



## **ACPO Position Statement: How to use DNA/Fingerprints in the Interview.**

**National Investigative Interviewing  
Strategic Steering Group (NISSG)**

# **HOW TO USE DNA/FINGERPRINTS IN THE INTERVIEW.**

## **Introduction**

The matter of how investigators and interviewers deal with evidence of a forensic nature, generally fingerprints and DNA identifications, within the investigative interview particularly in respect of moveable objects<sup>1</sup> is subject of a project called ODIS (Optimising Detections in Science). This has identified a number of process issues all of which have an impact on the interview itself<sup>2</sup>.

## **Background**

There are many examples of effective working practices to maximise forensic detections in forces, particularly where dedicated 'converter' teams that contain the right mix of people are in place. Research suggests, however, that in other areas interviewers regularly do not plan and prepare sufficiently for the disclosure of forensic material both in interview and in pre-interview briefings with legal advisers.

Forces with dedicated converter teams in particular do not have issues around selection of interviewing officers who have the necessary knowledge and expertise to maximise the forensic product in interview. Other areas, particularly those where Investigating Officers from a non-police background are being utilised, report the selection of interviewing officers as being problematic due to insufficient operational experience and training.

## **THE ACPO POSITION**

In order to ensure the effective use of limited time and resources including the availability of interview rooms in busy custody areas it is essential that whilst recognising each case has its own individual issues a general straightforward approach to dealing with forensic identifications in a timely manner is developed

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<sup>1</sup> Statistics on the current national situation in the UK regarding forensic identifications have identified that 25% related to people who had legitimate access, 18% were marks found on moveable objects and 13% of identifications were not actioned.

<sup>2</sup> The wider processes regarding the actioning and tracking of forensic identification packages are a separate issue that is not within the scope of this document.

and trained at the volume and priority investigations' level (PIP level 1) for junior investigators.

To begin with, the content and the quality of the information and packages that are supplied to officers should be to a minimum standard that is sufficient to maximise the product in the interview. For example, the information should contain enough detail regarding the exact location of the fingerprint/DNA identification, including the angle of any mark, it should indicate which finger the print came from, and should provide an interpretation from an expert explaining matters such as inverted marks found at scenes including photographic entirety shots. All of this information is essential to an interviewing officer to effectively challenge a suspect's account if necessary.

With regard to the interview itself, during the planning and preparation phase consideration should be given to the witness strategy particularly with regard to legitimate access to premises and marks found on moveable objects. This information from witnesses may be very important to the suspect interview and should be obtained prior to arrest.

Bad character in the form of the suspect's propensity to behave in certain ways can be useful supporting evidence for decision makers and interviewers and should also be researched during the planning phase for use in the interview.

Another process issue of importance that has been identified by ODIS is detailed information being asked for and supplied to Custody Officers in the presence of suspects. The provision of such detailed information is not a requirement of the Police and Criminal Evidence Act 1984 (PACE) but the custody officer needs to be aware of the grounds to authorise detention. On occasion this has included the exact nature of the forensic material being discussed which defeats the objective of planned staged disclosure. This is a wider issue for consideration of inclusion in Custody Officer training.

A further issue includes supplying complainants with information about forensic identifications before suspects have been arrested, which has been communicated back to them and has a negative impact on the interview strategy

because the suspect is given the opportunity to concoct a legitimate access account as a result of the leaked information.

The suspect interview strategy requires careful consideration and should be thought through and adapted to each individual case so the interview can be correctly phased. The decision on what to disclose and when is entirely a matter for the investigator and this position supported by case law.<sup>3</sup>

The strategy should basically divide the interview and the pre-interview briefing for the legal adviser into two parts, this will differ on whether the evidence in the case is solely a scientific identification or whether there is other supporting evidence that can be tactically used. In cases where there is additional evidence to scientific material consideration should be given to withholding the existence of a fingerprint/DNA identification from the first pre-interview briefing and revealing it later in the process. In the cases where there is no additional evidence the pre-interview briefing should only reveal the offence under investigation, it's location, identified time parameters and other very basic details; details of what the scientific material is and its location should not be disclosed during this first phase. This should provide adequate information to elicit a response regarding any legitimate explanation that can be explored allowing the interviewer to get to the heart of the matter. Suspects who do not respond or who offer untruthful explanations should be interviewed to develop potential adverse inference before revealing further information regarding the scientific material.

This methodology should ensure suspects do not construct untruthful but plausible explanations for DNA/Fingerprint identifications claiming legitimate contact from information supplied too early in the disclosure process.

It is possible that this approach may elicit a no comment interview but this should never be automatically assumed. In any event a no comment response can be advantageous to the prosecution when supported by scientific evidence.

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<sup>3</sup> R v Imran & Hussain (1997), R v Nottle (2004), Ward v PSNI (2007).

At the conclusion of the first phase further information should be revealed with more specific information concerning the nature of the DNA/Fingerprint identification which can be developed and used in the challenge phase.

### **Acknowledgement**

This position statement was prepared by DCI Steve Hibbitt, an ACPO Approved Interview Adviser from Humberside Police.

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