



OFFICIAL: Sensitive

GENERAL ORDER

INTERVIEWING SUSPECTS AND VULNERABLE WITNESSES

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General Orders provide an employee with instructions to ensure organisational standards are maintained consistent with SAPOL's vision. To this end, General Orders are issued to assist an employee to effectively and efficiently perform their duties. It is important that an employee constantly bears in mind that the extent of their compliance with General Orders may have legal consequences.

Most orders, as is indicated by the form in which they are expressed, are mandatory and must be followed. However, not all situations encountered by an employee can be managed without some form of guidance and so some of these orders are prepared as guidelines, which should be applied using reason. An appendix to a General Order will be regarded as part of the General Order to which it relates. At all times an employee is expected to act ethically and with integrity and to be in a position to explain their actions. Deviation from these orders without justification may attract disciplinary action.

To ensure best practice an employee should be conversant with the contents of General Orders.

The contents of General Orders must not be divulged to any person not officially connected with SAPOL. Requests for General Orders will be managed as follows:

- Civil subpoena and disclosure requests—contact the Information Release Unit.
- Criminal subpoena and disclosure requests—refer to General Order, **Disclosure compliance and subpoena management**
- Freedom of information requests—contact the Freedom of Information Unit.
- Any other requests (including requests by employees)—refer to instructions provided within General Order, **Corporate policy framework, 5. GENERAL ORDER REQUESTS/RELEASE.**

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1. GENERAL ORDER STATEMENT

This General Order sets out the policies and guidelines for police to record interviews with suspects and vulnerable witnesses, specifically in relation to:

- *Summary Offences Act 1953 (SOA)*, in particular section 74D and all other relevant subsections
- *Criminal Procedure Act 1921*
- Summary Offences Regulations 2016 (SOR)
- *Statutes Amendment (Vulnerable Witnesses Act 2015)*.

South Australia Police (SAPOL) provides equipment and procedures for the recording of interviews. Triple deck recording machines and hand held recording devices are available to record interviews in compliance with legislation.

When the legislative requirements and procedures are not complied with, interviews or parts of interviews may be excluded from evidence.

Scope

This General Order applies to all SAPOL members.

2. DEFINITIONS

The following definitions apply.

Complex communication needs (regulation 18(2) SOR)

For the purpose of sections 74D and 74EB of the SOA a person who is to be interviewed may be taken to have a complex communication need where the person has a significant (as opposed to mild) difficulty in communicating effectively which may be temporary or permanent and be caused either by a disability, illness or injury but not by intoxication (drug and/or alcohol).

Prescribed communication device (regulation 22(1) SOR)

The following communication devices are prescribed for the purposes of providing communication assistance to a suspect or vulnerable witness while the suspect or witness is being interviewed:

- text, symbol or picture boards
- speak-and-spell communication devices
- voice output communication devices
- tablets, laptops or other computers or devices equipped with software designed to assist persons with complex communication needs to communicate more readily
- any other device, whether electronic or not, as may be approved for the purposes of the interview by the investigating officer or prescribed interviewer who is to conduct the interview.

Prescribed communication assistant (regulation 22(2) SOR)

A communication assistant is defined as either:

- a communication partner; or
- any other person approved for the purposes of the interview with the suspect or witness by the investigating officer or prescribed interviewer who is to conduct the interview.

A communication partner is a person, or class of persons, who is approved by the Attorney-General. The following categories of persons can perform the role of a communication partner:

- certified practicing speech pathologist with membership of Speech Pathology Australia
- registered occupational therapist
- psychologists with general registration status with the Psychology Board of Australia
- developmental educators with full membership of Developmental Educators Australia Incorporated
- social workers with membership with the Australian Association of Social Workers.

In addition to holding relevant qualifications the professional must:

- have a minimum of five years relevant experience working with people with complex communication needs
- agree in writing to comply with a Code of Conduct published by the Attorney-General's Department prior to undertaking work
- be compliant with any other legislation relevant to the service to be performed (for example has a suitable working with children check).

Any other person approved for the purposes of the interview with the suspect or witness by the investigating officer, or prescribed interviewer who is to conduct the interview, may include a parent, guardian, spouse, domestic partner, carer, friend, other person or professional.

Prescribed companion (regulation 21 SOR)

For the purpose of providing emotional support to a vulnerable witness, while the witness is being interviewed pursuant to section 74EB of the SOA, includes a person who is:

- a parent, guardian, spouse, domestic partner or any other relative of the witness
- a friend or carer of the witness
- any other person approved by the prescribed interviewer who is to conduct the interview
- a person or class of person approved by the Commissioner of Police.

Prescribed interviewer (regulation 20 SOR)

For the purpose of section 74EB(b) of the SOA means a police officer who has successfully completed one or more of the following courses:

- Certificate IV in Child Abuse Investigations Course (obtained prior to 2006)
- Interagency Practice in Child Protection training course
- Specialist Investigative Interviewing provided by Deakin University or Griffith University—this provides knowledge and skills in investigative interviewing of vulnerable witnesses
- Prescribed Interviewer Course provided by Deakin University—initiated for SAPOL under contractual arrangements commenced on 28 June 2022.

This only applies to prescribed interviewers interviewing vulnerable witnesses. There is no requirement for a prescribed interviewer when interviewing suspects.

Serious offence against the person

In accordance with section 74EA(2) of the SOA is defined as:

- murder
- attempted murder
- manslaughter
- attempted manslaughter
- a sexual offence (including any attempt to commit, or assault with intent to commit the offence):
 - rape
 - compelled sexual manipulation
 - indecent assault
 - any offence involving unlawful sexual intercourse or an act of gross indecency
 - incest
 - any offence of sexual exploitation or abuse of a child, or exploitation of a child as an object of prurient interest
 - an offence of sexual exploitation of a person with a cognitive impairment under section 51 of the *Criminal Law Consolidation Act 1935* (CLCA)
- a child sexual offence—which is defined as a sexual offence committed in relation to a person under the age of 18 years (irrespective of age at trial)
- any of the following offences (including any attempt to commit, or assault with intent to commit the offence):
 - criminal neglect where a child or vulnerable adult dies
 - serious harm as a result of an unlawful act and intentionally causes harm under section 24 of the CLCA
 - an offence of stalking under section 19AA of the CLCA
 - an offence of causing serious harm under section 23 of the CLCA
 - an offence involving an unlawful threat to kill or endanger life

- an offence involving abduction
- an offence involving blackmail
- an offence of contravening or failing to comply with an intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009*
- an offence of contravening or failing to comply with a restraining order under the *Criminal Procedure Act 1921*.

Vulnerable witness

A vulnerable witness applicable to part 17, division 3—Recording interviews with certain vulnerable witnesses is defined in section 74EA of the SOA as:

- a child of or under the age of 14 years; or
- a person with a disability that adversely affects the person's capacity to give a coherent account of the person's experiences or respond rationally to questions; or
- a victim of a child sexual offence (irrespective of age at trial—includes historical matters).

3. INTERVIEWING SUSPECTS

The legislation regarding electronic interviews applies to all interviews with suspects for all indictable offences. Whilst there is no requirement to electronically record suspect interviews for summary offences, a member is encouraged, in appropriate cases, to record such interviews electronically.

The following interviewing procedures and practices apply.

Procedures

Preparation

An electronically recorded interview allows the court to be a passive participant. What is said cannot be taken back and the admissibility or otherwise will be judged on the totality of what has taken place between the suspect and the police.

When a suspect who has a complex communication need is to be interviewed and communication assistance is required refer to section 7. **OTHER CONSIDERATIONS FOR INTERVIEWING SUSPECTS AND VULNERABLE WITNESSES** further in this General Order.

Although not a legislative requirement, when requested arrangements should be made for a prescribed companion (parent, guardian, carer, et cetera) to provide a suspect who has a complex communication need with emotional or other support during the interview. The prescribed companion must not be complicit or compromise the quality of the evidence.

A member is encouraged to develop their interviewing technique by:

- planning the interview, familiarisation of elements and circumstances of the offence and any defences, knowledge of the suspect, familiarising of the interview room and equipment

- engaging with the suspect, establishing rapport and explaining the reason and importance of the interview
- getting an account from the suspect using open and probing questions and making notes of the elements or main points to be covered during the interview
- ensuring a corroborating officer is present, the corroborating officer should also make notes including recording relevant times during the audio visual record—for example details of any breaks in the interview including the time the break commenced/concluded and as far as practicable the reason for the break
- in closing the interview, give the suspect an opportunity to ask questions or address anything else that might be important—address any individual concerns and explain what happens from this point on
- improving their interviewing skills by evaluating their own performance and looking at the quality of their investigation.

During the interview the interviewing officer should be in a position to be able to make notes as the interview progresses. Experience demonstrates that interviews are more successful when they are well planned, succinct and follow a logical structure.

Introduction of all persons present

When commencing an electronically recorded interview the investigating officer must include a preamble in which they state the time, date and place of the interview, introduce themselves and invite all other persons present to introduce themselves.

The interviewing officer should seek an acknowledgment from the interviewee that no persons other than those identified are present in the room.

Reading previous conversation aloud

When any previous conversation is to be admitted as evidence, the record of that conversation must be read aloud to the suspect and the reading must be recorded on audio visual record/DVD. Refer to **3. INTERVIEWING SUSPECTS, Reading aloud handwritten or typed notes** further in this General Order.

Breaks during the interview

Breaks may be required during an interview for a variety of reasons.

When a break is needed, the interviewing officer must explain the time the break commenced and concluded and as far as practicable the reason for the break while the recording is in progress. Where it is a very short break (for example toilet, telephone, et cetera) the audio visual record/DVDs are to remain in the recorders provided there is no possibility of loss or damage and the interview room is to be secured. When the interview is resumed the recording is to continue using the same audio visual records/DVD.

When the break is to be an extended break or one where the recording equipment and audio visual records/DVDs would be left for a long period the interview is to be terminated. This will ensure the security of the audio visual records/DVDs and allow the recording equipment to be used by others.

In either case, before stopping the recording the interviewing officer is to explain why the break is occurring. A suggested format is:

The time is now..... This record of interview will be suspended for the purpose of (reason)..... The interview is to be resumed as soon as possible.

When recommencing, the interviewing officer must indicate in the preamble that the interview is continuing.

Where the break is an extended break the audio visual/DVDs are to be removed from the recording equipment, sealed and placed in a secure environment until the interview is resumed.

Any conversation with the suspect during any extended break should be recorded when practicable. When the conversation is to be admissible later as evidence, section 74D of the SOA must be complied with.

Where an audio recording was made of the conversation which occurred during the break, the audio recording should be played back at the commencement of the audio visual/DVD recorded interview. The interviewing officer should ask the person being interviewed to identify their voice on the audio recording as a lead up to the continuation of the interview.

Interviewee declines to answer questions

When an interviewee declines to answer any questions and it is not clear whether the interviewee refuses to participate in an electronically recorded interview or wishes to exercise their right to participate in an interview, the investigating officer should ask a clarifying question.

Where the person indicates a willingness to speak provided the electronic recording equipment is turned off, the person should be offered an alternative such as a typed or handwritten record of interview. Once this point has been electronically recorded, the recording equipment should be turned off. When the person declines to answer any questions, the interview is to be terminated. In either case, the audio visual/DVDs are to be labelled and the original audio visual record/DVD entered as an exhibit. Reference should be made pursuant to section 74D(3)(c) of the SOA—refusal of the interviewee to allow the interview to be recorded on DVD/audio visual record/audio record.

A recording of any conversation establishing a person's refusal to participate in an electronically recorded interview may become significant in subsequent proceedings.

Reading aloud handwritten or typed notes

When it is not reasonably practicable to make an audio visual record or an audio record of the interview, the interviewing officer must make a written record of the interview at the time or as soon as reasonably practicable after the interview. The hand written record must be read aloud to the suspect while an audio visual recording of the reading is being made, pursuant with section 74D(1)(c)(ii) of the SOA.

The procedures in section 74D(1)(c) of the SOA must be used to record the following:

- conversation with a suspect who has been interviewed in the field when it was not reasonably practicable to make an audio visual recording or an audio recording of the conversation
- conversation with a suspect prior to the arrival of a portable video/digital recorder

- conversation with a suspect who was arrested and conveyed to an electronic recording interview room, which took place prior to the recorded interview proceeding.

When a suspect refuses to cooperate or objects to appearing on an audio visual recording, the interviewing officer should explain that it is a legislative requirement that the record be read aloud and that the reading be electronically recorded. Where the suspect continues to object, an alternative may be to make an audio recording of the reading which, although not complying with the legislation, will demonstrate that the investigating officer has considered the needs of the suspect.

A suspect cannot be forced to participate in an electronic recording of a reading of a written record of interview. The suspect has the right to withdraw their cooperation at any time during an investigation.

When there is further conversation with the suspect when the written record is read aloud, the suspect should be cautioned and the interview should continue while being electronically recorded.

Written notice to a suspect

Pursuant to section 74D(4) of the SOA, at the completion of a recorded interview, the interviewing officer must give the suspect a **PD180 Written notice to person interviewed** to advise them of their right to view the recording, obtain an audio recording of the sound track of the recording or to obtain a copy of an audio recording.

Synopsis and transcription of interview with suspects

A synopsis is a written summary of a recorded interview. It may be prepared by or on behalf of the interviewing officer; however, the interviewing officer shall be responsible for the accuracy of the synopsis and should sign it.

The synopsis is to provide a balanced, accurate and reliable summary of the recorded interview and contain sufficient information to enable a police prosecutor or a member of the Office of the Director of Public Prosecutions (ODPP) to decide whether a criminal prosecution should proceed, whether the proposed charges are appropriate and what lines of defence should be anticipated.

Preparing a synopsis in every case will enable the prosecution to readily discern the location of relevant evidence in the full transcript. A synopsis will be used in lieu of a transcript:

- to form part of the brief in contested summary matters
- to form part of the investigating officer's statement or to be tendered as an aid to the exhibit along with the relevant audio visual recording or audio recording for matters to be heard in the District or Supreme Court
- by the prosecution, defence and court for conducting the case where the synopsis has been accepted by the defence—the defence will have their copy of the audio visual record/DVD or a copy of the audio soundtrack of the audio visual record/DVD.

The interviewing officer or corroborating officer (where present) should record the times at which anything is said which may later need to be retrieved for verbatim recording. Information which is likely to be needed for retrieval and recorded in a synopsis includes:

- any admissions and the question leading up to them (verbatim)
- statements or questions about intent, dishonesty or possible defence—the most salient points
- any aggravating factors (for example a vulnerable victim, use of excessive force, abuse of position, et cetera)
- mitigating factors which favour the suspect (for example illness, unemployment, regret, et cetera).

While it is not possible to be precise about the circumstances of all crime and interviews, a synopsis for a less complex suspect interview should be completed on one page. In any case, a synopsis should contain only essential, relevant information.

The synopsis should contain the following:

- the commencing time and date of the interview
- the time the interview was completed
- place of the interview
- full name and date of birth of the suspect
- name of the interviewing and corroborating officer (when present)
- exhibit number of the tape.

During an interview a suspect may make a statement or refer to subjects which are clearly inadmissible. The synopsis should contain a reference to the time and the subject matter, recorded in the third person. This will be of assistance when an edited copy is created for a contested matter.

In deciding whether to record parts of the interview verbatim, the interviewing officer should bear in mind the duty of the police prosecutor or a member of the ODPP to make an independent decision about whether a prosecution is justified.

A supervisor is responsible for ensuring all synopses provide a balanced, accurate and reliable account of the interview by randomly checking the quality of the prepared synopsis against the working copy of the audio visual record/DVD or audio record.

Refer to **Appendix A—Synopsis of interview example** further in this General Order for an example of a synopsis.

Audio transcription

As a general rule, electronically recorded interviews will not be transcribed; however, in complex cases a full transcript will be required to be provided to prosecution. When a full transcript is provided to the prosecution it must be accompanied by a synopsis to enable the prosecution to readily recognise the location of relevant evidence in the full transcript. Generally, interviews for complicated fraud and other complex matters will have to be transcribed.

Request for transcription

A request for transcription of an audio recording must be:

- submitted on a **PD70 Audio transcription request (PD70)** noting the commencement and completion times and accompanied by a copy of the occurrence or apprehension report
- recommended by a District/LSA/branch Officer of Police, for authorisation by the Manager, Transcriptions Unit, Major Indictable Brief Unit.

The working copy of the audio recording/CD (Windows media audio format) and **PD70** are to be forwarded to Transcriptions Unit. In exceptional circumstances, matters of urgency, or when the workload of the Transcriptions Unit prevents the transcription being completed by the required time, a District/LSA/branch Officer of Police may authorise transcription locally, at the expense of the District/LSA, by endorsing the **PD70** accordingly.

Rejection of recording

When a recording cannot be transcribed for any reason it will be returned to the member requesting the transcription with an explanation.

Supply of recording to suspect/legal adviser

Upon request and on payment of the fee fixed by regulations a suspect must be provided with:

- an audio recording of the soundtrack of the electronic recording; or
- a copy of an audio recording of an interview with the suspect.

The suspect, or their legal advisor, have the right to inspect a copy of the DVD/audio visual record upon making suitable arrangements with the investigating officer pursuant to the prosecutors obligations of disclosure.

Disclosure of electronically recorded interviews

Where an indictable charge is at a preliminary hearing stage (the committal process) section 111 of the *Criminal Procedure Act 1921* requires the disclosure and production of an audio visual record of interview to the accused or their legal representative. An investigating officer is to ensure that sufficient copies of electronically recorded interviews are provided to the ODPP to enable disclosure to defence legal representatives.

Production in court

Where it is proposed to rely on the recorded interview as part of the prosecution, the original audio visual record/audio record/DVD/CD is primary evidence and, subject to the court's ruling, will be tendered as an exhibit.

Depending on the instructions received from the prosecutor, the interviewing officer shall have available for production to the court:

- the original audio visual record/audio record/DVD/CD
- a transcript of the interview
- the second or third original or a copy (for playback purposes in court)

- an edited copy of the disc/audio visual record (where applicable).

The interviewing officer is responsible for the security of the original audio visual record/audio record/DVD/CD until called upon to produce it to the court.

Out of Scope



Out of Scope



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Out of Scope



Out of Scope



Out of Scope



Out of Scope



7. **OTHER CONSIDERATIONS FOR INTERVIEWING SUSPECTS AND VULNERABLE WITNESSES**

The following applies.

Complex communication needs

An investigating officer who proposes to interview a suspect for an indictable offence under section 74D of the SOA, or a prescribed interviewer who proposes to interview a vulnerable witness under section 74EB of the SOA, and believes the person may have a complex communication need, must make arrangements as may be relevant for:

- a prescribed communication assistant
- a prescribed communication device.

Refer to **2. DEFINITIONS** previous in this General Order for further information regarding complex communication needs, a prescribed communication assistant and a prescribed communication device.

During an interview where a prescribed communication assistant is present, only the prescribed interviewer may ask questions of the vulnerable witness. The prescribed communication assistant is present to provide assistance with communication issues.

A guide containing factors to consider when interviewing persons with a cognitive impairment or complex communication need is available through the intranet at <police connect home page/services/crime service/public protection branch/special crime investigation section/victim management team/prescribed interviewers: information & training>.

Prescribed requirements

The suspect or vulnerable witness, prescribed communication assistant and communication device must be visible at all times on the audio visual record.

The following information must be included in the recording:

- the date and time of the interview
- the identity of all people present at any time during the interview
- details of any breaks in the interview, including the time the break commenced/concluded and as far as practicable the reason for the break.

The investigating officer or prescribed interviewer may proceed with the interview without a prescribed communication assistant or communication device when satisfied that in the circumstances:

- it is not reasonably practicable to make these arrangements (unavailable or unsuitable); and
- the interview does not warrant postponing until such arrangements can be made.

Where an interview proceeds without a prescribed communication assistant or communication device the investigating officer must make accurate notes detailing attempts made to secure an assistant/device and any reasons why such a person/device was not utilised or secured.

The investigating officer must add information in the 'Comments' section of the occurrence enquiry log (OEL) charge submission checklist template advising whether a victim, witness, suspect or defendant has a complex communication need to ensure that person's needs are met during the criminal process.

Communication partner

In the circumstance where the services of an expert communication partner is required to assist an investigating officer or prescribed interviewer during a police interview, contact is to be made with the VMT for advice.

To avoid a conflict of interest the investigating officer or prescribed interviewer must ensure the same communication partner is not used for both the suspect and vulnerable witness.

Interpreters

Where an interpreter is required to conduct an interview it is essential to use properly accredited, professional persons. An electronically recorded interview places high demands on interpreters to rapidly and accurately interpret questions and answers.

The investigating officer or prescribed interviewer should be aware of the scrutiny to which the interpreting of an interview may be subjected. Refer to General Order, **Interpreters**.

Incidents and unexplained noises

The microphones used for recording interviews are sensitive and may pick up unwanted noises. It is essential for the interviewing officer or prescribed interviewer to verbally explain or describe any noise or incident which may later give rise to a challenge or claim of impropriety or interference with the recording. This is especially important for interviews recorded on audio alone.

Persons entering or leaving the interview room

When persons enter or leave the interview room during the interview, the interviewing officer or prescribed interviewer must give a verbal explanation of the identity of the person. The corroborating officer should make a note of the person's identity and the time of the event.

Exhibits

The interviewing officer or prescribed interviewer must fully describe any exhibits shown to a person during an interview. Exhibits should, where practicable, be labelled prior to the interview. During a recorded interview a member should describe and show the exhibit to the suspect or vulnerable witness and allow any reaction to be recorded, and hold the exhibit in a position so it is clearly shown to and recorded by the camera.

Unrelated cases

As a general rule one interview will be recorded per audio visual record/disc. Where a person is interviewed in relation to a number of unrelated offences, separate audio visual records/discs may be used. Where the offences are to be dealt with in separate courts, separate audio visual records/discs must be used.

Handheld recorders

Inevitably, electronic interviews will be conducted in the field by a member in order to comply with the requirements of sections 74D and 74EB of the SOA. With regard to digital recordings, a member is reminded of the need to download interviews to workplace computers utilising endorsed software programs. Once the interview has been downloaded to the workplace computer, the interview should be burnt to DVD/CD. An original copy should be burnt to an archival DVD/CD and a working copy should also be made at this time.

Member should make notes of the associated times with downloading and transferring of the interview from the hand held recorder to the computer and finally to disc in order to ensure compliance with chain of evidence responsibilities. Once the interview has been recorded to DVD/CD the interview must be deleted from the digital hand held recorder and the workplace computer. This will ensure future inappropriate access and prevent the disc drive filling up unnecessarily. The DVD/CD should be labelled accordingly at this time.

Whilst the recorded copy of the interview on a DVD/CD is not strictly the original, given the vagaries of technology, the 'best evidence rule' can be applied and therefore would be admissible in judicial proceedings.

8. HANDLING DISCS

The following information applies to copying and distributing discs.

Triple deck digital recording machines

The triple deck digital recording machines have three drives which are configured to record an interview for up to four hours. The machine can produce two original DVD discs and one audio CD. These discs are pre-printed and as such should be labelled accordingly.

The original disc must be entered on to the Police Property Management System and secured as an exhibit. The second original is to be retained by the investigating officer as a working copy.

The audio recording will also be retained by the investigating officer pending any request from the suspect for an audio copy of the recorded interview or for transcription purposes.

A triple deck digital recording machine cannot be used to produce duplicate copies from the original DVD recording, or be used to edit them in any way. The machines provide recording and playback/review functions only.

Storage of master DVD

In all electronically recorded interviews it is important to identify an original DVD/audio visual record/audio record and label it as such.

Once secured as an exhibit an original DVD/audio visual record/audio record should not be removed unless required for production in court.

All DVD/CDs, audio visual and audio records must be kept away from strong magnetic and electrical fields and extremes of either hot or cold temperature to ensure maximum preservation. They should be stored in clean, dry areas.

Disc editing

On occasions there may be a need to edit an audio visual record/audio record/DVD/CD. An edited copy of an audio visual record/audio record or DVD/CD is created when needed for use in court and is only created to ensure inadmissible evidence is omitted from an audio visual record/audio record/DVD/CD which may be viewed or heard by a jury.

Examples of such circumstances could include:

- a court order, when wishing to exclude specific evidence as a result of a voir dire
- when prosecution authority exercises its discretion under section 67i of the *Evidence Act 1929* (sensitive material)
- where the court has made a ruling in regard to a claim of public interest immunity.

An edited copy of an audio visual record/DVD or audio record/CD will only be created at the direction of a court, ODPP or Prosecution Services Branch. It is anticipated that, in most instances, agreement will be reached with the defence about which part or parts of the audio visual record/audio record/DVD/CD should be omitted. Where an agreement cannot be reached between the prosecutor and defence counsel, or where the suspect is unrepresented, the court should decide which part or parts of the audio visual record/audio record/DVD/CD should be omitted.

Only working copies of audio visual record/audio record/DVD/CDs should be used in editing. The original audio visual record/audio record/DVD/CD should never be used for editing purposes. Districts/LSAs/branches have the capacity and responsibility for editing their own audio visual record/audio record/DVD/CDs.

Members are frequently required to back up, extract, process, archive, edit and recompile digital evidence in the form of audio visual or audio records of interview. Members may also need to extract and reproduce for court purposes, other digital evidence such as closed circuit television (CCTV) footage or images and video from third party cameras and phones. AVS4YOU is a software program installed on numerous computers across all Districts/LSAs and is to be used by members to process video and audio files for the above purposes. A user guide, Working with audio and video files using AVS4YOU, has been compiled to assist members in this process and is available through the intranet at <police connect home page/training gateway/resources hub/investigators handbook/ interviewing editing audio visual records of interview (avs4you v2.0) computer training booklet>.

Multi-Media Unit (MMU), Communication and Engagement Branch can assist members with other record of interview multi-media needs such as enhancements to video imagery and sound (in some instances), converting audio visual records to DVD/CD and other formats and highlighting or de-identifying persons/items of interest. MMU Job request forms are to be submitted to the Manager, Marketing and Communications Unit and are available through the intranet at <police connect home page/services/governance and capability service/communication and engagement branch/media and marketing section/marketing and communication unit/multi-media unit>.

Forensic Services Branch can assist members with converting records of interviews in an analogue format (for example VHS and mini DV tapes) to a digital format.

9. MAINTENANCE AND SERVICE OF EQUIPMENT

The equipment used for electronically recording interviews must be maintained in accordance with the manufacturer's instructions. Instructions will be provided with each machine and will outline maintenance and service requirements.

District/LSA/branch officers in charge are responsible for ensuring the equipment used for electronically recording interviews is serviced and that any repairs are carried out as soon as possible. The cost of repairs will be borne by the District/LSA/branch to which the equipment is issued.

10. REFERENCES

- Acts Interpretation Act 1915*
- Aide-Memoire—Guidelines for interviewing vulnerable witnesses*
- Criminal Law Consolidation Act 1935*
- Criminal Procedure Act 1921*
- Evidence Act 1929*
- Intervention Orders (Prevention of Abuse) Act 2009*
- Judgments on the *Summary Offences Act 1953*
- SAPOL Operational Records Disposal Schedule 2009/09
- Statutes Amendment (Vulnerable Witnesses) Act 2015*
- Statutes Amendment (Child Sexual Abuse) Act 2021*
- Summary Offences Act 1953*
- Summary Offences Regulations 2016
- Supporting vulnerable witnesses in the giving of evidence—Guidelines for securing best evidence*
- Working with audio and video files using AVS4YOU

11. FURTHER ENQUIRIES

Officer in Charge, Investigations Development Team, Workforce Capability Section, Academy and Learning.

In relation to interviewing vulnerable victims and witnesses and complex communication needs—contact Victim Management Team or Family and Domestic Violence Section, Public Protection Branch, Crime Service.

12. DOCUMENT HISTORY SINCE 09/11/04

Gazette reference (SAPG)	Date	Action (amendment/deletion/new/review/temporary variation)
Nil	09/11/04	First loaded onto CMS.
190/12	25/07/12	Review 2011 and 2012
94/15	13/05/15	Review 2015.
141/16	06/07/16	Amendment—changes made to introduce interviewing vulnerable witnesses. General Order renamed from Electronic recording of interviews.

OFFICIAL: Sensitive

General Order, **Interviewing suspects and vulnerable witnesses**

Gazette reference (SAPG)	Date	Action (amendment/deletion/new/review/temporary variation)
182/18	15/08/18	Review 2018.
278/18	19/12/18	Shield Amendments
18/22	26/01/22	Review 2022—the definition of prescribed communication assistant has been updated; a new heading of 4. VULNERABLE WITNESSES has been added.
102/22	01/06/22	Amendment—changes made to incorporate the <i>Statutes Amendments (Child Sexual Abuse) Act 2021</i> commencing 01/06/22 regarding interviewing vulnerable victims and witnesses.
177/22	21/09/22	Amendment—changes made to incorporate the new Prescribed Interviewer Course approved by the Commissioner to qualify SAPOL members.

APPROVED BY COMMISSIONER/DEPUTY

.....
Print Full Name

.....
ID Number

.....
Signature

12/09/22
Date

Documentation certification and verification

General Order draft—prepared by: Senior Sergeant Sue Lock, Family and Domestic Violence Section, Public Protection Branch, Crime Service

General Order—verified by: Chief Inspector Astrid Gustavson, Workforce Capability Section, Academy and Learning

Appendix A—Synopsis of interview example

SYNOPSIS OF INTERVIEW

Person interviewed: ⁶⁽¹⁾ [REDACTED]

⁶⁽¹⁾ [REDACTED]

Place of interview: Adelaide Police Station

Date of interview: 10/8/18

Interviewing officer: Detective Senior Constable Linda CITIZEN
Eastern District CIB

Disc 1 of 2

Original disc

⁶⁽¹⁾ [REDACTED] was interviewed at the Adelaide Police Station interview room after being arrested and spoken to at his home address at ⁶⁽¹⁾ [REDACTED]
[REDACTED]

Present: Detective Senior Constable First Class Linda CITIZEN (Interviewing Officer)
Detective Senior Constable First Class Jonathan Peter GREEN
(Corroborating Officer)

7.33.34 Commenced interview.

Introductions of all present.

Identified ⁶⁽¹⁾ [REDACTED]

'Warning' and 'rights' reiterated.

Conversation at ⁶⁽¹⁾ [REDACTED] repeated and verified.

Asked, 'Can you tell me anything about the serious criminal trespass at ⁶⁽¹⁾ [REDACTED]?' Stated, 'Well I did it because I needed some money!'

Asked, 'How did you get in?' ⁶⁽¹⁾ [REDACTED] answered, 'I jemmied the rear door.'

Asked, 'What did you do in the premises?' ⁶⁽¹⁾ [REDACTED] answered, 'I jemmied a cupboard and took a cash tin with eighty bucks in it.'

...etc...

7.52.34 Interview concluded.

This is page 1 of 1 page synopsis of interview.

Signature of interviewing officer

Out of Scope

