



FREEDOM OF INFORMATION REQUEST

FREEDOM OF INFORMATION REQUEST 2024/27310

Dear requester,

Thank you for your recent request under the Freedom of Information Act 2000.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at, **Section 1(1) (a)**, is to confirm or deny whether the information specified in a request is held. The second duty at, **Section 1 (1) (b)**, is to disclose information that has been confirmed as being held.

The information that you are seeking is in relation to the following:

REQUEST

I would like a little information on:

- *Rights in a voluntary interview
- *What police are allowed to do or say in interviews
- * excluding evidence

RESPONSE

The following information has been taken from the Police and Criminal Evidence Act 1984 (PACE)

Rights in a Voluntary Interview

Voluntary attendance/voluntary interview

Voluntary attendance (VA) or a voluntary interview can be used to interview a suspect who is not under arrest for the commission of a criminal offence. VA can be used for adults and young people. It applies to interviews conducted at or away from police buildings.

A voluntary interview is a method of dealing with suspects without arresting them. It provides convenience and flexibility for both suspects and interviewers, but can present additional risks which need to be managed appropriately.

Section 29 PACE provides that where a person voluntarily attends a police station or other place without having been arrested, for the purposes of assisting with an investigation, he shall be:

- entitled to leave at will unless he is placed under arrest
- informed at once that he is under arrest if a decision is taken by a constable to prevent him from leaving at will



A voluntary interview is a formal interview to gather material about an allegation of crime and as such may have significant consequences for the suspect. Where there are grounds to suspect a person of an offence they must be cautioned if either their answers or silence could be given in evidence. A suspect in a VA interview has the same rights and entitlements as they would have in an interview conducted in police detention under arrest, the difference is that the suspect in a VA interview has the right to leave.

The suspect must also be advised of the additional rights, entitlements and safeguards set out in PACE Code C

Remember your rights – Voluntary Interview.

The rights, entitlements and safeguards that will apply to the interview are summarised below:

1. Tell the police interviewer if you want a solicitor to help you when you are interviewed. This is free.
2. Tell the police interviewer if you want to look at their rules – they are called the Codes of Practice.
3. If you are asked questions about a suspected offence, you do not have to say anything. However, 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.
4. The police interviewer must tell you about the offence the police think you have committed and why they need to interview you.
5. If you need an interpreter, the police interviewer must get you one. You can also have certain documents translated. This is free
6. Tell the police interviewer if you are not British and you want to contact your embassy or consulate to ask them to help you. This is free.
7. If your case goes to court, you or your solicitor will have a right to see the prosecution evidence before the court hearing.

If you are not sure about any of these rights, ask the police interviewer to explain.

What Police are allowed to say or do

Police can ask any question in interview that they think is relevant.

Other things to know about a voluntary interview.

People who need help

If you are under 18 or are vulnerable, for example if you have learning difficulties or mental health problems, then you have a right to have someone with you for the whole time that you are interviewed. This person is called your “appropriate adult” and they will be given a copy of this Notice.



Your appropriate adult will help you understand what's happening and look after your interests. He or she must be with you when the police interviewer tells you about your rights and why you are being interviewed. He or she must also be with you when the police interviewer reads the police caution to you and asks if you consent to being interviewed.

Your appropriate adult can also ask for a solicitor on your behalf.

You can speak to your solicitor without your appropriate adult being present with you if you want to.

If your appropriate adult is available, they must be present when the police charge or report you for an offence.

Getting details of the interview

Everything that happens to you when you are interviewed is recorded.

The questions asked and your answers are recorded in the interview record.

The interview record may be audio recorded or visually recorded with sound or in writing.

If the interview is audio recorded or visually recorded with sound, you will be given a notice which sets out your right to have a copy of the interview record.

When the police question you

The room or place where you are interviewed should be clean, warm and lit.

You should not have to stand up.

The Police Officers should tell you their name and their rank.

You should have a break at normal meal times and a break for a drink after about two hours.

How to make a complaint

If you want to complain about the way you have been treated, ask to speak to a police officer who is an inspector or a higher rank at any police station or contact the Independent Office for Police Conduct (IOPC). You can also make a complaint through a solicitor or your MP on your behalf.

Excluding Evidence

Police Officers would include all evidence that they believe is relevant to the case in Interview.



If it is decided to pursue to Court the Crown Prosecution Service would decide on any evidence to be excluded.

Section 76 of Pace directs the court to exclude from the trial process, confession evidence which has been obtained either as: a result of oppression; or: In circumstances which were likely to make the confession unreliable.

Freedom of Information Act is a public disclosure regime, not a private regime. Any information disclosed under the Act is thereafter deemed to be in the public domain, and therefore freely available to the public and will be published on the Gwent Police website.

If, upon receiving a response to a freedom of information request, you are unhappy with the outcome, you may request an internal review. **This should be made within 40 working days of the initial response.**

Please direct any internal review requests to FOI@gwent.police.uk

You have the right to request an appeal from the Information Commissioners Office about your Freedom of Information request, if you are dissatisfied with your internal review response.

ICO Contact Details:

The Information Commissioner's Office, Wycliffe House, Wilmslow, Cheshire, SK9 5AF
Tel: 0303 123 1113
Web: www.ico.org.uk

Thank you for your interest in Gwent Police.