



Home Office

Interviewing suspects

This guidance is based on the [Police and Criminal Evidence Act \(PACE\) 1984](#)

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Interviewing suspects

About this guidance

<p>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</p>	<p>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.</p> <p>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.</p> <p>It includes:</p> <ul style="list-style-type: none">• 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. <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contacts – This page tells you who to contact for help if your senior caseworker or line manager can’t answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p>	<p>In this section Changes to this guidance</p> <p>Contact</p> <p>Information owner</p> <p>Links to staff intranet removed</p>
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Changes to this guidance

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<table border="1"> <thead> <tr> <th data-bbox="488 408 824 443">Date of the change</th> <th data-bbox="835 408 1525 443">Details of the change</th> </tr> </thead> <tbody> <tr> <td data-bbox="488 451 824 746">12 March 2014</td> <td data-bbox="835 451 1525 746"> <p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> • Interviewing juveniles and the vulnerable: <ul style="list-style-type: none"> ○ new sub-heading ‘Appropriate adults’ and the content below. • Minor housekeeping and plain English changes throughout. </td> </tr> </tbody> </table>	Date of the change	Details of the change	12 March 2014	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> • Interviewing juveniles and the vulnerable: <ul style="list-style-type: none"> ○ new sub-heading ‘Appropriate adults’ and the content below. • Minor housekeeping and plain English changes throughout. 	<table border="1"> <tbody> <tr> <td data-bbox="488 754 824 1418">25 September 2013</td> <td data-bbox="835 754 1525 1418"> <p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> • Exceptional circumstances when you cannot interview <ul style="list-style-type: none"> ○ Sub heading ‘if the person is unfit to be interviewed’ new content. ○ Sub heading ‘exceptions to the rules of interviewing’ bullet points inserted. • Urgent interviews <ul style="list-style-type: none"> ○ Sub heading ‘interviewing away from a designated office’ new fourth sub bullet point. • Recording interviews <ul style="list-style-type: none"> ○ Sub heading ‘interviews that must be audio tape or DVD recorded’ new third bullet point. ○ Sub heading ‘reasons not to audio tape </td> </tr> </tbody> </table>	25 September 2013	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> • Exceptional circumstances when you cannot interview <ul style="list-style-type: none"> ○ Sub heading ‘if the person is unfit to be interviewed’ new content. ○ Sub heading ‘exceptions to the rules of interviewing’ bullet points inserted. • Urgent interviews <ul style="list-style-type: none"> ○ Sub heading ‘interviewing away from a designated office’ new fourth sub bullet point. • Recording interviews <ul style="list-style-type: none"> ○ Sub heading ‘interviews that must be audio tape or DVD recorded’ new third bullet point. ○ Sub heading ‘reasons not to audio tape
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		<p>or DVD record an interview' reference to a new related link and new fifth sub bullet point.</p> <ul style="list-style-type: none"> ○ Sub heading 'informing custody' new second bullet and sub bullet. ● Special warnings <ul style="list-style-type: none"> ○ New external link: PACE Code C ● Pre interview disclosure or briefing <ul style="list-style-type: none"> ○ New links added to the bullet points. New external link added. ● Using bad character evidence <ul style="list-style-type: none"> ○ New second and third paragraph. ● Voluntary attenders <ul style="list-style-type: none"> ○ Sub heading 'voluntary attender – the legal definition' second paragraph under the bullet, reference to download. ● Plain English and minor house keeping changes. 		
	26 March 2013	Completely revised by the modernised guidance team.		

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Caution interviews: definition and the law

<p>About this guidance 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</p>	<p>This page tells you the definition of a caution interview, the legislation you need to be aware of and about holding interviews under caution.</p> <p>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:</p> <p>'...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'.</p> <p>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.</p> <p>Protection of human rights You must be aware of the following provisions of the Human Rights Act 1988 when you interview the accused:</p> <ul style="list-style-type: none">• Schedule 1 article 3 – prohibition of torture:<ul style="list-style-type: none">○ No one shall be subject to torture or inhuman, degrading treatment or punishment.• Schedule 1 article 5 – right to liberty and security:<ul style="list-style-type: none">○ 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:<ul style="list-style-type: none">○ 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. <p>If you are interviewing you must:</p>	<p>External links Links to staff intranet removed</p>
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- 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.

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When you can interview a suspect

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	<p>Defining interruptions to the period of rest The following situations are not considered interruptions to the rest period and a new rest period is not needed.</p> <p>Any action required to be taken:</p> <ul style="list-style-type: none">• in accordance with:<ul style="list-style-type: none">○ conditions of detention, or○ medical advice• at the request of the:<ul style="list-style-type: none">○ detained person○ appropriate adult, or○ legal representative.	
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Exceptional circumstances when you cannot interview

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	<p>You must record the grounds for a decision to interview a person under the influence of alcohol or drugs in:</p> <ul style="list-style-type: none">• your daybook, or• a case decision log. <p>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.</p> <p>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.</p> <p>For more information, see related link: Police and Criminal Evidence Act (PACE) code of practice C, annex H.</p>	
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Urgent interviews

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	<p>superintendent or above believes it will:</p> <ul style="list-style-type: none">• interfere or harm:<ul style="list-style-type: none">○ evidence○ other people, or○ property, and• not significantly harm the person's physical or mental state.	
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Interview conditions and audio equipment

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Recording equipment

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- 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.

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- 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.

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Using police facilities

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	<p>You must break and reseal the tape on police premises in the presence of:</p> <ul style="list-style-type: none">• an officer of at least grade 7• a police officer, and• a representative from the CPS.<ul style="list-style-type: none">○ For Northern Ireland, the legal representative must be a barrister or a solicitor employed or instructed by the director of public prosecutions. <p>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.</p> <p>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.</p> <p>You must return the tape to the police officer who will:</p> <ul style="list-style-type: none">• replace it in the secure cabinet, and• record that the tape has been unsealed in the register.	
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Pre interview disclosure or briefing

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	<p>On a MG6A form, you must:</p> <ul style="list-style-type: none">• Inform the person of the nature of the suspected offence:<ul style="list-style-type: none">○ 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.○ You must avoid vague or technical language.• 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.• Include a summary of the evidence against the suspect:<ul style="list-style-type: none">○ Set out the specific issues you wish to address, and tell them you will not necessarily restrict the questions to those areas.○ Inform the legal representative their client has previous convictions or bad character if appropriate.• Provide, when applicable, copies of any evidence:<ul style="list-style-type: none">○ you wish the suspect to consider, and○ which you wish to question them on.• Make sure pre interview disclosure is enough for the purposes but not too lengthy or detailed because of the:<ul style="list-style-type: none">○ constraints of the custody clock, and○ need to interview.• Make sure the legal representative signs the MG6A and it is kept by the investigator. <p>It is best practise to record the disclosure on tape as well as issuing the MG6.</p> <p>What not to include in pre interview disclosure Do not give the legal representative:</p> <ul style="list-style-type: none">• a copy of previous convictions• any reports obtained from intelligence reports• any previous crime reports or witness information.	
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	<p>When a suspect is not represented</p> <p>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.</p> <p>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.</p>	
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Planning an interview

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[Voluntary attenders](#)
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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

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	<p>suspect to work out an appropriate interview strategy.</p> <ul style="list-style-type: none">• Plan an interview in relation to evidence of bad character.• Identify basic strategies you can apply in an interview. <p>The Interview plan</p> <p>It is best practise to prepare a written suspect interview plan. This is a tool you can use to assess all available evidence, for example:</p> <ul style="list-style-type: none">• 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:<ul style="list-style-type: none">○ 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:<ul style="list-style-type: none">○ prepared by you, or○ drawn by the suspect. <p>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.</p>	
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Interviewing suspects

Starting and conducting an interview

<p>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</p>	<p>This section tells you how to start and conduct an interview under caution.</p> <p>At the start of an interview</p> <p>If you conduct the tape interview you must, in the presence of the suspect:</p> <ul style="list-style-type: none">• remove the manufacturers' wrapping from two new tapes:<ul style="list-style-type: none">○ 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:<ul style="list-style-type: none">○ the alarm will sound while the tape leader runs through○ warn the suspect this will happen. <p>The recorder is now ready to tape the interview.</p> <p>Objections to taping</p> <p>If the suspect raises an objection to being tape recorded, give the following advice:</p> <ul style="list-style-type: none">• '(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.' <p>If the objection is recorded on tape, you do not need authority to continue the interview without recording.</p> <p>If you are unable to record the objection, you must:</p> <ul style="list-style-type: none">• seek permission of an officer of at least higher officer (or equivalent) to continue the	<p>In this section Wording at start of interview</p> <p>Links to staff intranet removed</p>
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	<p>interview by note taking</p> <ul style="list-style-type: none">• note their permission in your notebook, and• where practical, get the higher officer's signature in the presence of the suspect.	
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Interviewing suspects

Wording at the start of the interview

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dealing with this recording and how you can have access to it.'

Caution the suspect immediately before you question in the following terms:

UK country	Wording you must use for the caution
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?'

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	<p>If the suspect has declined any offer of legal representation, you must state:</p> <p>'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?'</p> <p>Confirm any statements made before the interview</p> <p>You must:</p> <ul style="list-style-type: none">• 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. <p>For a copy of an interview aide memoire see related link.</p>	
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Interviewing suspects

During the interview

<p>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 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</p>	<p>This section tells you what you must do during an interview to identify things on the tape or if the equipment is faulty.</p> <p>During the interview, you must:</p> <ul style="list-style-type: none">• 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:<ul style="list-style-type: none">○ '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. <p>If the equipment or tapes become faulty</p> <p>If this happens, you must:</p> <ul style="list-style-type: none">• 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:<ul style="list-style-type: none">○ using whatever notes have been taken, or○ discussion with the suspect (which you must record). <p>If only one tape malfunctions, fast copy the other tape in the presence of:</p> <ul style="list-style-type: none">• the suspect, and• an independent witness.	<p>In this section</p> <p>Breaks during an interview</p> <p>Special warnings</p> <p>Using bad character evidence</p> <p>Note taking in interviews Interpreters in an interview</p> <p>No comment interview and prepared statements</p> <p>Allegations of misconduct and complaints</p>
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	<p>Then you must seal it as a master tape.</p> <p>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.</p> <p>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.</p> <p>You must not question the suspect about the police offence.</p>	
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Interviewing suspects

Breaks during an interview

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- 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

<p>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</p>	<p>This page tells you about special warnings in interviews and when to give them. Only officers who have customs powers can issue special warnings.</p> <p>A special warning is an extra caution which you can give it in two situations during an interview. These are outlined in:</p> <ul style="list-style-type: none"> • sections 36 and 37 of the Criminal Justice and Public Order Act 1994 (CJPO), and • articles 5 and 6 of the Criminal Evidence (Northern Ireland) Order 1988. <p>Distinction between the above legislation</p> <p>Section 36 and article 5 permit the court or jury to draw adverse inferences from a suspect’s failure or refusal to account for:</p> <table border="1" data-bbox="456 810 1765 1106"> <thead> <tr> <th>What</th> <th>Where</th> <th>When</th> </tr> </thead> <tbody> <tr> <td>Objects</td> <td>On their person</td> <td>Immediately before arrest</td> </tr> <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> <p>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:</p> <ul style="list-style-type: none"> • 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. 	What	Where	When	Objects	On their person	Immediately before arrest	Marks	In or on their clothing or footwear	At time of arrest	Substances	Otherwise in their possession	After arrest	Marks on any objects	In any place they are	N/A	<p>In this section</p> <p>Breaks during an interview</p> <p>Using bad character evidence</p> <p>Note taking in interviews Interpreters in an interview</p> <p>No comment interview and prepared statements</p> <p>Allegations of misconduct and complaints</p> <p>Links to staff intranet removed</p>
What	Where	When															
Objects	On their person	Immediately before arrest															
Marks	In or on their clothing or footwear	At time of arrest															
Substances	Otherwise in their possession	After arrest															
Marks on any objects	In any place they are	N/A															

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

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section 78).

- Not give the special warning until the suspect has had access to legal representation.

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.

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Interviewing suspects

Using bad character evidence

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Note taking in interviews

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	<p>of a summary:</p> <ul style="list-style-type: none">• 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.<ul style="list-style-type: none">○ You must note down any such statements and ask the suspect to sign the notebook to confirm the statement made.○ This also applies to any questions and answers given before you give a caution.○ If the suspect refuses to sign an officer's notebook, you must ask a senior officer to verify it instead.○ 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. <p>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.</p>	
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Interviewing suspects

Interpreters in an interview

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- 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.

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Interviewing suspects

No comment interview and prepared statements

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	<p>Once they have read out the prepared statement</p> <ul style="list-style-type: none">• 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<ul style="list-style-type: none">○ the solicitor is provided with a copy. They may keep the original and you can keep a copy. <p>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.</p> <p>Questions to ask during interview It is important you ask all relevant questions during an interview, even if the defendant gives 'no comment' responses.</p> <p>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.</p> <p>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.</p> <p>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).</p> <p>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.</p>	
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Interviewing suspects

Allegations of misconduct and complaints

<p>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</p>	<p>This page tells you what to do when allegations of misconduct or complaints are made during an interview.</p> <p>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:</p> <ul style="list-style-type: none">• describe on tape your intention to inform the custody officer (or senior officer if the suspect has not been arrested)• stop the tape, and• seal and dispose of tapes, for more information on sealing a tape, see related link: Concluding an interview. <p>If the suspect either alleges misconduct or makes a complaint against other officials present, you must:</p> <ul style="list-style-type: none">• inform the suspect, on tape, that the allegation has been noted• 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:<ul style="list-style-type: none">○ unless the allegation warrants you suspend the interview immediately, and• confirm the report in writing.	<p>Related links</p> <p>Breaks during an interview</p> <p>Special warnings</p> <p>Using bad character evidence</p> <p>Note taking in interviews Interpreters in an interview</p> <p>No comment interview and prepared statements</p> <p>Links to staff intranet removed</p>
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Interviewing suspects

Concluding an interview

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- 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.

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	<p>You must then:</p> <ul style="list-style-type: none">• return the responsibility for the person to the custody officer• inform the custody sergeant:<ul style="list-style-type: none">○ the interview has finished, and○ whether you need to ask anymore questions.	
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Voluntary attenders

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- 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:

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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.](#)

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Interviewing suspects

Voluntary attenders at a Home Office office

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This page tells you about what you have to do when you interview a voluntary attender at a Home Office office.

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:

- 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:
 - a signed declaration by the voluntary attender that they understand their status
 - they have been given their rights
 - you have issued the notice to voluntary attenders
 - 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
 - if appropriate, written confirmation by two officers the voluntary attender refused to sign the record.
- Note the date and time of arrival and departure of the voluntary attender and their written confirmation.
- Note all actions taken, including time of interview, names of those present, and refreshments or facilities offered and taken.

Records of voluntary attendees

You must make a copy of this record available to the voluntary attendee if they request one. You must keep the records for a minimum of six years from the date of attendance under current retention policy

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

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	<p>considering any civil action against the department.</p> <p>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.</p>	
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Interviewing juveniles and the vulnerable

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- 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
 - 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

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	<p>You may only do this in exceptional circumstances and only if the principal or a nominee agrees.</p> <p>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:</p> <ul style="list-style-type: none">• inform them the department wants to interview the juvenile, and• allow reasonable time to allow the appropriate adult to be present at the interview. <p>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.</p> <p>If you do arrest a juvenile at their place of education, you must inform the principal or the nominee.</p>	
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Interviewing suspects

Interviewing defence witnesses

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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.

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Interviewing prisoners

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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.

Restricted information – do not disclose – start of section

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Restricted information – do not disclose – end of section

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Summary of an interview

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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.

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Transcription of an interview

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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.

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Access to interview tapes or discs

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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.

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Editing and disposing of audio tapes

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	<p>You cannot reuse master tapes, but you can clean working copies and use them again for copying.</p> <p>You must dispose of tapes by local or Queen's warehouse incineration.</p>	
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Court procedures

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Interviewing suspects

Contact

<p>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</p>	<p>This page tells you who to contact if you need more help with a question about the ‘Interviewing suspects’ guidance.</p> <p>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:</p> <div data-bbox="461 517 1765 767" style="border: 2px solid red; padding: 10px;"><p style="text-align: center;">Restricted – do not disclose – start of section</p><p>The information in this page has been removed as it is restricted for internal Home Office use only.</p><p style="text-align: center;">Restricted – do not disclose – end of section</p></div> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the criminal investigation operational guidance team, using the related link: Email: Criminal investigation operational guidance who will ask the MGT to update the guidance, if appropriate.</p> <p>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.</p>	<p>Related links Changes to this guidance Information owner</p> <p>External links Links to staff intranet removed</p>
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This guidance is based on the Police and Criminal Evidence Act (PACE) 1984

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