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Section 9 witness statement template

Witness statement example. What is a witness statement. What is a section 9 witness statement. Who can witness a witness statement. What should a witness statement include.

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You have accepted additional cookies. You can change your cookie settings at any time. You have rejected additional cookies. You can change your cookie settings at any time. OG Status: Partially open 1. A witness statement is a document recording the evidence of a person, which is signed by that person to confirm that the contents of the statement are true. 2. A statement should record what the witness saw, heard or felt. However, it is also important to record anything that may open up a new line of enquiry or help in corroborating other information1.

Types of witness statements Statements provided voluntarily in compliance with section 9 of the Criminal Justice Act 1967 (LP70s) - 'S9 statements' is taken from a person who has voluntarily given the statement. It does not rely on s20 (2)(j) HSWA powers. S9 statements are recorded on form LP70. 4.


Compelled statements Statements made under compulsion are those where the maker of the statement contains a declaration by the maker that it is true to the best of his/her knowledge and belief and that it was made truthfully. The witness must state in writing that he/she believes that it is true to the best of his/her knowledge and belief, that if it were tendered in evidence, the maker would be liable to prosecution if s/he willfully stated it in anything which he knew to be false or did not believe to be true (known as a 'perjury declaration'); a copy of the statement is served on the other parties before the hearing where the statement is tendered in evidence; and none of the other parties object to the statement being tendered in evidence. Part 16 of the Criminal Procedure Rules should be also complied with2. 5. You also need to be aware of the following other provisions of section 9 CJA: If the statement is made by a person under 18, you must ensure that the age of the witness is included on the statement. If the witness cannot read the statement, you should read the statement to them before they sign it and sign a declaration that you have done so. If the witness statement refers to any document as an exhibit, a copy of the document should be served at the same time as the statement. Compelled statements taken under section 20(2)(j) HSWA 6. Section 20(2)(j) HSWA gives you the power to require any person whom you have reasonable cause to believe will be able to provide information relevant to your examination or investigation, to answer such questions as you think fit to ask and to sign a declaration of the truth of the answers. 7. Information obtained using this power should be recorded in the form of a statement using form LP7 and, if required, the continuation form LP8. The witness must sign the declaration of truth. You should only record the information provided to you by the witness, ie the answers given. It is essential that you make it clear to the witness that you are using your compulsory powers before asking any questions. 8. Answers given by a person compelled to answer your questions are not admissible against that person or their spouse or civil partner (section 20(7) HSWA, as amended). What type of statement should you take? 9. When you take a statement from a witness, you should, wherever possible, take a statement under section 9 CJA as there are limitations on how a compelled (S20) statement can be used in legal proceedings. 10. The witness should be asked if s/he agrees to give you a voluntary statement. If they do, their evidence should be recorded on an LP70. The statement may be handwritten or typed. You should ensure that the witness has the opportunity to check the contents of the statement and make corrections if needed. 11. If you are taking a statement from a witness who is not giving a voluntary statement, you should carefully explain your reasons for interviewing him/her and that s/he is not being treated as a suspect. You may explain that, if s/he will not volunteer relevant information or feels that circumstances prevent him/her from doing so, you can use your powers to require that information. 12. Where you have grounds to suspect that a person may have committed an offence, you should not treat him as a witness but should offer him/her an interview under caution instead. If a witness becomes a potential suspect in the course of taking a witness statement from him/her, you must stop the interview and offer to conduct an interview under caution. 13. Only if the witness declines to provide you with a statement voluntarily should you consider exercising your powers under section 20(2)(j) to take a compelled statement. 14.

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<h2><u>Written Statement Template</u></h2>																																																																																																			
<p>"This statement is made for witness purpose. You can write your statement in this area by removing this text. Usually these kind of statements are used to express the view of one's regarding any incident"</p>																																																																																																			
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29. s9 CJA statement is preferable because: s9 statements can, providing they have been accepted by the defence, be relied upon in court as evidence, without the witness attending court to give evidence; Section 20(2)(g) gives you the power to require a person to sign a declaration of truth. This is not the same as the perjury declaration required under s9 CJA; the latter includes an acknowledgement by the witness that they are liable to be prosecuted if they willfully say anything that they know to be false or untrue; (Section 31 (Law enforcement) exemption/ Freedom of Information Act 2000) 15. Whenever you take a statement (whether compelled or not) you should record whether you have exercised your section 20(2)(g) power in your notebook, in case this is raised at a later date. (Section 31 (Law enforcement) exemption/ Freedom of Information Act 2000) Using compelled statements (s20 HSWA) in court proceedings 21. Where a witness refuses to give a voluntary (s9 CJA) statement and you compel them to give a statement under s20 of HSWA you should consider how these compelled statements can be used if you need to rely on the evidence they contain. 22. Form LP7 (s20) does not contain the perjury declaration and does not comply with the provisions of s9 CJA. A section 20 statement cannot be relied upon in evidence without the witness attending court to give the evidence and without the court accepting the evidence on the basis of the circumstances (see Exceptions to hearsay rule). If the case is tried in the magistrates' court, then the charge is a summary offence, after the magistrates' trial, the case is then tried in the magistrates' court, and statements can be served on the defence: to which the witness will be called to give evidence and to give evidence warning of a perjury offence. If the case is tried in the Crown Court, the witness will still have to be called to give evidence unless the content of the witness evidence can be agreed by a formal admission. 23. In the event that the magistrates' court declines jurisdiction, the case will be allocated to trial in the Crown Court and subsequently sent forthwith for trial. The prosecution must then serve copies of the documents containing the evidence on which the charges are based, no later than 70 days after the date on which the case was sent for trial. Whilst a section 20 statement can be included within those documents, it should be borne in mind that the witness will have to be called to give evidence unless the content of the statement can be agreed by a formal admission. 26. There are a number of ways a compelled statement can be useful. The compelled statement can: inform the approval process; will be served on the defence as unused material (if you are not going to rely on the witness) and consequently may reduce the value of that witness to the defence; can assist in cross-examination of defence (or hostile) witnesses. People who may be able to provide you with statements Directors, managers etc with duties under HSWA section 37 27. It is important to bear in mind that, where an offence has been committed by a body corporate, directors, managers, company secretaries or other similar officers of a corporate body may also be guilty of an offence under HSWA section 37 28. These are people in positions of authority within the corporate body who have both the power and responsibility to ensure that the corporate body complies with the law. It is therefore necessary to target your investigation towards the individuals on the evidence that you have collected. 29. You are under a duty to follow all reasonable lines of inquiry. This may include investigating the involvement of individuals in any suspected breach. However, the Enforcement Policy Statement recognises that it may not always be necessary to target your investigation towards the person best placed to control the work. 30. Usually, you will only be in a position to decide whether an individual should be interviewed under caution once those lines of inquiry are completed. If, at that stage, you are satisfied that a person in a senior position is not a suspect, then you can, if necessary, request a statement from that person. Other people 31. This category will include managers, supervisors and other similar people who do not fall within the category above. It will also include employees and self-employed people.

SAS VEGAS METROPOLITAN POLICE DEPARTMENT VOLUNTARY STATEMENT PAGE 1		EVENT#: 171001-3818
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SPECIFIC CRIME: <u>ACTIVE SHOOTER / MURDER</u>		
DATE OCCURRED: <u>10-01-17</u>	TIME OCCURRED: <u>2200 HOURS</u>	
LOCATION OF OCCURRENCE: <u>MANDALAY BAY RESORT AND CASINO</u> <u>3950 S LAS VEGAS BOULEVARD</u> <u>LAS VEGAS, NV 89118</u>		
CITY OF LAS VEGAS		CLARK COUNTY
<hr/>		
NAME OF PERSON GIVING STATEMENT: [REDACTED]		
DOB: [REDACTED]	SOCIAL SECURITY #: [REDACTED]	
RACE: [REDACTED]	SEX: [REDACTED]	
HEIGHT: [REDACTED]	WEIGHT: [REDACTED]	
HAIR: [REDACTED]	EYES: [REDACTED]	
HOME ADDRESS: [REDACTED]	PHONE 1: [REDACTED]	
WORK ADDRESS: [REDACTED]	PHONE 2: [REDACTED]	
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The following is the transcription of a tape-recorded interview conducted by DETECTIVE P. QUINTEROS (PQ) P# 9055, LVMPD FORCE INVESTIGATION TEAM, on 10-02-17 at 1335 hours. Also present is Detective K. Ploense (KP), P# 6269.		
PQ: Operator this is Detective P. Quinteros, P# 9055 with the Force Investigation Team conducting a recorded statement with [REDACTED] that's [REDACTED].		
Date of birth [REDACTED] [REDACTED] is a British Citizen and his passport number is [REDACTED].		
[REDACTED] This interview is in reference to an active shooter incident that occurred on October 1, 2017 at approximately 22:08 hours in the area of the Mandalay Bay which is located at 3950 Las Vegas Boulevard, Las Vegas, Nevada 89101. Today's date is October 2, 2017 and the time is 13:35 hours. This statement is being recorded - I'm sorry this statement is being conducted - conducted at the Luxor Hotel		

These people may have knowledge of the particular incident that you are investigating or the unsafe situation that gave rise to the investigation. They might also be able to deal with matters relating to the extent of the breaches that you are investigating (eg their knowledge of the risk and the ability to avoid the risk, including system of work, training, instructions, supervision etc). 32. Statements taken from people within this category should include details of their employment status (whether they are employed or self-employed). If they are employed, you should record details of their employer, together with their position or post. 33. You should bear in mind that people within this category may also have committed an offence under HSWA section 7 and/or section 36. If you have reasonable grounds to suspect that a person has committed such an offence, you should not seek to obtain a witness statement from them. They should be questioned in a formal interview under caution in accordance with the provisions of PACE. 34. You should see also OC130/8 for information on the prosecution of individuals. [back to top] Witnesses and self-incrimination General 35. Every person has a right not to incriminate themselves, both under domestic law and under the fair trial provisions contained in Article 6 of the European Convention on Human Rights⁵. This right presupposes that the prosecution in a criminal case will seek to prove the case against the accused without resort to evidence obtained through coercion or oppression of the accused. Section 20(7) HSWA protects this right by preventing the use of a compelled statement against the maker of the statement (and their spouse or civil partner). Companies and compelled statements taken from directors 36. Although a compelled statement taken under section 20(2)(j) is not admissible in evidence against its maker, there may be situations where it will be necessary to rely on the evidence of a director who has been compelled to make such a statement, against the company. 37. It may be argued later that the director should be regarded as “the company” and therefore cannot be compelled to give evidence against the company as this would infringe the company’s right against self-incrimination.



**Washington County Sheriff's Office
and
Paragary Correctional Facility**

725 South 2000 Road - Harrisburg, UT 84757
(435) 936-4308 - Fax: (435) 936-0686

Name _____	Date of Birth _____	Age _____	Race _____	Sex <input type="checkbox"/> M <input type="checkbox"/> F
Place of Birth and to pay _____				
City _____	State _____	Zip _____		
Eds-En-Leave and Notes _____				
Residence Date _____	Residence Location _____			

READ CAREFULLY: I hereby certify that all information made in this statement are true and correct to the best of my knowledge. I understand that the information I have provided is preliminary, pending, if I make a final statement or bail I do not believe to be true, I will be liable to criminal penalty.

(SIGNATURE)

Signature /s/ _____	Date _____	Date _____
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However, the courts have held that, although the general privilege against self-incrimination, which allows a person to refuse to answer a question that could expose them to a risk of prosecution, can be claimed by a company or any other body with legal personality⁶, it is limited to the person who makes the statement. This means that a director cannot claim the privilege against self-incrimination to avoid incriminating the company or to prevent the company disclosing information that would incriminate the director⁷.

Documents and self-incrimination 39. Under s 20 HSWA, you have the power to take a copy of documents required to be kept under any of the relevant statutory provisions or that are necessary for you to see for the purposes of your investigation. You should be aware that the defence may argue that, if such documents are relied upon in a prosecution, this infringes their right against self-incrimination. The basis of this argument is that, since the defendant was compelled to provide the copies, they have been compelled to incriminate themselves^{8, 40}.