely and shall be kept before the Station Commander continually. He shall, from time to time, give directions as to what action shall be taken in the Diary of Action. In Serious cases and/or cases in which a warrant of arrest or a criminal summons remains unexecuted, it may be that only the death or removal of the Complainant and/or witnesses, or the final impossibility of obtaining proper evidence will necessitate the closing of a docket. In all such cases unexecuted warrants of arrest shall be extracted from the docket and filed at the back of the Register of Warrants in accordance with paragraph 8 of S.I. 190. |
| 10 | Continuous efforts shall be made to effect the arrest of persons wanted for crime, and their names shall be kept continually before all members of the Service in the Station concerned. |
| 11 | Should it become necessary to re-open a case which has been closed, the original serial number shall be retained, the Register shall be amended and a memo to this effect sent to the CID together with the crime returns when they are submitted. |
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APPENDIX G

Service Instruction 184 – Procedure for Voluntary Statements 1/2

1	When a person is charged with a criminal offence, he shall immediately be cautioned. The caution shall be administered verbally and the member of the Service concerned shall ensure that the person charged fully understands the meaning of the caution. When a person in Police custody volunteers a statement even if he has not as yet been charged, similar action shall be taken.
2	When a person, having been charged, volunteers to make a statement in answer to the charge, he shall if he is literate and anxious to write the statement himself, be permitted to do so. If he does not wish to write his own statement, it shall be taken down by the Police Officer charging him, who shall be the officer in charge of the case.
3	Before commencing to write a voluntary statement the member of the service concerned shall record on the statement form, the name, address and other particulars of the accused person and shall preface the statement with the following: - “Having been charged with (state offence) and having been cautioned that he (she) is not obliged to say anything in answer to the charge but that if he (she) does so it will be taken down in writing and may be given in evidence states in (language), taken down in English, as follows”.
4	If a person charged is literate and wishes to write the statement himself, he shall be allowed to do so, but, at the commencement thereof, he must write the words of the caution as required by paragraph 3 of this Service Instruction.
5	When a voluntary statement has been recorded it shall be carefully read over to the person making it, and any alternations or additions he wishes to make shall be made and initialled by the officer recording the statement, or by the prisoner, if he wrote the statement himself, it shall then be signed and dated in the same manner as a witness’s statement.
6	A Police Officer who is the complainant shall not record a voluntary statement from an accused person in the case.
7	Under no circumstance shall “fair” copies of voluntary statements be made.
8	When it is intended to tender in evidence any voluntary statement made by a prisoner or an accused person, a copy shall be made and filed in the relevant case docket for future reference. This copy shall be certified by the officer making it as having been checked with the original and found correct. Under no circumstance whatsoever shall this copy be tendered in evidence.
9	When it is found necessary to administer a caution to an accused person through an interpreter, steps shall be taken to ensure that the correct caution is administered and that it is properly understood by the interpreter and by the accused. As far as possible a caution shall always be given in the native language of the accused.

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10	A voluntary statement must be entirely voluntary and shall be taken down in writing when the prisoner states on his own initiative, and not in answer to any threat or inducement that he desires to make a statement. Should a person charged say that he has no statement to make or that he will make his statement in Court, the fact shall be recorded in the Diary of Action in the case docket and shall not be recorded as a statement.
11	Police Officers taking down voluntary statements may not cross-examine a prisoner with the object of causing him to incriminate himself or any person suspected to having abetted him. Persons making voluntary statements may only be asked questions in order to remove an obvious ambiguity in a statement or to clear up some doubtful point.
12	A voluntary statement shall be signed and dated in the same manner as a witness's statement and, in similar manner, shall be certified by the Police Officer who took it down in writing and by the interpreter if interpreter is employed.
13	<p>In Serious Crimes: -</p> <ul style="list-style-type: none"> i. If any accused person, after arrest and caution by a Police Officer, volunteers a statement, the Police Officer effecting arrest will, if no other Police Officer is present, endeavour to get a responsible member of the public, if available, to be present during the making and recording (where possible of that statement). ii. On conclusion of the recording of the statement the member of the public (or another Police Officer, if present) will certify thereon, over his signature, that it represents correctly what the accused person has voluntarily said in his presence after caution. iii. Where the Police Officer(s) concerned and the member of the public are illiterate they will be taken to the nearest Police Station where their statements will be recorded and witnessed. iv. Under no circumstance will a Police Officer refuse to permit an accused person to make a voluntary statement or decline to record that statement merely because there is no other Police Officer or a reliable member of the public present to witness the statement.
14	If a person who has already been charged and cautioned and is in custody wishes to make a statement he shall be taken before an Inspector or N. C. O. (preferably literate). The Inspector or N. C. O. is not required to record the statement himself, but he will himself caution the accused and, at the conclusion of the recording of the statement certify thereon, over his signature, that it represents correctly what was voluntarily said in his presence by the accused after caution. The recorded statement will also be signed by the Police Officer recording it.
15	If no Inspector or N. C. O. is available, the senior constable present will carry out the instructions set.
16	The provision of this paragraph shall not over-ride the general provisions of this Service Instruction nor the provisions of service instruction 181- paragraph 5(b).

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