

Telephone Witness Statements

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Policy Statement

Summary

West Yorkshire Police (WYP) complies with Authorised Professional Practice (APP) which contains information to assist policing, and has established a local policy to provide clear standards and guidelines to all officers and staff obtaining statements utilising the Remote Telephone Witness Statement procedure.

The policy details the criteria for when a telephone witness statement (TWS) is appropriate, how to obtain a telephone witness statement. Also when it is appropriate to obtain a statement for a Domestic Abuse Crime.

Scope

This policy applies to all police officers and police staff.

Principles

General

- This policy supports a process which allows evidential victim and witness statements to be obtained remotely over the telephone.
 - The process also incorporates technology to allow the capture of the victims/witnesses digital signature on the statement, negating the requirement for a face to face meeting with the victim/witness.
 - The new process will provide several benefits including:
 - The ability to obtain out of force statements over the telephone;
 - Provide the public with a more modern and efficient way of providing a victim or witness statement;
 - Faster and more efficient way of progressing volume crime; and
 - Potential for more charging decisions due to statements being obtained and available for Crown Prosecution Service (CPS)/Evidence Review Officer (ERO) decisions.
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Criteria

Permitted Use of Telephone

- A telephone witness statement can only be taken if the below criteria is met:
 - The witness is 18 years old or over;

**Witness
Statements**

- No vulnerability has been identified that could affect the integrity of the evidence at court;
- The witness agrees to conduct the statement via the telephone; and
- The witness must be able to send and receive emails.

Criteria – Domestic Abuse Crimes

**Permitted Use
of Telephone
Witness
Statements**

- For domestic abuse relate crimes where the threat, risk, and harm associated with the crime and any associated history is graded as low, then this will meet the criteria and a telephone witness statement can be utilised.
- A telephone witness statement can be used as an initial statement, where a face to face DASH has already been completed (e.g. the victim does not want to give the statement whilst children are present, or the victim is intoxicated and it would not be appropriate to take a statement at that time).
- They can also be used for an additional supplementary statement.
- A witness statement from someone other than the victim (e.g. Neighbour/ MOP) can be considered regardless of risk, for a telephone witness statement.
- It may be appropriate in some circumstances for a DASH risk assessment to be completed over the telephone alongside a TWS providing that a thorough THRIVE has been completed which is graded as low, and the supervisor is satisfied that there are no heightened risk factors (as detailed in the section below entitled 'Not Permitted Use of TWS') or previous domestic abuse history.
- However, if during the completion of the DASH, there are concerns or the grading of DASH is anything other than standard risk, then arrangements must be made for an officer to attend in person.
- Please refer to the DASH iLearn for more information.
- If there are children living in the household, we **must** always ensure that officers attend in person to check on the welfare of the children.
- The appropriateness of TWS and especially DASH over the telephone must be continuously assessed. For example, officers who are speaking with a victim who is reluctant to talk, can hear the suspect in the background, fear the victim is being prompted to answer or have **any concerns**, they must use the NDM and reassess whether a phone call is suitable.
- *Please Note: If a DASH is completed over the telephone, it must be clearly documented on the OEL including a rationale.*

**Not Permitted
Use of
Telephone
Witness
Statements**

- If any of the heightened risk factors below are identified, then a face to face interview with the victim **must** take place. A telephone witness statement is **not** appropriate:
 - Are there any heightened risk factors? E.g. MARAC, Stalking behaviours, HBA/FM concerns, evidence of coercive control, High Risk DASH, history of violent/serious/serial offending?
 - Is it a complex investigation? E.g. rape, s18/ s20, involving SSU, digital forensics, phone evidence, financial abuse?
 - Is the victim vulnerable? E.g. elderly, significant diagnosed MH issues, learning disabilities?
 - Is there a significant DA history and repeat incidents?
 - The victim wishes to retract an earlier statement.
- Please note- a witness statement from someone other than the victim may still be obtained via TWS.

Obtaining Telephone Witness Statements

**How to Obtain a
Telephone
Witness
Statement**

- The witness must be called, and to confirm their name, DOB and address. Should the witness have concerns about disclosing this information; they must be told to contact back via 101.
- The officer must then access Pronto on either the desktop app or device and create a new MG11 as normal. The occurrence must be linked and the TWS option selected as 'yes' in occurrence details tab.
- The witness's personal details must be linked and then the declaration confirmed - it is important to confirm the email address field with the witness, if it is incorrect the statement will not be sent and a new statement will need to be written.
- The body of the statement must then be typed. Before this is saved, the statement content must be read out to the witness. This will allow any amendments or corrections to be made before the link is sent to the witness.
- ***Once the witness has been sent the statement via a link they will no longer be able to make any changes and any additional information or alterations would need to be captured in a new statement.***
- The care and consent tabs must then be completed.
- The witness signature will then need to be obtained. This is to confirm the statement has been read out to the witness. This is again to prevent any errors and to reduce the likelihood of having to complete another statement if errors are found.

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- The PEACE notes then need to be added. On a device a photo can be taken and uploaded, or for on a desktop written notes can be scanned and attached.
 - Ticking the final statement will then ensure the statement is sent to the witness.
 - TWS will then email the officer to confirm the statement has been sent to the witness and email a link to the witness so they can view the statement.
 - The witness will need to click the link in the email and enter their DOB and the officer's collar number (employee number for Police Staff) in order to view the statement.
 - The witness then has 30 minutes to read and confirm the statement and submit it back to the officer. The witness will need to scroll to the bottom of the page before they are able to accept by ticking the box and then sending the statement back to the officer.
 - After 30 minutes from the statement being opened by the witness, the link will be deleted. The statement will be on Niche but the witness will not be able to 'sign' it. It is therefore important to ensure the witness signs and returns it within 30 minutes or a new statement will have to be completed.
 - If the witness does not open the link after being sent it by the officer it will be erased after 12 hours. This may occur if there are problems with the phone connection or IT problems. The statement will be on Niche but the witness will not be able to 'sign' it. It is therefore important to ensure the witness has access to their emails prior to being sent the link and to keep the witness on the phone to complete the signing of the statement.
 - Once the witness sends the statement back, they will receive a confirmation email with their occurrence number, the officer's details and links to local crime tracker, crime prevention, victim services and community alerts.
 - The officer will also receive a confirmation email and will then need to check Niche for the statement and certificate reports (this is the signature receipt) on the reports tab of the occurrence on Niche.
 - **Note:** If there have been any issues in obtaining the confirmation certificate, which is proof of the victim/witnesses signature then please see the below:
 - The MG3/request for charging advice should clearly identify any unsigned statements. The officer can confirm that the statement has been read to the witness and the contents agreed in principle. If unsigned statements are submitted to the CPS, they should be named accordingly with the addition of the word UNSIGNED.
 - If officers need to obtain a statement from someone who is outside of the United Kingdom, they must consult with an International Liaison Officer. They can establish if we have any protocols with the country where the victim is, which must be adhered to prior to the statement being obtained.
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Additional Information

Compliance

This policy complies with the following legislation and guidance:

- APP Investigation
 - Criminal Justice Act 1967, Sections 9 and 10
 - Data Protection Act 2018
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