In brief, the research demonstrated empirically that PTWI could in principle achieve its stated aims of improving prosecutorial decision-making, promoting effective prosecutions and helping complainants and other witnesses in the interests of justice. However, several practical concerns— not just “teething-troubles”—were also identified (including potential “witness coaching”, non-cooperation, and credibility/impeachment issues[5]); and (i) prosecutor selection; (ii) tape-
recording; (iii) pre-trial disclosure; and (iv) the definition of “new evidence” requiring supplementary witness statements were highlighted as practical matters requiring further attention both pre- and post-national roll-out.

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### 3. References to the research (indicative maximum of six references)


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### 4. Details of the impact

The research was commissioned by CPS, specifically in order to develop and implement evidence-based criminal justice policy, and to provide operational guidance in its refinement. It represented the cementing of a pioneering research partnership, affording exceptional research access—and influence—of a kind that CPS has rarely granted to external researchers. Although the primary research partner/stakeholder was CPS itself, improvements in the quality of criminal prosecutions benefit all concerned. Complainants should be treated more sensitively. Cases are strengthened, improving outcomes; or discontinued more efficiently, saving resources and sparing suspects from unnecessarily prolonged official scrutiny or detention[i, ii, viii]. The ultimate beneficiary is society at large, in terms of criminal proceedings better able to secure justice. In the words of the Director of Public Prosecutions:

"Pre-trial witness interviews represent a fundamental change to our legal system as prosecutors were not allowed to interview witnesses in any cases in England and Wales before these CPS pilots began. I consider witness interviews to be an essential tool to help prosecutors to make better informed decisions about criminal cases so that the right person is brought before the right court for the right offence"[iii].

Independent external research was regarded by CPS as a precondition of national roll-out, and was therefore instrumental in promoting each of these positive outcomes. As the CPS Policy Team Leader with responsibility (at that time) for PTWI confirms: "[T]he evaluation process, incorporating
your socio-legal study, was of considerable assistance to the prosecutors in the pilot areas and assisted me in informing the content of guidance and training that we provided and continue to provide. I think it also fair to say that the contents and conclusions of your summary report contributed to the decision to roll it out in the first place…. [Y]our research was useful to CPS in developing this significant initiative in prosecutorial practice[vi].

The published research findings and analysis, in conjunction with informal advice to CPS, have continued to contribute to the further refinement and implementation of PTWI on a rolling basis:

(1) Following completion of the PTWI Pilot and its evaluation (centrally featuring Roberts and Saunders’ socio-legal research), the decision to implement PTWI nationally was announced in 2007 (Statement of Baroness Scotland, Attorney-General, HL Deb 27 Nov 2007, vol 696 cols 142-143WS; Statement of Vera Baird MP, Solicitor-General, HC Deb 27 Nov 2007, vol 468 col 24WS). PTWI was successfully rolled-out to all 42 CPS Areas in England and Wales in April 2008. A CPS press release stated: “The initiative was trialled in four CPS areas from January to December 2006, on the basis of which a decision was made to roll out the initiative throughout England and Wales”[iii]. The CPS Annual Report for 2007-2008 elucidated:

“Between January 2006 and January 2007, the pre-trial witness interview (PTWI) scheme was successfully piloted in four CPS Areas…. Following the pilot, the four CPS Areas have continued to undertake PTWIs – by January 2008 over 90 interviews had been conducted, predominantly in serious cases. An external evaluation concluded that the scheme improved prosecutorial decision-making by strengthening cases which went to trial and rejecting potentially weak cases at an early stage. National implementation was achieved on time in April 2008 and around 180 prosecutors have been trained to undertake PTWIs”.[iv, emphasis supplied]

Many informed observers were initially sceptical or hostile to the introduction of PTWI[v]. Crucially, the Pilot Evaluation research drew attention to risks and potential shortcomings which would require on-going monitoring and effective management to ensure the success of national roll-out.

Building on the influence of the research in helping to pave the way for PTWI’s national roll-out, the principal on-going impacts of the research post roll-out (April 2008 onwards) are attributable to:

(2) The experience gained by Pilot prosecutors who participated in the “training days”, and subsequently became PTWI “champions”, extolling the benefits of PTWI and passing on tips to their front-line colleagues. The “training days”, devised and run by Roberts, were organised around presentations, by Roberts, of provisional results of the socio-legal study, which were debated at length by prosecutors (and the research findings augmented accordingly). Pilot prosecutors said that these sessions were invaluable opportunities to pool experiences, and that there was no substitute for face-to-face instruction and discussion, e.g. one prosecutor emphasised the indispensability of “[a]wareness training… informing lawyers in a lecture or seminar scenario. Whilst lawyers have memos and written guidance, they are less likely to read and digest information, as they have other pressing concerns. A course, however, ensures they are made aware”. The study’s “training days”/focus groups are regarded by CPS as having made an on-going, long term contribution to the development, practical implementation and refinement of PTWI: “[A] useful, possibly overlooked, aspect of your evaluation report was that you brought together a lot of scenarios and views in one document, which made it easier to pick through and discuss potential pitfalls in the pilot evaluation meetings and later in the training sessions” [vi].

(3) On-going influence on CPS operational policy guidance. CPS internal documentation and operational guidance on conducting pre-trial interviews was systematically revised in the light of the Pilot: see http://www.cps.gov.uk/legal/p_to_r/pre_-_trial_witness_interviews/. In particular, the summary research report written by Roberts and Saunders [i] was hosted on the CPS website from January 2008 to mid-2013, and during this time formed part of the operational resources provided to front-line Crown Prosecutors in considering and conducting pre-trial interviews.
PTWI continues to figure in developments of CPS operational policy, e.g. in revised guidance for prosecutors in relation to rape and sexual offences, which now states: “The use of pre-trial witness interviews (PTWI) is considered an effective tool in rape cases. This will particularly apply in cases where the decision to prosecute is 'borderline'. In June 2009... the DPP instructed that prosecutors should, as part of their decision-making in every rape case, consider whether or not a PTWI is appropriate and provide reasons for their decision... This instruction remains in force and should be followed in every case”[vii]. This echoes our research finding of “several striking illustrations in the Pilot cases in which convictions were achieved that probably could not have been secured without the benefit of a pre-trial witness interview” (viii, p.7).

(4) International policy transfer: Dissemination of research findings is still on-going, especially in terms of international impact[ix]. There has been interest from senior prosecutors and policymakers overseas, e.g. Hong Kong[x], in examining English experiences of PTWI.

5. Sources to corroborate the impact


vi. Mr Dan Jones, Specialist Prosecutor (Special Crime and Counter Terrorism Division), Crown Prosecution Service (e.g. letter to PR dated 17 Oct 2013)


