Interviewing suspects

This guidance is based on the Police and Criminal Evidence Act (PACE) 1984
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

**Interviewing suspects**

**About this guidance**

This guidance tells you about the Home Office's roles and responsibility when interviewing suspects. This guidance is for those officers in criminal and financial investigation (CFI) teams.

It is based on the Police and Criminal Evidence Act (PACE) 1984 instructions for interviewing suspects, for more information on the act, see related link.

It includes:

- a definition of interviewing suspects and the governing law
- what to do before, during and after an interview
- voluntary attenders
- interviewing prisoners, and
- how to store, use and dispose of the tapes or discs.

Changes to this guidance – This page tells you what has changed since the previous version of this guidance.

Contacts – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.

Information owner – This page tells you about this version of the guidance and who owns it.
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

**Interviewing suspects**

### Changes to this guidance

This page lists changes to the ‘Interviewing suspects’ guidance, with the most recent at the top.

<table>
<thead>
<tr>
<th>Date of the change</th>
<th>Details of the change</th>
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<tbody>
<tr>
<td>12 March 2014</td>
<td>Six month review by the modernised guidance team:</td>
</tr>
<tr>
<td></td>
<td>• Interviewing juveniles and the vulnerable:</td>
</tr>
<tr>
<td></td>
<td>o new sub-heading ‘Appropriate adults’ and the content below.</td>
</tr>
<tr>
<td></td>
<td>• Minor housekeeping and plain English changes throughout.</td>
</tr>
<tr>
<td>25 September 2013</td>
<td>Six month review by the modernised guidance team:</td>
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<tr>
<td></td>
<td>• Exceptional circumstances when you cannot interview</td>
</tr>
<tr>
<td></td>
<td>o Sub heading ‘if the person is unfit to be interviewed’ new content.</td>
</tr>
<tr>
<td></td>
<td>o Sub heading ‘exceptions to the rules of interviewing’ bullet points inserted.</td>
</tr>
<tr>
<td></td>
<td>• Urgent interviews</td>
</tr>
<tr>
<td></td>
<td>o Sub heading ‘interviewing away from a designated office’ new fourth sub bullet point.</td>
</tr>
<tr>
<td></td>
<td>• Recording interviews</td>
</tr>
<tr>
<td></td>
<td>o Sub heading ‘interviews that must be audio tape or DVD recorded’ new third bullet point.</td>
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<tr>
<td></td>
<td>o Sub heading ‘reasons not to audio tape...&quot;</td>
</tr>
</tbody>
</table>

### Related links

- [Interviewing juveniles and the vulnerable](#)

### In this section

- [Contacts](#)
- [Information owner](#)
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

| 26 March 2013 | Completely revised by the modernised guidance team. |

or DVD record an interview’ reference to a new related link and new fifth sub bullet point.
  o Sub heading ‘informing custody’ new second bullet and sub bullet.

- Special warnings
  o New external link: PACE Code C

- Pre interview disclosure or briefing
  o New links added to the bullet points.
  o New external link added.

- Using bad character evidence
  o New second and third paragraph.

- Voluntary attenders
  o Sub heading ‘voluntary attender – the legal definition’ second paragraph under the bullet, reference to download.

- Plain English and minor house keeping changes.
Caution interviews: definition and the law

This page tells you the definition of a caution interview, the legislation you need to be aware of and about holding interviews under caution.

### Definition of a caution interview

Section 11 of Code C of the Police and Criminal Evidence Act (PACE) and PACE (NI) Codes of Practice defines an interview as:

‘...the questioning of a person regarding his involvement, or suspected involvement, in a criminal offence or offences which, by virtue of paragraph 10.1 of Code C, is required to be carried out under caution’.

You must be aware of the provisions relating to interviews contained in Code C of the PACE or PACE (NI) Codes of Practice, in particular sections 11 to 13.

### Protection of human rights

You must be aware of the following provisions of the Human Rights Act 1988 when you interview the accused:

- **Schedule 1 article 3** – prohibition of torture:
  - No one shall be subject to torture or inhuman, degrading treatment or punishment.
- **Schedule 1 article 5** – right to liberty and security:
  - Everyone arrested has the right to be informed, in a language they understand, of the reasons for the arrest and of any charge made against them.
- **Schedule 1 article 14** – prohibition on discrimination:
  - The convention rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

If you are interviewing you must:
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

| Exercise professionalism and integrity before, during and after investigative interviews |
| Respect the human rights of the individual, and |
| Make sure no evidence is obtained in circumstances that could result in evidence being ruled later as inadmissible (not acceptable) for example failing to give a special warning in the proper manner. |

The consequences of evidence later being ruled inadmissible are:

- Failed prosecutions.
- It fails to serve the best interests of victims.
- It undermines public confidence in the Home Office.
Interviewing suspects

When you can interview a suspect

This section tells you the rules on when you can interview a suspect, exceptional circumstances which may delay interviewing suspects and about urgent interviews.

When you can interview the person

In any period of 24 hours you must allow a detained person a continuous period of at least eight hours:

- for rest
- free from questioning
- where they are not travelling to or from custody stations, and
- from interruption by officers in connection with the investigation concerned.

The continuous period of at least eight hours should normally be at night, although it can happen during the day if the suspect has been up all night and has not had any sleep.

The period of rest may not be interrupted or delayed, except at the request of the person being interviewed, an appropriate adult or their legal representative, unless there are reasonable grounds for believing it would:

- Involve a risk of:
  - harm to people, or
  - serious loss of, or damage to, property.
- Unnecessarily delay the person's release from custody. Or,
- Otherwise prejudice the outcome of the investigation.

When the period of 24 hours starts from

24 hours starts from the time the person arrives at the designated custody office. If a person is arrested at a police station after going there voluntarily, the period of 24 hours runs from the time of their arrest and not the time of arrival.
<table>
<thead>
<tr>
<th>Defining interruptions to the period of rest</th>
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<tbody>
<tr>
<td>The following situations are not considered interruptions to the rest period and a new rest period is not needed.</td>
</tr>
</tbody>
</table>

Any action required to be taken:

- in accordance with:
  - conditions of detention, or
  - medical advice
- at the request of the:
  - detained person
  - appropriate adult, or
  - legal representative.
**Interviewing suspects**

**Exceptional circumstances when you cannot interview**

This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

### Caution interviews

- This page tells you the exceptional circumstances when you cannot interview a suspect.

#### If the person is unfit to be interviewed

If a person is unable to appreciate the importance of questions put to them and their answers because of alcohol or drugs, they are considered unfit to interview and you must not question them about an alleged offence. The person is fit to be interviewed when they can understand the importance of questions put to them and their answers.

#### Exceptions to the rules of interviewing

If your interview takes place in a police station, or other authorised place of detention, and a senior officer or above believes a delay in starting the interview is likely to lead to:

- interference with evidence connected to the offence
- interference with, or physical harm to, other people
- serious loss of, or damage to, property
- others suspected of committing an offence and not yet arrested for it being alerted, or
- delay recovery property connected with an offence

you may interview a person:

- under the influence of alcohol and/or drugs
- or child suffering from a mental disorder or handicap without the appropriate adult, or
- who has difficulty understanding English, or has a hearing disability, without an interpreter.

You must not continue to question a person in these circumstances after you have enough information to prevent the immediate risk.

For more information on urgent interviews, see related link.

**In this section**

- **Urgent interviews**

**Links to staff intranet removed**
<table>
<thead>
<tr>
<th>You must record the grounds for a decision to interview a person under the influence of alcohol or drugs in:</th>
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<tbody>
<tr>
<td>• your daybook, or</td>
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<tr>
<td>• a case decision log.</td>
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</table>

The special groups mentioned in this section are all vulnerable. You must only apply the above exceptions in exceptional cases because it overrides safeguards designed to protect them and minimise the risk of unreliable evidence from the interview.

You must also refer to the Police and Criminal Evidence Act (PACE) code of practice C, annex H when you record the decision. If a detainee fails to meet the criteria in Annex H, you must call a health care professional or ambulance.

For more information, see related link: Police and Criminal Evidence Act (PACE) code of practice C, annex H.
Urgent interviews

Interviewing away from a designated office

Once you have arrested a suspect and given an appropriate caution (this includes the simplified version), you must hold their interview at a police station or other authorised place of detention, unless a delay in conducting the interview is likely to:

- lead to:
  - interference with, or harm to, evidence connected with an offence
  - interference with, or physical harm to, other people
  - serious loss of, or damage to, property, or
  - others suspected of committing an offence and not yet arrested for it being alerted, or
- hinder the recovery of property obtained from an offence.

For more information, see section 11.1 of related link: Police and Criminal Evidence Act (PACE) codes of practice.

Interviewing in the above circumstances is an urgent interview, and you must not continue to interview the person as soon as:

- the risk has passed, or
- you have asked the necessary questions to avoid the risk.

Urgent Interviews and the law

PACE code C section 11.7 says you must make an accurate record of the interview.

PACE code C section 11.18 says where a suspect is vulnerable (see related link for the definition of vulnerable in PACE code C) an urgent interview must not take place unless an
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

<table>
<thead>
<tr>
<th>superintendents or above believes it will:</th>
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<tr>
<td>• interfere or harm:</td>
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<tr>
<td>o evidence</td>
</tr>
<tr>
<td>o other people, or</td>
</tr>
<tr>
<td>o property, and</td>
</tr>
<tr>
<td>• not significantly harm the person’s physical or mental state.</td>
</tr>
</tbody>
</table>
### Interview conditions and audio equipment

This section tells you about the conditions in which interviews must be held and information about the audio equipment you need to record an interview.

#### Interview conditions

As far as is practical interviews must:

- take place in interview rooms which are adequately:
  - heated
  - lit, and
  - ventilated
- be conducted by a minimum of two officers:
  - referred to as the interviewing officers
- not require the person being interviewed to stand.

#### Using audio tapes of the interview in court

Tapes from a recorded interview may be played in court. It is essential your recordings are of a satisfactory quality, so they can be heard and understood. This is particularly important if the interviews are conducted in a foreign language or poorly spoken English.

If a tape, or part of a tape, is to be played in court, it is the case officer's responsibility to arrange the playing of the tape.
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

**Interviewing suspects**

**Recording equipment**

This page tells you about the recording equipment used for interviews.

**On site audio tape recorder**

The tape recorder can record two cassette tapes at the same time and has ‘time into tape’ readout. Each tape records on two channels at the same time.

The interview is recorded on one channel while the other channel automatically records a spoken announcement of the ‘time into tape’. This means the tape can be checked to see whether there has been any tampering with the voice channel. Safety circuits are built in to make sure identical recordings are made on each tape.

The machine has recording level indicators that flash:

- green at typical speech levels, and
- red at peaks in volume.

An audible alarm is activated:

- when you press the ‘record’ button to:
  - avoid the possibility of recording on the leader tape, and
  - tell you the restart of a recording which has been stopped in the middle of the tape
- if the tape cassette stalls or jams
- when there is less than two minutes running time left on the tape, or
- if there is no signal recorded on the speech or time channel for more than 60 seconds.

**Portable audio tape recorder**

Sometimes a portable tape recorder is provided to record interviews of suspects who are not under arrest, away from designated offices. For example in interviews of proceeds of crime act (POCA) seizures. During the interview you must:
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

- make sure:
  - there is as little background noise as possible, and
  - other disturbances, for example people entering or leaving the room, are kept to a minimum.
- make sure you have adequate supplies available of:
  - blank tapes, and
  - notices and labels to seal master tapes, and
- follow the procedures in this guidance.

**When you have completed the interview**

You, as case officer, must take the sealed master tapes to a designated office (as there will be no custody officer), log it and place the tape in the office master tape security cabinet.

**If there are enough grounds for arrest during the interview**

You must:

- carry out the arrest with the tape running
- terminate the interview immediately, and
- take the suspect to a designated office as soon as it is practical.

**DVD recording of interviews**

Most police stations have DVD equipment to record interviews. If so you will find instructions for using it by the recording machines.

The custody sergeant will issue you with DVDs and you must follow the same procedure to seal and sign the DVDs as for cassettes.

If you are an interviewing officer you must take both the master and copy DVD back to the Home Office building where you work and secure them there.
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

**Interviewing suspects**

**Recording interviews**

| About this guidance | Caution interviews – definition and the law | When you can interview a suspect | Interview conditions and audio equipment | Pre interview disclosure | Planning an interview | Starting an interview | During the interview | Concluding an interview | Voluntary attenders | Interviewing juveniles and the vulnerable | Interviewing defence witnesses | Interviewing prisoners | Summary of an interview | Access to interview tapes or discs | Court procedures | In this section | Recording equipment | Using police facilities |
|---------------------|-------------------------------------------|-----------------------------------|-----------------------------------------|-------------------------|----------------------|----------------------|----------------------|----------------------|------------------|------------------------|------------------------|-------------------|---------------------|-------------------|------------------|-------------------|-------------------------------|

This page tells you what circumstances lead to audio tape or DVD recorded interviews and the reasons why you may not record them.

**Interviews that must be audio tape or DVD recorded**

You must tape record interviews on official premises in connection with all of the following cases:

- Immigration related offences.
- Prohibition or restriction cases where the goods are smuggled, unless authority is given in standing instructions to compound this kind of offence.
- Cases that could be tried in a Crown Court (for example indictable or either way offences).

Local management has discretion to decide whether interviews for other case categories should be tape recorded, but where practical you must record interviews under caution (even if the suspect is not under arrest) if court proceedings are possible.

**Reasons not to audio tape or DVD record an interview**

If you decide not to tape record an interview for any reason it may be the subject of comment in court and you must make sure you have followed the authorisation procedure. For more information, see download: Authority not to tape record an interview form.

You do not have to tape record interviews in the above circumstances if:

- It is not reasonably practical because:
  - the equipment fails
  - there is no suitable interview room or recorder available and,
  - the authorising officer believes, on reasonable grounds, the interview should not be delayed until the failure has been rectified or a suitable room or recorder becomes available
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

- you have given priority, where practical, to tape record interviews with suspects of the more serious offences
- it is clear there will be no prosecution.

- The suspect is mentally handicapped, deaf or dumb, or similarly disadvantaged, and the authorising officer believes on reasonable grounds, which include representations made by a responsible third party, the tape recording would not be in the suspect's interest.

If either of the above circumstances apply an officer of at least higher officer, who is not connected with the case, must:

- authorise the interview not to be tape recorded, and
- complete and sign the 'Authority not to tape record an interview', see related link. The form must be signed in the presence of the suspect.

**Informing custody**
Where tape recording is appropriate, if you are the officer who conducts the interview, you must:

- inform the custody officer, or the tape librarian if there is no custody officer, of your intention, and
- take from store enough of each of the following to last the expected length of the interview:
  - pairs of clean, sealed tapes or discs (a tape records about 45 minutes, a DVD can record longer), and
  - labels to seal the master tape(s) at the end of the interview.
Interviewing suspects

Using police facilities

<table>
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<th>This page tells you the procedure to follow when interviewing at police facilities.</th>
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<tr>
<td>Caution interviews – definition and the law</td>
<td>Using police audio tape recording facilities</td>
</tr>
<tr>
<td>When you can interview a suspect</td>
<td>The police normally supply blank tapes or discs, but some police forces may prefer you to supply your own.</td>
</tr>
<tr>
<td>Interview conditions and audio equipment</td>
<td>You must keep the master tape or disc in the control of the department where possible. If the police force allows you to take master tapes away with you, you must follow the tape security procedure.</td>
</tr>
<tr>
<td>Pre interview disclosure</td>
<td>If the police force does not allow you to remove master tapes or discs you must follow the police master tape or disc procedures and:</td>
</tr>
<tr>
<td>Planning an interview</td>
<td></td>
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<tr>
<td>Starting an interview</td>
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<td>During the interview</td>
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<td>Concluding an interview</td>
<td>Access to master tapes or discs held by the police</td>
</tr>
<tr>
<td>Voluntary attenders</td>
<td>If you need access to the master tape held by the police, you must follow the procedure below:</td>
</tr>
<tr>
<td>Interviewing juveniles and the vulnerable</td>
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</tr>
<tr>
<td>Interviewing defence witnesses</td>
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</tr>
<tr>
<td>Interviewing prisoners</td>
<td></td>
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<tr>
<td>Summary of an interview</td>
<td></td>
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<tr>
<td>Access to interview tapes or discs</td>
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</tr>
</tbody>
</table>

Related links

- Recording equipment
- Recording interviews
You must break and reseal the tape on police premises in the presence of:

- an officer of at least grade 7
- a police officer, and
- a representative from the CPS.
  - For Northern Ireland, the legal representative must be a barrister or a solicitor employed or instructed by the director of public prosecutions.

The defence have the right to be present. If they are the police will ask the defence (or in the absence of the defence, the legal representative) to sign the resealing label.

If the tape has been used in committal proceedings, you must reseal for later production in court. The court clerk, if present, will sign the label when it is resealed.

You must return the tape to the police officer who will:

- replace it in the secure cabinet, and
- record that the tape has been unsealed in the register.
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

Interviewing suspects

Pre interview disclosure or briefing

This page tells you about pre interview disclosure or briefing, what it does and what can happen if you do not give it.

To make sure the arrested person is fully informed you must give:

- Pre interview disclosure:
  - For more information on how to give pre interview disclosure, see related link. Or
- A pre interview briefing:
  - For details of when to use this see download: Pre interview briefings with legal advisers.

The Police and Criminal Evidence Act (PACE) Code of Practice C note 10 B says you must give the arrested person (and their legal representatives) enough information to make sure they understand:

- they have been deprived of their liberty
- the allegations against them, and
- the reason they have been arrested.

What can happen if you do not give pre interview disclosure or pre interview briefing

If you do not give pre interview disclosure correctly it might result in the prosecution not being able to rely on the drawing of adverse inference provisions of section 34 of the Criminal Justice and Public Order Act (CJPO) 1994.

Adverse inference is when a party has relevant evidence within their control, which they fail to produce. Failure creates the impression that the evidence is unfavourable to them. For more information see external link: Adverse inferences.

Completing the pre interview disclosure

You must complete the pre interview disclosure on form MG6, see related link for a copy.

Related links

Links to staff intranet removed
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

<table>
<thead>
<tr>
<th>On a MG6A form, you must:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Inform the person of the nature of the suspected offence:</td>
</tr>
<tr>
<td>o For example, a broad but to the point summary of the evidence and the number and identities of those involved along with the place and time where the alleged offence was committed.</td>
</tr>
<tr>
<td>o You must avoid vague or technical language.</td>
</tr>
<tr>
<td>• Include in the grounds for arrest an explanation of the conditions which made the arrest necessary, if the arrest is made under the general conditions of section 25 of PACE.</td>
</tr>
<tr>
<td>• Include a summary of the evidence against the suspect:</td>
</tr>
<tr>
<td>o Set out the specific issues you wish to address, and tell them you will not necessarily restrict the questions to those areas.</td>
</tr>
<tr>
<td>o Inform the legal representative their client has previous convictions or bad character if appropriate.</td>
</tr>
<tr>
<td>• Provide, when applicable, copies of any evidence:</td>
</tr>
<tr>
<td>o you wish the suspect to consider, and</td>
</tr>
<tr>
<td>o which you wish to question them on.</td>
</tr>
<tr>
<td>• Make sure pre interview disclosure is enough for the purposes but not too lengthy or detailed because of the:</td>
</tr>
<tr>
<td>o constraints of the custody clock, and</td>
</tr>
<tr>
<td>o need to interview.</td>
</tr>
<tr>
<td>• Make sure the legal representative signs the MG6A and it is kept by the investigator.</td>
</tr>
</tbody>
</table>

It is best practice to record the disclosure on tape as well as issuing the MG6.

**What not to include in pre interview disclosure**

Do not give the legal representative:

- a copy of previous convictions
- any reports obtained from intelligence reports
- any previous crime reports or witness information.
When a suspect is not represented
If a suspect is not represented by a legal advisor the investigation team must make sure the suspect is given enough information about the nature of the allegation to decide if they want to request a legal adviser.

For further information about the exact information you must provide see note 3 of PACE code G in related link and related link: Pre interview briefings with legal advisers.
Interviewing suspects

Planning an interview

This section tells you how a detailed interview plan can help the interviewer deal with issues as they arise during an interview.

The ‘PEACE’ interview model
When you plan an interview with a suspect you must follow the model below:

- Plan and prepare:
  - consider what you are going to say and the reasons for saying it.
- Engage and explain:
  - introduce and explain the reason for you speaking to them.
- Account:
  - ask for their account of events.
- Closure:
  - confirm what has been said and allow the suspect to clarify points they have made.
- Evaluation:
  - reflect on the information you have obtained and identify any subsequent action you need to take.

If you use the PEACE model in this way it will help:

- you get the information you need, and
- the people you interview understand you.

There are enough points to prove for offences and you must apply these to interview plans. These include:

- Identify legal defences to offences and establish appropriate ways to respond to them.
- Review:
  - the case evidence
  - all the available evidence and antecedent (previous convictions) history of the
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

suspect to work out an appropriate interview strategy.

- Plan an interview in relation to evidence of bad character.
- Identify basic strategies you can apply in an interview.

The Interview plan
It is best practice to prepare a written suspect interview plan. This is a tool you can use to assess all available evidence, for example:

- Evaluate all statements.
- Decide what the unavailable evidence is, and where you might find it.
- The purpose of the interview.
- The aims and objectives.
- The structure of the interview, for example:
  - questioning types
  - officers roles, and
  - possible suspect reactions.
- The points to prove for the offence(s) in question.
- Any defences that are available.
- Using exhibits and other evidence.
- The value of planning with another officer.
- The time you will require.
- Having stationery and any exhibits available.
- Make the necessary arrangements for an appropriate adult to attend, if appropriate.
- Consider the benefit of sketch plans, either:
  - prepared by you, or
  - drawn by the suspect.

When you interview suspects, you must also be prepared to introduce notes made of any earlier conversations that officers had with them, such as initial questions.
Interviewing suspects

Starting and conducting an interview

This section tells you how to start and conduct an interview under caution.

At the start of an interview
If you conduct the tape interview you must, in the presence of the suspect:

- remove the manufacturers' wrapping from two new tapes:
  - always use new tapes, and
  - record on one side only
- explain to them your actions and the purpose of the equipment
- load both tapes into the recorder and make sure they have the correct alignment
- press the 'record' button:
  - the alarm will sound while the tape leader runs through
  - warn the suspect this will happen.

The recorder is now ready to tape the interview.

Objections to taping
If the suspect raises an objection to being tape recorded, give the following advice:

- '(State name of suspect), even without taping the interview I will be free to make any notes of the interview. It is in your own interests for the interview to be taped, as it will provide a clear and undisputed record of what is said. In any case, you do not have to say anything if you do not wish to.'

If the objection is recorded on tape, you do not need authority to continue the interview without recording.

If you are unable to record the objection, you must:

- seek permission of an officer of at least higher officer (or equivalent) to continue the
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

<table>
<thead>
<tr>
<th>Interviewing suspects – version 3.0 Valid from 12 March 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>interview by note taking</td>
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<tr>
<td>• note their permission in your notebook, and</td>
</tr>
<tr>
<td>• where practical, get the higher officer’s signature in the presence of the suspect.</td>
</tr>
</tbody>
</table>
Wording at the start of the interview

You, as the interviewing officer must:

- state:
  - your name
  - the names of any other people present
  - the date
  - the time
  - the location of the interview, and
- advise the suspect they will be issued a copy of ‘form INTERVIEW’ (Notice to person whose interview has been tape recorded) at the end of the interview.

Wording to use for interview (aide-memoire)

You must next state the following:

- ‘This interview is being tape recorded.

This is an interview with: state your full name please (suspect to state name). State your address please (suspect to state address). State your date of birth please (suspect to state date of birth).

I am (interviewing officer to state name). Also present is (second officer to state name and any other persons present to identify themselves, for example, suspect's lawyer). There are no other persons present.

The date is (state date). The time is (state time). The tape counter reads (state tape counter reading). We are in an interview room at (state location, for instance UK Border Agency custody suite, office or police station and full address). At the conclusion of the interview, I will give you a form which will explain the procedure for...
Caution the suspect immediately before you question in the following terms:

<table>
<thead>
<tr>
<th>UK country</th>
<th>Wording you must use for the caution</th>
</tr>
</thead>
</table>
| England and Wales   | ‘You do not have to say anything. But 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’.
| Northern Ireland    | ‘You do not have to say anything, but I must caution you that if you do not mention when questioned something which you later rely on in court, it may harm your defence. If you do say anything it may be given in evidence’.

If the person does not, or you doubt, they understand

In England, Wales and Northern Ireland if this happens you must give the following simplified caution and then check again if they understand:

- ‘I am going to ask you some questions. You do not have to answer any of them unless you want to. But if you go to court and say something there which you have not told me about, and they think you could have told me, it may harm your case. Anything you do say may be repeated in court’

For more information on explaining the caution, see related link: Explaining the caution aide memoire.

Wording about legal advice in the interview

You must remind the suspect of their right to free and independent legal advice under the duty solicitor scheme and they can speak to a solicitor on the telephone.

‘I must advise you that you are entitled to free legal advice at any time. Do you understand? I must also advise you that you may speak to a legal representative on the telephone. Do you wish to do so?’
If the suspect has declined any offer of legal representation, you must state:

‘I must ask you why you have not requested legal advice or to consult with a legal representative by telephone. I must remind you that you can ask at any time for free legal advice during the course of this interview. If you want legal advice, say so and I will suspend the interview and arrange for legal representation. Do you understand? Are you prepared to continue and answer questions without legal representation at this time?’

**Confirm any statements made before the interview**

You must:

- put to the suspect any significant statement or silence, that occurred before the interview starting
- ask them if they confirm or deny the earlier statement or silence, and
- ask them whether they wish to add anything.

For a copy of an interview aide memoire see related link.
Interviewing suspects

During the interview

This section tells you what you must do during an interview to identify things on the tape or if the equipment is faulty.

During the interview, you must:

- Identify anyone who enters the interview room and the reason for them entering, for example, bringing refreshments.
- Describe exhibits in enough detail to clearly identify the items referred to, which are usually items of evidence, for example:
  - 'white powder in silver foil', or
  - 'litre bottle of gin in clear glass with yellow label'.
- Describe non-verbal signs, for example nods, shakes of head or gestures in as much detail as necessary to avoid confusion.
- Introduce other speakers and explain their involvement.

If the equipment or tapes become faulty

If this happens, you must:

- Identify the fault on the tapes already in the machine, if possible, or on new ones if not.
- Seal the master tape if either the tape or the machine is faulty.
- Reconstruct the substance of the interview on new tapes up to the time the fault occurred by:
  - using whatever notes have been taken, or
  - discussion with the suspect (which you must record).

If only one tape malfunctions, fast copy the other tape in the presence of:

- the suspect, and
- an independent witness.
Then you must seal it as a master tape.

**Information not relevant to the offence**

If the suspect indicates to you they wish to give information about matters not directly connected with the offence but does not want these matters recorded on the tape, you must give the suspect the opportunity to speak about these matters after you have finished the formal taped interview.

If, during the course of an interview or an investigation, it becomes clear an offence of interest to the police may have been committed, you must contact the police at the earliest possible opportunity, especially if the situation requires urgent police action and delay would be damaging to the public interest.

You must not question the suspect about the police offence.
Interviewing suspects

Breaks during an interview

This page tells you what to do if you need to break during the interview.

If you need to break during the interview, you must:

- Describe aloud on tape reasons for breaks, for example:
  - tape changes
  - refreshments
  - toilet
  - medical assistance, or
  - operational demands
- Make sure people who enter the room:
  - identify themselves, and
  - state the reason for the interruption.
- Seal the master tape if the recording equipment malfunctions.
- State time, note ‘time elapsed’ reading and switch off recorder, and
- Stop tapes.

If the suspect leaves the room

- Seal the master tape before the suspect leaves the room.
- Eject the tapes and seal master tape.
- Restart interview and state the time, tape counter reading and the people present.
- Caution the suspect again in full and if the person does not understand or you doubt their understanding:
  - give the simplified caution, and
  - then check their understanding again.
- Offer legal advice if there is no lawyer present.
- Clarify that no matters relating to the case were discussed during the break.

When an interview is restarted after a long break, you must:
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

- Use new tapes
- State who is present and where the interview is taking place.
- Caution the suspect again, and if the person does not understand, or you doubt they understand:
  - give the simplified caution, then
  - check their understanding again.

**If a short break is taken and the suspect remains in the interview room with an officer**

As the officer, you must:

- Not remove tapes and continue on existing tapes.
- Restart interview stating:
  - time
  - tape counter reading, and
  - people present.
- Caution suspect again in full, and if the person does not understand, or you doubt their understanding:
  - give the simplified caution, then
  - check their understanding again.
- Offer legal advice if there is no lawyer present.
- Make sure no matters relating to the case were discussed during the break and confirm this when you start the continued interview.
- State what happened during the break.
- Remove the tapes from the recorder and seal them before the suspect leaves the room, if you want to take the tapes out of sight of the suspect.
Interviewing suspects

Special warnings

This page tells you about special warnings in interviews and when to give them. Only officers who have customs powers can issue special warnings.

A special warning is an extra caution which you can give it in two situations during an interview. These are outlined in:

- sections 36 and 37 of the Criminal Justice and Public Order Act 1994 (CJPO), and

Distinction between the above legislation

Section 36 and article 5 permit the court or jury to draw adverse inferences from a suspect’s failure or refusal to account for:

- What
- Where
- When

<table>
<thead>
<tr>
<th>What</th>
<th>Where</th>
<th>When</th>
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<tbody>
<tr>
<td>Objects</td>
<td>On their person</td>
<td>Immediately before arrest</td>
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<tr>
<td>Marks</td>
<td>In or on their clothing or footwear</td>
<td>At time of arrest</td>
</tr>
<tr>
<td>Substances</td>
<td>Otherwise in their possession</td>
<td>After arrest</td>
</tr>
<tr>
<td>Marks on any objects</td>
<td>In any place they are</td>
<td>N/A</td>
</tr>
</tbody>
</table>

For the special warning conditions to be met at least one from each of the three sections above (what, where and when) must happen. You, as the investigator, must:

- Reasonably believe and specify that the object, mark or substance may be attributable (an indication) to the suspect’s participation in an alleged offence.
- Tell the suspect of your belief and ask them to explain the presence of the object, substance or mark.
For a useful diagram on the process for assessing whether you can draw a section 36 adverse inference, see related link.

**Section 37 and article 6**
These sections outline the circumstances when you find and arrest a suspect at a place at or about the time the offence was alleged to have been committed, who fails or refuses to account for their presence in that place at that particular time. You must:

- reasonably believe the suspect’s presence at that place and time may be attributable (an indication) to the suspect’s participation in the offence.
- Tell the suspect of this belief and ask them to account for their presence.

For more information on the process to follow to assess whether a section 37 adverse inference can be drawn, see related link.

**Application of a special warning in an interview**
You must be aware there is a difference between the caution and a special warning. You must give the caution in accordance with paragraph 10 of the Police and Criminal Evidence Act (PACE) Code C, see related link.

You must:

- Give special warnings at the end of the interview so each question you asked earlier in the interview, which are subject to a special warning, are stated again at the end of the interview with a special warning attached:
  - this makes sure evidence obtained before the special warning remains admissible in court.
- Always make sure you ‘close’ the special warning once you have completed that line of questioning:
  - You must use a simple, clear form of words so the suspect is in no doubt that they are no longer under the extra burden of the special warning.
  - This makes sure any further questions put to the suspect, that do not justify a special warning, are not subject to exclusion on the grounds of unfairness (PACE
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

<table>
<thead>
<tr>
<th>section 78).</th>
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<tbody>
<tr>
<td>• Not give the special warning until the suspect has had access to legal representation.</td>
</tr>
</tbody>
</table>

### Wording for special warnings

Legislation does not provide a specific form of wording for a special warning but for an inference to be drawn you must give it in language the suspect is capable of understanding. There is a suggested form of words found in the interview aide memoire. For more information, see related link.

You cannot give special warnings in any interviews with suspects who have not been arrested.

For more information on section 10 of PACE, see related link: PACE Code of Practice C.
Using bad character evidence

This page tells you about using bad character evidence in interviews.

Bad character evidence in criminal proceedings is evidence of a person’s tendency towards misconduct for example their previous convictions or history of dishonesty.

For more information about bad character evidence please see related link: Crown Prosecution Service - bad character.

You can raise bad character evidence if it is related to the offence they are being interviewed for.

You must take care when you raise it as it is the court who decides if the jury will hear this evidence after a bad character application. For more information on evidence and bad character, see related link: Evidence of bad character – the seven gateways.
This page tells you about taking notes in an interview.

There are two categories of notes and they are taken in an official notebook either by:

- the interviewing officer, or
- a second officer present at the interview.

It is increasingly necessary for the prosecution to produce, as evidence or unused material, various secondary records, for example:

- interview summaries
- notebooks, or
- trigger notes.

You must take great care to make sure both categories of notes are accurate and reflect other records of the same events.

The two types of notes are:

**Mandatory notes**
For all interviews you must note these mandatory details:

- Time of tape start and finish.
- Those present.
- Where the interview was conducted.
- Requests and provision of refreshments.
- Interruptions.

**Discretionary notes**
You may note the following to help with either the structure of the interview or the completion of it:

---

**Related links**

- Access to interview tapes or discs
- Court procedures
- Interpretation during an interview
- No comment interview and prepared statements
- Allegations of misconduct and complaints

---

**In this section**

- Breaks during an interview
- Special warnings
- Using bad character evidence
- Interpreters in an interview
- Related links

---

**About this guidance**

- Caution interviews – definition and the law
- When you can interview a suspect
- Interview conditions and audio equipment
- Pre interview disclosure
- Planning an interview
- Starting an interview
- During the interview
- Concluding an interview
- Voluntary attenders
- Interviewing juveniles and the vulnerable
- Interviewing defence witnesses
- Interviewing prisoners
- Summary of an interview
- Note taking in interviews

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**Interviewing suspects – version 3.0**

Valid from 12 March 2014
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

<table>
<thead>
<tr>
<th>of a summary:</th>
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</table>
| - Time, dates, places of significant events.  
- Other significant replies, for example, confessions, obvious lies and inconsistencies.  
- Any statements, including unsolicited comments, made by suspects outside a formal cautioned interview may form important evidence.  
  o You must note down any such statements and ask the suspect to sign the notebook to confirm the statement made.  
  o This also applies to any questions and answers given before you give a caution.  
  o If the suspect refuses to sign an officer’s notebook, you must ask a senior officer to verify it instead.  
  o If the statements made and noted are considered to be relevant to the case, you must put them to the suspect during a cautioned interview.  
- It will also help you prepare a summary of the interview if the time elapsed readings shown on the recorder are noted when these events occur. |

If a suspect wants to provide a witness statement with a view to pleading guilty to an offence, or turning Queen’s evidence, you must take that statement under caution. You must not offer any inducement to a suspect in order to obtain such a statement. This must not be done without Crown prosecution service (CPS) consent.
Interpreters in an interview

<table>
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<td>You must not interview a person in the absence of a person capable of acting as interpreter if:</td>
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<td>• the person has difficulty in understanding English</td>
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<tr>
<td>• you cannot speak the person's own language, and</td>
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<td>• the person wants an interpreter to be present.</td>
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<td>There may be occasions where an interpreter is requested or needed, but an interview can be conducted without one. For more information on the exceptions, see related links:</td>
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<td>• When you can interview a suspect, and</td>
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<td>• Exceptional circumstances when you cannot interview.</td>
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<tr>
<td>You must make all reasonable attempts to make clear to a detained person who is deaf or who has genuine difficulty understanding English that interpreters will be provided free of charge.</td>
</tr>
<tr>
<td>If the person concerned cannot communicate with the solicitor, whether because of language or hearing difficulties, you must call an interpreter.</td>
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<td>You must record any:</td>
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<td>• action you take to call an interpreter, and</td>
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<td>• agreement to be interviewed in the absence of an interpreter.</td>
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<td>Once in the interview, it is good practise to:</td>
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<td>• make sure the interpreter:</td>
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This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

- makes a note of the interview at the time in the language of the person being interviewed to use if they are called to give evidence
- certifies its accuracy, and
- allow enough time for the interpreter to make a note of each question and answer after each has been put or given and interpreted:
  - the person must be given an opportunity to read it or have it read and sign it as correct or to indicate where they consider it inaccurate.

If the interview is tape recorded you must remind the interpreter they must be accurate as their interpretation may be challenged. They must convey precisely the questions asked and the responses given.

You must make sure you give the interpreter an opportunity to read the record of the interview (if written) and to certify its accuracy in the event of their being called to give evidence.

**The person is making a statement in a language other than English**
The interpreter must take down the statement including the caution in the language it is made. You must invite the person making the statement and the interpreter writing it to sign it and organise an official English translation as soon as possible.

**The person is deaf or you doubt their hearing or speaking ability**
If this is the case, you must not interview them without an interpreter unless they agree in writing to be interviewed without one.

**The person is a juvenile**
You must also call an interpreter to interview a juvenile and also have the parent or guardian present.

If the interpreter is needed as a prosecution witness at the person’s trial, a second interpreter must act as the court interpreter.
No comment interview and prepared statements

This page tells you what to do if the suspect answers no comment and or provides a written prepared statement.

Prepared statements: a definition
The purpose of a prepared statement is to give an account of the matter being investigated but protects the suspect from having their explanation scrutinised by the investigation team.

This prepared statement is usually handwritten on an A4 sheet of paper written by the legal representative with their client during private consultation. This is read out by the legal representative in the interview.

Before interview
You can ask the legal advisor what their client intends to do in the interview. For example are they going to:

- provide an account
- answer no comment, or
- give a prepared statement.

This gives you the opportunity to prepare for which course the interview will take. The legal advisor can refuse to tell you.

During interview
Start the interview using the recommended format in this guidance then invite the suspect or legal advisor to read the statement out.

It is good practice to ask the suspect to read the prepared statement. If they cannot it will highlight either an interpreter or appropriate adult is needed, therefore safeguarding the integrity of the interview.
Once they have read out the prepared statement

- ask the suspect if they have read and understood the statement
- ask the suspect if they agree with the contents
- give the original prepared statement an exhibit reference and refer to it by this reference for the rest of the interview
  - the solicitor is provided with a copy. They may keep the original and you can keep a copy.

If the solicitor or legal representative refuses to give you a copy

You must mention this on tape then continue with the interview. The suspect has read the statement out during interview so you will have a record of its contents.

Questions to ask during interview

It is important you ask all relevant questions during an interview, even if the defendant gives ‘no comment’ responses.

This is especially important if a prepared statement has been given which does not cover specific facts that relate to, and are of importance to, the matter under investigation.

In these situations an adverse inference may still be drawn due to the inconsistencies that may arise from the interview and statement compared to the evidence given at trial.

It is important to make sure both the facts mentioned in the interview which the defendant has been asked to account for and comment upon, and those contained within the prepared statement correlate (are the same).

If there are facts that mentioned in the statement but which are covered during the interview and later relied upon by the defendant at trial, this will possibly allow adverse inferences to be drawn.
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

**Interviewing suspects**

**Allegations of misconduct and complaints**

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<td>If the suspect either alleges misconduct or makes a sufficiently serious complaint against an officer that causes the interview to be broken off, you must:</td>
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<td>• describe on tape your intention to inform the custody officer (or senior officer if the suspect has not been arrested)</td>
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<td>• stop the tape, and</td>
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<td>Interview conditions and audio equipment</td>
<td>• seal and dispose of tapes, for more information on sealing a tape, see related link: Concluding an interview.</td>
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<td>Pre interview disclosure</td>
<td>If the suspect either alleges misconduct or makes a complaint against other officials present, you must:</td>
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<td>Planning an interview</td>
<td>• inform the suspect, on tape, that the allegation has been noted</td>
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<td>Starting an interview</td>
<td>• continue the interview but bring the allegation to the attention of the custody officer (or a senior officer if the suspect is not under arrest) at the earliest opportunity:</td>
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<tr>
<td>During the interview</td>
<td>• unless the allegation warrants you suspend the interview immediately, and</td>
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<td>Concluding an interview</td>
<td>• confirm the report in writing.</td>
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<td>Links to staff intranet removed</td>
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</table>
Interviewing suspects

Concluding an interview

This page tells you how to conclude an interview and the procedure you must follow.

At the end of the interview, you must:

- ask the suspect if they wish to say or add anything to what has already been said.
- inform the suspect the interview has now ended, and
- state the time and switch off the recorder.

Seal the master tape

You must follow the procedure below:

- mark the tape with the name of the suspect and tape number
- break off the recording 'lugs' to prevent it being erased
- replace the tape in its case
- apply completed label around the case
- seal the master recording with a master label in the presence of the suspect
- treat the master copy as an exhibit in accordance with force standing orders, for more information see related link: Police and Criminal Evidence Act (PACE) codes of practice E
- sign the label and ask the suspect and any third party present during the interview to sign it
- the people signing the label, if they are present, must be:
  - interviewing officer
  - other interviewing officers
  - suspect
  - appropriate adult
  - solicitor or legal representative
  - interview supporter
  - interpreter
  - anyone else present
- if the suspect refuses to sign, you must:
  - call an independent officer, of at least higher officer, into the interview room, and
  - ask them to sign instead.

**Seal the copy tape**
You must mark the copy tape with the name of the suspect and tape number, and put into case where and complete the inlay card with the:

- date
- name of the suspect
- tape number
- interviewing officer's name, and
- times of the tape start and finish.

You must then give the suspect a notice which explains:

- how the recording will be used
- the arrangements to have access to it, and
- if they are charged or informed they will be prosecuted, a copy of the audio recording will be supplied as:
  - soon as practical, or
  - otherwise agreed between the suspect and the police.

**After the interview**
At this point you must enter in your notebook the following facts about the interview:

- where it took place
- that is was recorded on tape or DVD
- the start time and finish time
- the duration
- the date, and
- the master recording’s identification number.
**You must then:**

- return the responsibility for the person to the custody officer
- inform the custody sergeant:
  - the interview has finished, and
  - whether you need to ask anymore questions.
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

**Interviewing suspects**

**Voluntary attenders**

This section tells you about voluntary attenders and how to interview them.

**Voluntary attender: the legal definition**

Section 29 of the Police and Criminal Evidence Act (PACE) or article 31 of PACE (NI) defines a ‘voluntary attender’ as:

- a person who attends a Home Office office, or another place where a Home Office officer is present, for the purpose of assisting a criminal investigation (unless they are under arrest).

A 'voluntary attender', as the name suggests, attends of their own free will. You must treat them with no less consideration than detainees or arrested people.

The Police and Criminal Evidence Act (PACE) Code G requires you to consider whether the suspect's voluntary attendance is a practical alternative to arrest. Once you decide under Code G that a voluntary interview is more appropriate than arrest you must advise the suspect of their rights. For more information on voluntary interviews see download.

For more information see related link: Police and Criminal Evidence Act (PACE) code G.

**Initial action**

You must caution a voluntary attender under the provisions in section 10 of the PACE Codes of Practice C, and if you are the person giving the caution you must inform them they are not:

- under arrest, and
- required to stay at the Home Office or police station.

If they decide to remain, you must:

- inform them they may obtain free and independent legal advice by phone.
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

- tell them these rights are set out in the notice to voluntary attenders:
  - this is issued by the custody officer when the attender is cautioned (as above) or they enquire about their rights, whichever comes first
- offer them breaks, refreshments and facilities, and
- make a note of the above actions if the voluntary attendance is at a place other than a custody office:
  - include in this note the voluntary attender's name and address and the length of time the attendance lasted.

**Free legal advice**
The Legal Services Commission has confirmed a voluntary attender under caution at a Police station or Home Office office (section 29 PACE 1984) is entitled to free legal advice, and also at any other place:

- Provided that an officer with the power of arrest in relation to the matter on which the interview is based on is present:
  - the person does not have to be arrested to obtain free advice.
- A person who attends a Home Office office voluntarily for an interview under caution must be given a notice of rights, ENF1239A. See related link: Notice to voluntary attenders.
- When at a police station or Home Office location, you must ask the custody officer to get a solicitor for the individual if they have requested one.
- When the individual is at a Home Office office, they can get legal advice over the telephone if they do not want a solicitor to be physically present.

**Arresting a voluntary attender**
Under the voluntary attendance procedure, the attender has the right to leave at any time. If you prevent the attender from leaving, they are considered to be under arrest.

If you arrest the attender you must have sufficient grounds for the arrest. You must not arrest them just to prevent them from leaving.

When a person attends the police station voluntarily to be interviewed by arrangement, their arrest on arrival at the station prior to interview would only be justified:
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

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<th>Conditions of Arrest</th>
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| - if new information has come to light after the arrangements were made which indicates voluntary attendance has ceased to be a practical alternative  
- their arrest is necessary, and  
- it was not reasonably practical for the person to be arrested before they attended at the station. |

Although each arrest is at the authorised officer's discretion, they must be satisfied the arrest can be justified as necessary (section 24(5) PACE - necessity test). These grounds must include reasonable suspicion that:

- an offence has been committed, and  
- the person being arrested had some involvement in that offence.

For further information see related links:

- Necessity to arrest.  
- Voluntary Interviews.
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

**Interviewing suspects**

**Voluntary attenders at a Home Office office**

| About this guidance | This page tells you about what you have to do when you interview a voluntary attender at a Home Office office. |
| Caution interviews – definition and the law | If the voluntary attender attends a custody suite, a custody officer or, if not practical, another independent officer must take responsibility for voluntary attendance issues. If you take that responsibility, you must get the necessary voluntary attenders forms from custody. Once you have these you must: |
| When you can interview a suspect | • Make a record of the attendance, this will be maintained by the custody officer. As well as the information needed by the voluntary attenders form you must make sure it includes: |
| Interview conditions and audio equipment | o a signed declaration by the voluntary attender that they understand their status |
| Pre interview disclosure | o they have been given their rights |
| Planning an interview | o you have issued the notice to voluntary attenders |
| Starting an interview | o if the voluntary attendee is in a special group, a signature from the appropriate or independent adult or interpreter confirming the attendee understands the above |
| During the interview | o if appropriate, written confirmation by two officers the voluntary attender refused to sign the record. |
| Concluding an interview | • Note the date and time of arrival and departure of the voluntary attender and their written confirmation. |
| Voluntary attenders | • Note all actions taken, including time of interview, names of those present, and refreshments or facilities offered and taken. |
| Interviewing juveniles and the vulnerable | **Records of voluntary attendees** |
| Interviewing defence witnesses | You must make a copy of this record available to the voluntary attendee if they request one. |
| Interviewing prisoners | You must keep the records for a minimum of six years from the date of attendance under current retention policy. |
| Summary of an interview | If you are not taking further action against the voluntary attender, you may dispose of their records after the six years have elapsed, unless the attendee has indicated they may be... |
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

| Considering any civil action against the department. |
| If you are taking offence action you must keep the records in line with the retention of prosecution material policy set out in case paper retention. This is currently the length of sentence plus one year. |
Interviewing suscepts

Interviewing juveniles and the vulnerable

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<th>About this guidance</th>
<th>This page tells you about interviewing juveniles, the mentally disordered or the mentally handicapped.</th>
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<tr>
<td>Caution interviews – definition and the law</td>
<td>You must always take special care when you question juveniles, the mentally disordered or the mentally handicapped. If you have any doubt about a person's age, mental state or capacity you must always involve an appropriate adult.</td>
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<tr>
<td>When you can interview a suspect</td>
<td>Appropriate Adults</td>
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<td>Section 63 B 10 of the Police and Criminal Evidence (PACE) act defines an appropriate adult for a juvenile as their parent or guardian.</td>
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<td>Pre interview disclosure</td>
<td>If the juvenile is in the care of a:</td>
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<td>the appropriate adult is a:</td>
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<tr>
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<tr>
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<td>If there is nobody who meets the above criteria available an appropriate adult can be any responsible person aged 18 or over who is not a:</td>
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<td>Summary of an interview</td>
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<td>If you think the person to be interviewed may have mental health issues regardless of their age you must consult with a:</td>
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<td>Court procedures</td>
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Links to staff intranet removed
• medical professional who is involved in their care, or
  • Social worker of a local authority.

For more information see related link: Section 63 B (10) PACE appropriate adult.

Whether the person is a suspect or not, you must not interview, or asked them to provide or sign a written statement, without the presence of the appropriate adult unless there are exceptional circumstances.

For more information, see related link: Exceptional circumstances when you cannot interview.

You must tell the appropriate adult present at the interview they are not just expected to act as an observer, the purpose their presence is to:

• advise the person being questioned
• observe whether or not the interview is being conducted properly and fairly, and
• help communication with the person being interviewed.

**Important factors**

As the interviewing officer, you must establish the:

• medical needs, and
• ability of the detained person, to be interviewed
  o although juveniles, people who are mentally disordered or mentally handicapped are often capable of providing reliable evidence, they may, without knowing or wishing to do so, be particularly prone in certain circumstances to provide information which is unreliable, misleading or self incriminating.

You must also be aware of the health and safety implications of conducting or continuing with an interview if there are any disabilities or medical reasons that could affect the interview.

**Interviewing juveniles at their place of education**
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

<table>
<thead>
<tr>
<th>You may only do this in exceptional circumstances and only if the principal or a nominee agrees.</th>
</tr>
</thead>
<tbody>
<tr>
<td>You must make every effort to notify both the parent(s), other person responsible for the juvenile's welfare and the appropriate adult (if this is a different person). When you make contact, you must:</td>
</tr>
<tr>
<td>• inform them the department wants to interview the juvenile, and</td>
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<tr>
<td>• allow reasonable time to allow the appropriate adult to be present at the interview.</td>
</tr>
<tr>
<td>If waiting for the appropriate adult would cause unreasonable delay the principal or nominee can act as the appropriate adult for the purposes of the interview, unless the suspect is suspected of an offence against the educational establishment. It is preferable not to arrest a juvenile at their place of education unless it is unavoidable.</td>
</tr>
<tr>
<td>If you do arrest a juvenile at their place of education, you must inform the principal or the nominee.</td>
</tr>
</tbody>
</table>
Interviewing defence witnesses

This page tells you about interviewing defence witnesses in England, Wales and Northern Ireland.

If you are to interview a defence witness who you do not believe to be complicit (involved) in the offence, you must ask them whether or not they want the defence solicitor to be present during the interview.

If the witness objects to their presence you must inform the:

- defence solicitor of the proposed interview
  - if there is more than one defence solicitor, you must notify all of them, and
- witness you have informed the solicitor.

This is an exception to the normal rule that you must not contact the defence once proceedings are pending. In appropriate cases you might invite the witness to make a written statement although it would be entirely voluntary.

To avoid any doubt, this does not apply in Scotland where it is firmly established by the courts and accepted by defence solicitors that defence witnesses will be interviewed by or on behalf of the Crown and defence solicitors have no right or expectation to be present.
Interviewing suspects

Interviewing prisoners

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<tr>
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</table>

This page tells you about interviewing prisoners.

You may interview people who are already serving a custodial sentence in prison for a separate offence, with:

- their consent, and
- the agreement of the prison governor.

The general rule is whilst the Police and Criminal Evidence Act (PACE) 1984, PACE (NI) and the codes of practice do not apply in a prison, you must follow the spirit of the act and codes as though you are holding the interview at a designated office.

Categories of prison interviews

There are two categories of interview:

- Voluntary:
  - In voluntary interviews the prisoner can only be questioned for as long as consent is given.
  - If consent is withdrawn, you must either terminate the interview or hold a compulsory interview.

- Compulsory:
  - If there are reasonable grounds to believe the prisoner may have committed an arrestable offence, the prisoner will be compelled to remain to answer questions you consider appropriate.
  - Prisoners must be interviewed in prison, and only in exceptional circumstances can you make a specific request to the prison governor for them to be removed from prison for interviewing at a designated station. See below for more details.

Before the prison interview takes place

You are advised to check the details of the prisoner you are going to interview to see if they...
are already under investigation by any other agency. If they are, you must notify the relevant agency before the interview.

You must write to the prison governor to request the prisoner for interview in the prison. There is no set format for this letter, but it must be signed by a senior officer or above.

**Interviews with prisoners in prison**
Before the interview, the prisoner must be:

- cautioned, and
- reminded of their right to:
  - legal advice, and
  - have an appropriate adult present, if applicable.

A member of the prison staff must act as the authorising officer and have overall responsibility for the conduct of the interview because a custody officer will not be available.

**Interviews outside of prison**
A prisoner can only be removed from a prison to any other place if you have the written consent from the prison governor or the police advisers section before interview.

You must:

- write to the prison governor to request the prisoner for interview, other than category A prisoners or protected witnesses, using a prisoner production form
- get a senior officer or above to sign the request.

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**Restricted information – do not disclose – start of section**

The information in this page has been removed as it is restricted for internal Home office use only.
Summary of an interview

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<th>This section tells you about preparing a summary of the interview for court and transcriptions of interviews.</th>
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<td>Caution interviews – definition and the law</td>
<td>If the case is considered appropriate for prosecution, you must prepare a summary of the taped interview on form MG3. Other staff may carry out the preparation of the summary but, as case officer, you are responsible for the accuracy of the summary. For a copy of this form see related links: Manual of guidance and MG forms.</td>
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<tr>
<td>When you can interview a suspect</td>
<td>In some cases a summary is prepared and exhibited rather than the full transcripts. This summary must be a separate document to the witness statement, and as the summary is exhibited it must be signed.</td>
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<td>• conduct the case in court, if the defence has accepted it.</td>
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<td>You must prepare the summary from:</td>
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<td>• any notes taken during the interview, and</td>
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<td>• Guilty pleas or admissions only need a brief summary quoting the admissions.</td>
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<td>• Contested cases (or cases likely to be contested) need a longer and more substantial</td>
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This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

summary with greater detail of evidential points relevant to the case.

The summary must:

- include any significant evidential points
- be accurate
- be selective
- be fair and balanced
- be confined to an account of those parts of the interview that you consider directly relevant in evidential terms, both to the prosecution and the defence, to the matters being out before the court, and
- be reflected in the evidence that is to be given in court.
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

**Interviewing suspects**

**Transcription of an interview**

This page tells you who to deal with for transcriptions of interviews and checking their accuracy.

Transcription is very expensive. You must consider a full transcription only if there is a clear need for it and in cases where the following occurs:

- A decision to charge is to be requested from the Crown Prosecution Service.
- The arrested person has been charged.

A ‘no comment’ interview must not be transcribed. A summary of questions asked during interview is enough.

Once you have authority to transcribe the tapes you must follow the procedure in your local office.

**Accuracy of the transcript**

Transcripts produced by experienced transcribers may still contain inaccuracies. You, as case officer, must make sure any transcription is accurate against the tape.

It is best practice for one of the two interviewing officers to check the transcription against the tape and then, if correct, produce it as evidence in court.
Interviewing suspects

### Access to interview tapes or discs

This section tells you about the procedures you must follow when you access interview tapes or discs.

**Access to master tape or disc**

To access the master tape or disc of an interview, you must follow the direction set out in paragraph 6.2 of the Police and Criminal Evidence Act (PACE) Code E. For more information, see related link.

- You have no authority to break the seal on a master recording required for criminal trial or appeal proceedings.
- If it is necessary to gain access to the master recording, you must arrange for its seal to be broken in the presence of a representative of the Crown Prosecution Service (CPS).
- You must inform the defendant or their legal adviser and give them a reasonable opportunity to be present.
- If the defendant or their legal representative is present they must be invited to reseal and sign the master recording.
  - If either refuses or neither is present the representative of the CPS must do it.

**Right of access by the defence**

Defendants’ lawyers and non represented defendants have the right of access to the taped interview to be exhibited in evidence.

Defence lawyers may not always wish to take advantage of the right of access or listen to whole tapes. You must inform them at an early stage that a tape recording of an interview with their client exists.

For the defence and prosecution to reach any effective agreement before the trial, it will be necessary for the defence lawyer to receive, or be shown, a copy of your statement of evidence.
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

In cases to be heard in magistrates' courts, formal arrangements exist for the advance disclosure of the prosecution case, and the disclosure of the officer's statement helps the defence lawyer to decide whether to listen to the tape.

If the defence asks for a copy of the tape you must supply it, however you must tell the CPS immediately that you have done this.

**Defendants who are not legally represented**

If you receive an application for a copy of the tape from a defendant on bail who is not legally represented, the CPS will send the copy by post to the defendant at the address given on the application.

If the defendant is in custody and applies for a copy, you must send the tape by post through the prison establishment governor.

If the defendant requests a copy of the tape at the time of the interview you can deal with the request locally.

**Access to the copy tape or disc**

The copy tape or disc must be kept apart from the master tape or disc in a separate secure cabinet. Getting access to the master tape or disc is a lengthy process if a copy tape or disc malfunctions, you must consider copying the copy tape or disc and using that as a working copy.

You, as the case officer, are responsible for keeping the copy tape or disc safe when it is not in the cabinet.
Interviewing suspects

Editing and disposing of audio tapes

This page tells you what to do when you have to edit interview tapes or discs, and when to dispose of them.

Editing audio tapes

If the tape of an interview contains material the Crown Prosecution Service (CPS) say is inadmissible or is likely to be treated as such, you must make sure these passages are not played in court.

If the tape is likely to be played, then:

- Before the case is heard, the defence and prosecution must decide if the passages containing the inadmissible material can be omitted by fast forwarding the master tape when it is played in court.
- If this is not possible you must prepare an edited tape with the agreement of the two parties concerned:
  - prepare the edited tape from a working copy by recording over or erasing such passages.

If material in a tape is sensitive (for security or investigative reasons)

If you think it would not be in the public interest for the material to be disclosed to the defence, you must bring those tapes, or parts of tapes, to the attention of your grade 7 or above.

They will authorise you to refer the matter to the CPS, if appropriate, to consider whether the tapes must be edited before they are given to the defence.

Disposing of audio tapes

You must keep master tapes in line with the record retention and disposal policy for all prosecution material. For further information on retention and disposal policy, see related link.
You cannot reuse master tapes, but you can clean working copies and use them again for copying.

You must dispose of tapes by local or Queen's warehouse incineration.
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

**Interviewing suspects**

**Court procedures**

| This page tells you how to deal with interview tapes that are needed at court. |

The witness statement you, as case officer, prepared introduces the tape recorded interview as evidence, and you must:

- produce the master tape of the interview as an exhibit
- inform the court of any official transcript that has been made, and
- produce it in court.

When you give evidence, you are allowed access to the summary statement and can refer to it in the witness box.

Although a tape recording is available for general evidential purposes it is normally only necessary for it to be played in court either to resolve:

- doubt in the absence of a transcript, or
- any dispute about the accuracy of a transcript.

But, the tape may also be played in court if there is a challenge to the admissibility of your evidence of the interview. If, for this or any other reason, the court asks for the tape to be played it is your responsibility to arrange for it to be played on the equipment provided by the court.

It is normal procedure for the master tape (which is to be opened in court) to be played, unless the recording has had to be edited, in which case the edited tape will be played.
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

**Interviewing suspects**

**Contact**

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This page tells you who to contact if you need more help with a question about the ‘Interviewing suspects’ guidance.

If you have read this guidance and still need more help, you must first ask your line manager. If they cannot answer your question you can contact:

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The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.
This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

Interviewing suspects

Information owner

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This page tells you about this version of Home Office ‘Interview’ guidance and who owns it.

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<td>12 March 2014</td>
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