

this says everything one needs to know about this Judge, this Court. The rest is mere window dressing.

When conducting an investigation, when does a caution become relevant?

Para 10 of the Code of Practice states;

“A person whom there are grounds to suspect of an offence MUST be cautioned before any questions about it are put to him regarding his involvement or suspected involvement in that offence if his answers or his silence may be given in evidence to a court in prosecution.”

Ask yourself this question, “At what point do I have reasonable grounds to suspect?”

Reasonableness, should be reasonable suspicion, as opposed too just a hunch, reasonableness being in short, what the average person would consider as being reasonable.

Giving a Caution

The caution **SHALL** be given in the following terms:

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

A minor deviation will not constitute a breach of the code as long as the sense of the caution is preserved.

Once you have given a caution you should make contemporaneous notes of what was said, at the time, or as soon as is reasonably practicable to do so in any official documentation that you use. Ensure that you record both the date and time of the caution, if this matter goes to court and a not guilty plea is entered your notes may be scrutinised by the defence.

Your notes will provide the basis of your Statement of Evidence, that is the written evidence of the investigating officer.

You can conduct what is termed as a doorstep prosecution, however, it would be prudent to collate what evidence you can and then interview the alleged offender in a controlled environment.

Conducting an interview under PACE 84

If you have tape recording facilities you should refer to the section within this document on tape recorded interviews and training is available in that respect if required. However, you may conduct a hand written interview, it is good practice to produce pre printed sheets in this respect. The interview should take the following format (refer to your handouts on interviewing witnesses)

Source –
PACE
guidance

“ I am (name) and I am an (position) with (organisation) and present during this interview are (enter names of those present, not the alleged offender). I am making enquiries into (specify section and offence) which occurred between/on the (enter dates) are you (name and address) the parent, carer or guardian of (name). Your attendance at these offices is voluntary and you are free to leave if you so wish, however, I would like to put some questions to you (in respect of which offence) but before I ask you any questions I must first caution you (enter the caution)(enter the time)