



Proportionate justice interview training – TFS investigative interviewing programme adopted by Hertfordshire Constabulary

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A shire police force is looking to change the way it deals with criminals by looking to do 'out of custody' interviews with the lower-level offenders, after giving officers training from a private security training company. Mark Rowe visits Hertfordshire to learn more, ask what it might mean for businesses, and how the non-arrest interviewing might apply to retail loss prevention and others doing interviews with suspects.

The door of the interview room at Hitchin police station closed and we were in a plain pale-coloured box of a room, with black seats either side of a table. The only object on the table was a recording machine beside the wall. I went to pull back a seat furthest from and facing the door, and found it wouldn't move; it was evidently bolted to the (plain-carpeted) floor. It was a telling moment; this 'Proportionate Justice' (PJ for short) interview room was not, as the police Inspectors pointed out later, a way of being soft on criminals. The room was, deliberately, bare and institutional. In effect it was telling whoever was inside: this is real and serious.

James Lant and Ian McMurray had invited Professional Security to hear about the non-arrest interview skills one-day course, by the leading training & risk management company Training For Success (TFS), rolled out to Hertfordshire Police response and neighbourhood officers. It matters to readers not only because – as police respond to the austerity cuts – other forces may go the Hertfordshire route, which will affect how loss prevention (LP) staff in retail and other security guard forces work with police. Readers who were once in the police may have an opinion on the methods; and those in LP or corporate security and fraud may be interested in the content of the interviewing training. James Lant began by setting out that the TFS training in how to conduct interviews is mainly for what he termed 'low level suspects committing low level offences, and the expectation is that it will be conducted in a room such as this, which is a voluntary room, out of custody'. A PJ interview, like any good interview, is not only about the face to face questioning, but the admin you have to do before and after, and the preparation, as laid out in the acronym GAIN – which stands for ground-work, acknowledgements, only then the interview, and lastly 'next steps'.

Ground-work may be house to house enquiries, or gathering of CCTV evidence, 'getting your ducks in a row' as James summed it up. Once you have your suspect, you consider; do I need to arrest them? Does that suspect need a solicitor, or interpreter,



or if they are a juvenile or have mental health issues, an 'appropriate adult' there with him? Previously, Hertfordshire would in the main make an arrest and then a prisoner handling team would deal with them. Instead, Hertfordshire is working on 'Proportionate Justice' and expecting to do more 'out of custody' interviews; and while it's become necessary because the policing cuts require efficiency savings, the Inspectors are adamant and make the case that PJ is a 'culture change' (James' phrase) for good policing reasons. In fact, far from somehow being soft on or letting off criminals, the Inspectors make the point that in fact such interviewing, still according to the PEACE model, makes a return to an older style of policing, from before the 'performance culture' of the last 15 years or so. While it was not something I pursued with the police officers, I could see parallels with LP; what does a retailer want – targets met, for instance in numbers of shop thieves caught – or crime prevented, which maybe does not lend itself to statistics, yet doesn't a business like tax-payers generally just want crime dealt with and prevented?

Hence the training, to refresh police officer skills, because front-line officers may have done little interviewing in recent years, if they were handing suspects over to be processed into custody. Hence, as Ian put it, the training is about organising yourself before the interview, 'as simple as checking the equipment is working' in the PJ room. He gives trainees the analogy of a supermarket. "We are having to work smarter nowadays, we haven't got the resilience we used to have with the budget cut. The analogy I use – if you look at the way the big supermarket chains deal with customers, not everybody is going into a supermarket for the weekly shop," and taking the time to go down all the aisles. Some customers might want only to go in for a newspaper or a sandwich; and the supermarket caters for that. "And I know it's miles apart, but if you think about the way we treat individuals, we shouldn't treat them alike." In other words, why arrest and treat everyone like prolific offenders, the police's equivalent of the 'weekly shoppers'? Whereas the lower-level offender may have made an error in judgment, and may be of previous good character? We shouldn't be taking people's liberty if it isn't 100 per cent necessary." Ian went on that officers are asked what is in the best interests of the victim; and if a case is suitable to be dealt with outside of custody, police should be doing that, they argue. That offers the prospect of keeping officers on the street more, whereas previously an arrest required two officers, to transport someone maybe 20 minutes to the nearest custody site; then you may be in a queue, before you can go through the procedure of handing over the suspect to the prisoner-handling team. Under PJ, police can ask; what time suits us (and the solicitor and suspect) to do the interview?

Hertfordshire Police when they join get two weeks training on the standard national PEACE method. But in the performance-driven years, officers might be arresting people and handing them over and might seldom do an interview. Hence the refresher, given by active Detective Sergeants. As for the 'next steps' after the interview, the officer has to ask; should they ask the Crown Prosecution Service for advice? Seek samples? What are the options of disposal in the case? As for how to do



the actual interview, the training takes officers through how to cover areas that the defence solicitor might bring up later, such as alibis; and indeed the interview is not a matter of accusing somebody, but may eliminate someone from the inquiry, which is just as important (and efficient). What if, for example, you come up against an interviewee who simply says 'no comment' to every question you put to them? Ian replies: "Personally, it's the easiest thing you ever do, because you know what the answer is going to be." As he admitted, the first time you come up against a 'no comment' interviewee, it stumps you, "but the reality of it is you should always plan for an interview and if you plan thoroughly enough you are able to ask all the questions and cover the points to prove an offence and cover all your evidence." If you receive a blank 'no' to your first question, you ought to sense that you are facing a 'no comment' interview. Indeed, if the interviewee is legally represented, the solicitor may have said so beforehand. In that case you just work through your plan.

While every investigation is different, Ian offered an example of racially-aggravated criminal damage which is used as a case study during the training; let's say some graffiti on a garage block. The lad you are interviewing was seen putting a can of spray-paint into a bin: "You would ask questions around that." How long has the person been living there, what school do they go to, who are their friends? Then you go on to the time – where were they, when the spraying happened one lunchtime? What was the interviewee doing? That way you avoid any later defence claim that the lad would have said he was with Dave, if only the police had asked. Then you cover the garage block and what happened. Whether the lad is telling truth or lies, the questions are the same; afterwards, you can check any alibi claim. It may be that the allegation is spurious, 'but we are not here to take sides, we are here to gather the evidence and present it', Ian said, adding, "this model of approach, delivered in partnership with TFS, is both ethical and operationally sound."

Hertfordshire has reduced the number of custody sites from ten to four: at Watford, Stevenage, Hatfield and Hoddesdon. Given the travelling to reach those sites, it may be that arresting someone isn't ethical, or even lawful. The force has gone to the trouble of equipping ten PJ rooms, generally away from the custody sites, to look exactly the same around the county: "It sends the message, you are coming in here, you know you are being dealt with, you are being taken seriously," and there's no cause for the officer to push aside a pile of papers or step over stored furniture into a room that looks like a broom cupboard, and trying the recorder to see if it's working – because what message would any of that send to the suspect? That the interviewer doesn't care that much. Food for thought there, for LP teams to deal with theft suspects professionally. The PJ room has all the interviewer needs to be, in Ian's phrase, 'a one-stop shop' to deal with the crime. Again, as the rooms are identical, and officers may be working around the county, there's no need to unprofessionally fumble around for a plug or a switch in a different place to usual. You want to take DNA or fingerprints, and store them properly? The kit (and the inevitable forms to fill in) is in a locked cupboard. And on the wall behind the seats nearer the door where



the officer will sit is an 'affray strip' for the interviewer to call for help, as a single officer may be in the room with a suspect. While Hertfordshire can claim to be better off than some forces, it's had to downgrade its estate – which in practical terms means that Hitchin no longer has a front office open; if you want to see an officer, you don't walk into reception, you ring at the locked door. Ten rooms have been converted, in the main, into PJ interview rooms at modest cost.

The result, Hertfordshire Police can focus on the 'prolific and priority offenders, the minority committing the majority of offences, the most harm to the community of Hertfordshire' as James said. Hence the word proportionate; if that person needs to be in custody they will still be. Yes, it does create savings because the force is dealing with fewer prisoners. Significantly Ian recalls one Sergeant who was originally anti-PJ who has found he can get his officers back on the street quicker; and if a Sergeant absolutely needs officers, for whatever reason, the PJ interviewer can be called, whereas in the custody block, the officers waiting to hand over the arrested person are out of radio contact.

Professional Security raised the scenario of a shoplifter, as Hitchin though a small market town has a high street and chain stores. The Inspectors replied that if a shoplifter needs to go into custody, they will; if the theft suspect has no relevant convictions, then police can give a penalty notice on the spot. If police suspect the thief of other offences, and want to do a search, they can arrest, and search meanwhile. Or, if the suspect is not a 'flight risk', he can voluntarily go for interview, there and then or on a Sunday morning even, and be dealt with under caution out of custody. PJ is the 'simple and quick option', as James put it. Officers have responded to the training in a positive way and are highly complementary of the TFS programme.

The PJ interview training with TFS is only 'completing the circle' of three or four years of changes in the force, giving officers the skills to make the right decisions, in high-pressure situations. James said: "We are not telling officers to stop arresting people, we are simply asking them to consider whether on certain occasions less intrusive means would achieve the same result with the victim remaining absolutely at the heart. Our experience of victims is that they want to know police have done everything they can to reach the best outcome in the investigation. Sometimes that will be no further action. But if police simply cannot solve the crime, people will accept that, as long as that is communicated to them well. Equally if a suspect has been identified I would argue that most victims want to know the right outcome has been reached. I think in most cases the average victim is not going to be bothered if this outcome is achieved through arrest or out of custody disposal."

What sort of crimes might police go down this out of custody interview route? We'd spoken of shop theft and graffiti, and Ian made plain it would not be used for serious offences, for example grievous bodily harm or serious sexual offences. But when asked to define specific low-level offences, or scenarios, the Inspectors would only



answer that it would depend on circumstances; it would be for suspects who don't have an 'extensive' criminal record. Putting it another way, James emphasised that it's a case by case decision; can the officer at the scene verify the suspect's name and address? Is there a flight risk, a threat of damage, or a danger to a victim or witness? Does an officer need to take forensic samples while someone is under arrest? Is the shop thief, for instance, co-operating?

Where might PJ go next? Might we see interviewing done on the street, with the bobby's laptop or hand-held device recording the statement, taking a fingerprint, and printing a receipt?! You might be able to take interviewing only so far with mobile technology, the Inspectors suggested. For instance they did make the point that a suspect is entitled to legal advice. Under PJ that might mean – if in a dispute between elderly neighbours – conducting the interview at someone's home with the solicitor present. Might other forces do likewise? James and Ian don't know. But Ian made clear that PJ is not about making life cosy for offenders; it's about justice for victims, efficiency, saving, and making officers more available and visible: "None of the considerations have ever been and will ever be, 'is it better for our offenders?'" And while police officers have raised during the training whether PJ is 'soft' on the criminals, Ian argues that PJ is about seeing the wheat from the chaff, and being able to deal with that minority of prolific offenders more robustly: "This is not about not arresting people, this is about making the decision so that we know we are arresting the right people at the right time for the right offences and focusing on, and let's face it, a small minority of our community who are committing the vast majority of our crime."

Most intriguing of all was the conversation after the interview proper; though PJ is apart from James and Ian's regular work, they plainly want to talk about it, because how you interview – as in retail loss prevention – goes to the heart of policing. This PJ training formalises it. Rather than an offender sitting in a cell for ten hours and not feeling like co-operating when he is interviewed, under PJ he knows what sort of interview he will get, when, and he gets it. He is treated like a human being; and next time a police officer sees him, he may be more civil; he may even give some intelligence. Building such a rapport with an offender may be controversial – in fraud prevention interviewing as in policing – because it may lead to criticism that you're showing sympathy to the criminal. Hertfordshire absolutely deny this. Far from modern softness, James and Ian argue that PJ can actually be the harder option than arrest and disposal; again, readers may see parallels with retail loss prevention.

Ian Kirke of TFS adds, "The partnership with Hertfordshire Constabulary has resulted in a number of positive achievements: The introduction of a practical skill set for operational police officers that not only meets legal certainty but also the necessary economic drivers and provides a significant ROI both in terms of enhanced operational capacity and heightened intelligence gathering allowing the police to focus their finite resources on the matters that mean the most to the public."



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