



Department of
Justice

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POLICE & CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1989

CODE F

Code of Practice on visual recording with sound of Interviews with
suspects

Commencement - Transitional Arrangements

This Code should be considered if an interviewer decides to make a visual recording with sound of an interview with a suspect after midnight on 31 May 2015, notwithstanding that the interview may have been commenced before that time.

There is no statutory requirement under PACE to visually record interviews.

General

- 1.0 The procedures in this Code must be used fairly, responsibly, with respect for the people to whom they apply and without unlawful discrimination on the grounds of religious belief, political opinion, racial group, age, marital status, sexual orientation, gender or disability.
- 1.1 This code of practice must be readily available for consultation by police officers and other police staff, detained persons and members of the public.
- 1.2 The notes for guidance included are not provisions of this code. They form guidance to police officers and others about its application and interpretation.
- 1.3 Nothing in this code shall be taken as detracting in any way from the requirements of the Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers (Code C). *See Note 1A.*
- 1.4 The interviews to which this Code applies are set out in section 3.
- 1.5 In this code, the term "appropriate adult", "solicitor" and "interview" have the same meaning as those set out in Code C. The corresponding provisions and Notes for Guidance in Code C applicable to those terms shall also apply where appropriate.
- 1.5A The visual recording of interviews shall be carried out openly to instil confidence in its reliability as an impartial and accurate record of the interview.
- 1.6 Any reference in this code to visual recording shall be taken to mean visual recording with sound and in this code:
 - (a) 'designated person' means a person other than a police officer, designated under the Police (Northern Ireland) Act 2003, Part 2 who has specified powers and duties of police officers conferred or imposed on them;
 - (aa) 'recording media' means any removable, physical audio recording medium (such as magnetic tape, optical disc or solid state memory) which can be played and copied;
 - (b) any reference to a police officer includes a designated person acting in the exercise or performance of the powers and duties conferred or imposed on them by their designation.
 - (c) 'secure digital network' is a computer network system which enables an original interview recording to be stored as a digital multi media file or a series of such files, on a secure file server which is accredited by the National Accreditor for Police Information Systems in accordance with the UK Government Protective Marking Scheme. *See paragraph 1.6A and section 7 of this Code.*

- 1.6A Section 7 below sets out the provisions which apply to interviews visually recorded using a secure digital network.
- 1.7 References to “official note book” in this Code include any official report book issued to police officers.
- 1.8 In the application of this Code to the conduct and visual recording of an interview of a suspect who has not been arrested:
- (a) references to the ‘custody officer’ include references to an officer of the rank of sergeant or above who is not directly involved in the investigation of the offence(s);
 - (b) if the interview takes place elsewhere than at a police station, references to ‘interview room’ include any place or location which the interviewer is satisfied will enable the interview to be conducted and recorded in accordance with this Code and where the suspect is present voluntarily, see *Note 1B*, and
 - (c) provisions in addition to those which expressly apply to these interviews shall be followed insofar as they are relevant and can be applied in practice.

Note for Guidance

- 1A *As in paragraph 1.9 of Code C, references to custody officers include those carrying out the functions of a custody officer.*
- 1B *An interviewer who is not sure, or has any doubt, about the suitability of a place or location of an interview to be carried out elsewhere than at a police station, should consult an officer of the rank of sergeant or above for advice.*

2. Recording and sealing of master recordings

- 2.1 Not Used.
- 2.2 The camera(s) shall be placed in the interview room so as to ensure coverage of as much of the room as is practicably possible whilst the interviews are taking place. See *Note 2A*
- 2.3 When the certified recording medium is placed in the recorder and it is switched on to record, the correct date and time, in hours, minutes and seconds, will be superimposed automatically, second by second, during the whole recording. See *Note 2B*. See section 7 regarding the use of a secure digital network to record the interview.
- 2.4 One recording referred to in this code as the master recording copy, will be sealed before it leaves the presence of the suspect. A second recording will be used as a working copy. See *Notes 2C and 2D*.
- 2.5 Nothing in this code requires the identity of an officer or police staff to be recorded or disclosed if:
- (a) Not used ; or

(b) the interviewer reasonably believes that recording or disclosing their name might put them in danger.

In these cases, the interviewer will have their back to the camera and shall use their police service number and the name of the police station to which they are attached. Such instances and the reasons for them shall be recorded in the custody record or the interviewer's official note book. See *Note 2E*.

2.6 In these cases, the officer will have their back to the camera and shall use their warrant or other identification number and the name of the police station to which they are attached. Such instances and the reasons for them shall be recorded in the custody record. See *Note 2E*.

Notes for Guidance

- 2A *Interviewers will wish to arrange that, as far as possible, visual recording arrangements are unobtrusive. It must be clear to the suspect, however, that there is no opportunity to interfere with the recording equipment or the recording media.*
- 2B *In this context, the recording medium should be capable of having an image of the date and time superimposed as the interview is recorded.*
- 2C *The purpose of sealing the master recording before it leaves the presence of the suspect is to establish their confidence that the integrity of the recording is preserved.*
- 2D *The visual recording of the interview may be used for identification procedures in accordance with paragraph 3.22 or Annex E of Code D.*
- 2E *The purpose of paragraph 2.5(b) is to protect police officers and others involved in the investigation of serious organised crime or the arrest of particularly violent suspects when there is reliable information that those arrested or their associates may threaten or cause harm to the officers, their families or their personal property. In cases of doubt, an officer of inspector rank or above should be consulted.*

3. Interviews to be visually recorded

3.1 Subject to paragraph 3.2 below, when an interviewer decides to make a visual recording these are the areas where it might be appropriate:

(a) with a suspect in respect of an indictable offence (including an offence triable either way). See *Notes 3A and 3B*;

(b) which takes place as a result of an interviewer exceptionally putting further questions to a suspect about an offence described in sub-paragraph (a) above after they have been charged with, or informed they may be prosecuted for, that offence. See *Note 3C*;

(c) in which an interviewer wishes to bring to the notice of a person, after that person has been charged with, or informed they may be prosecuted for an offence described in sub-paragraph (a) above, any written statement made by another person, or the content of an interview with another person. See *Note 3D*;

(d) with, or in the presence of, a deaf or deaf/blind or speech impaired person who uses sign language to communicate;

(e) with, or in the presence of anyone who requires an "appropriate adult"; or

(f) in any case where the suspect or their representative requests that the interview be recorded visually.

- 3.2 The Terrorism Act 2000 makes separate provision for a code of practice for the video recording with sound of interviews in a police station of those detained under Schedule 7 or section 41 of the Act. The provisions of this code do not therefore apply to such interviews. See *Note 3E*.
- 3.3 Following a decision by an interviewer to visually record any interview mentioned in paragraph 3.1 above, the custody officer in the case of a detained person, or a sergeant in the case of a suspect who has not been arrested, may authorise the interviewer not to make a visual record and for the purpose of this Code, the provisions of Code E *paragraphs 3.1, 3.2, 3.3, 3.3A and 3.5* shall apply as appropriate. However, authority not to make a visual recording does not detract in any way from the requirement for audio recording. This would require a further authorisation to make an audio recording in accordance with Code E. See *Note 3F*.
- 3.4 When a person who is voluntarily attending the police station is required to be cautioned in accordance with Code C prior to being interviewed, the subsequent interview shall be recorded, unless the custody officer gives authority in accordance with the provisions of paragraph 3.3 above for the interview not to be so recorded.
- 3.5 The whole of each interview shall be recorded visually, including the taking and reading back of any statement.
- 3.6 A sign or indicator which is visible to the suspect must show when the visual recording equipment is recording.

Notes for Guidance

- 3A *Nothing in the code is intended to preclude visual recording at police discretion of interviews at police stations or elsewhere with people cautioned in respect of offences not covered by paragraph 3.1, or responses made by persons after they have been charged with, or informed they may be prosecuted for, an offence, provided that this code is complied with.*
- 3B *Attention is drawn to the provisions set out in Code C about the matters to be considered when deciding whether a detained person is fit to be interviewed.*

- 3C *Code C sets out the circumstances in which a suspect may be questioned about an offence after being charged with it.*
- 3D *Code C sets out the procedures to be followed when a person's attention is drawn after charge, to a statement made by another person. One method of bringing the content of an interview with another person to the notice of a suspect may be to play him a recording of that interview.*
- 3E *If, during the course of an interview under this Code, it becomes apparent that the interview should be conducted under a terrorism code for the video recording with sound of interviews the interview should only continue in accordance with that code.*
- 3F *A decision not to record an interview visually for any reason may be the subject of comment in court. The authorising officer should therefore be prepared to justify their decision in each case.*

4. The Interview

(a) General

- 4.1 The provisions of Code C in relation to cautions and interviews and the Notes for Guidance applicable to those provisions shall apply to the conduct of interviews to which this Code applies.
- 4.2 Particular attention is drawn to those parts of Code C that describe the restrictions on drawing adverse inferences from an arrested suspect's failure or refusal to say anything about their involvement in the offence when interviewed, or after being charged or informed they may be prosecuted and how those restrictions affect the terms of the caution and determine whether a special warning under Articles 5 and 6 of the Criminal Evidence (Northern Ireland) Order 1988 (as amended) can be given.

(b) Commencement of interviews

- 4.3 When the suspect is brought into the interview room the interviewer shall without delay, but in sight of the suspect, load the recording equipment and set it to record. The recording media must be unwrapped or otherwise opened in the presence of the suspect. See *Note 4A*.
- 4.4 The interviewer shall then tell the suspect formally about the visual recording and point out the sign or indicator which shows that the recording equipment is activated and recording. See paragraph 3.6. The interviewer shall:
- (a) explain that the interview is being visually recorded;
 - (b) subject to paragraph 2.5, give their name and rank, and that of any other interviewer present;

(c) ask the suspect and any other party present (e.g. the appropriate adult, a solicitor or interpreter) to identify themselves;

(d) state the date, time of commencement and place of the interview; and

(e) state that the suspect will be given a notice about what will happen to the recording.

See Note 4AA.

4.4A Any person entering the interview room after the interview has commenced shall be invited by the interviewer to identify themselves for the purpose of the recording and state the reason why they have entered the interview room.

4.5 The interviewer shall then caution the suspect, see Code C section 10, and:

- if they are detained remind them of their entitlement to free legal advice, see Code C paragraph 11.2 or
- if they are not detained under arrest, explain this and their entitlement to free legal advice see Code C paragraph 3.21.

4.6 The interviewer shall then put to the suspect any significant statement or silence, see Code C, paragraph 11.4.

(c) Interviews with suspects who appear to require an interpreter

4.7 The provisions of Code C on interpreters for suspects who do not appear to speak or understand English, or who appear to have a hearing or speech impediment, continue to apply.

(d) Objections and complaints by the suspect

4.8 If the suspect or an appropriate adult on their behalf objects to the interview being visually recorded either at the outset or during the interview or during a break in the interview, the interviewer shall explain the fact that the interview is being visually recorded and if this code requires the objections to be recorded on the visual recording. When any objections have been visually recorded or the suspect or the appropriate adult on their behalf have refused to have their objections recorded, the interviewer shall say that they are turning off the visual recording, give their reasons and turn it off. If a separate audio recording is being maintained, the interviewer shall ask the person to record the reasons for refusing to agree to the interview being visually recorded. Paragraph 4.8 of Code E will apply if the person also objects to the interview being audio recorded. The officer shall then make a written record of the interview. If the interviewer reasonably considers they may proceed to question the suspect with the visual recording still on, the interviewer may do so. *See Note 4G.*

- 4.9 If in the course of an interview a complaint is made by the person being questioned, or on their behalf, concerning the provisions of this code or any other Code or it comes to the interviewer's notice that the interviewee may have been treated improperly, then the interviewer shall act in accordance with Code C, paragraph 12.9. See *Notes 4B and 4C*.
- 4.10 If the suspect indicates that they wish to tell the interviewer about matters not directly connected with the offence of which they are suspected and that they are unwilling for these matters to be visually recorded, the suspect should be given the opportunity to tell the interviewer about these matters after the conclusion of the formal interview.

(e) Changing the recording media

- 4.11 In instances where the recording medium is not of sufficient length to record all of the interview with the suspect, further certified recording medium will be used. When the recording equipment indicates that the recording medium has only a short time left to run, the interviewer shall advise the suspect and round off that part of the interview. If the interviewer wishes to continue the interview but does not already have further certified recording media with him, they shall obtain a set. The suspect should not be left unattended in the interview room. The interviewer will remove the recording media from the recording equipment and insert the new ones which have been unwrapped or otherwise opened in the suspect's presence. The recording equipment shall then be set to record. Care must be taken, particularly when a number of sets of recording media have been used, to ensure that there is no confusion between them. This could be achieved by marking the sets of recording media with consecutive identification numbers.

(f) Taking a break during the interview

- 4.12 When a break is taken, the fact that a break is to be taken, the reason for it and the time shall be recorded on the visual record.
- 4.12A When the break is taken and the interview room vacated by the suspect, the recording media shall be removed from the recorder and the procedures for conclusion of an interview followed. See paragraph 4.18.
- 4.13 When a break is to be a short one, and both the suspect and an interviewer remain in the interview room, the recording may be stopped. There is no need to remove recording media and when the interview recommences the recording should continue on the same recording media. The time at which the interview recommences shall be recorded.
- 4.14 After any break in the interview, the interviewer must, before resuming the interview, remind the person being questioned of their right to legal advice if they have not exercised it and that they remain under caution or, if there is any doubt, give the caution in full again. See *Notes 4D and 4E*.

(g) Failure of recording equipment

- 4.15 If there is a failure of equipment which can be rectified quickly, the appropriate procedures set out in paragraph 4.12 shall be followed. When the recording is resumed the interviewer shall explain what has happened and record the time the interview recommences. If, however, it is not possible to continue recording on that particular recorder and no alternative equipment is readily available, the interview may continue without being recorded visually. In such circumstances, the procedures set out in paragraph 3.3 of this code for seeking the authority of the custody officer will be followed. *See Note 4F.*

(h) Removing used recording media from recording equipment

- 4.16 Where used recording media are removed from the recording equipment during the course of an interview, they shall be retained and the procedures set out in paragraph 4.18 below followed.

(i) Conclusion of interview

- 4.17 Before the conclusion of the interview, the suspect shall be offered the opportunity to clarify anything he or she has said and asked if there is anything that they wish to add.
- 4.18 At the conclusion of the interview, including the taking and reading back of any written statement, the time shall be recorded and the recording equipment switched off. The master recording shall be removed from the recording equipment, sealed with a master recording label and treated as an exhibit in accordance with police service orders. The interviewer shall sign the label and also ask the suspect and any third party present during the interview to sign it. If the suspect or third party refuses to sign the label, an officer of at least the rank of inspector, or if one is not available, the custody officer shall be called into the interview room and asked, subject to paragraph 2.5, to sign it.
- 4.19 The suspect shall be handed a notice which explains the use which will be made of the recording and the arrangements for access to it. The notice will also advise the suspect that a copy of the recording shall be supplied as soon as practicable if the person is charged or informed that he will be prosecuted.

Notes for Guidance

- 4AA *For the purpose of voice identification the interviewer should ask the suspect and any other people present to identify themselves.*
- 4A *The interviewer should attempt to estimate the likely length of the interview and ensure that an appropriate quantity of certified recording media and labels with which to seal the master copies are available in the interview room.*
- 4B *Where the custody officer, or in the case of a person who has been arrested, a sergeant is called to deal with the complaint, wherever possible the recorder should be left to run until the custody officer*

has entered the interview room and spoken to the person being interviewed. Continuation or termination of the interview should be at the discretion of the interviewer pending action by an officer of inspector rank or above under Code C paragraph 9.2.

- 4C Where the complaint is about a matter not connected with this code or Code C, the decision to continue with the interview is at the interviewer's discretion . Where the interviewer decides to continue with the interview, the person being interviewed shall be told that the complaint will be brought to the attention of the custody officer, or in the case of a person who has been arrested, a sergeant. When the interview is concluded, the interviewer must, as soon as practicable, inform the custody officer or the sergeant of the existence and nature of the complaint made.*
- 4D In considering whether to caution again after a break, the interviewer should bear in mind that they may have to satisfy a court that the person understood that they were still under caution when the interview resumed.*
- 4E The officer should bear in mind that it may be necessary to satisfy the court that nothing occurred during a break in an interview or between interviews which influenced the suspect's recorded evidence. On the re-commencement of an interview, the officer should consider summarising on the record the reason for the break and confirming this with the suspect.*
- 4F Where the interview is being recorded and the media or the recording equipment fails the interviewer should stop the interview immediately. Where part of the interview is unaffected by the error and is still accessible on the media, that part shall be copied and sealed in the suspect's presence as a master copy and the interview recommenced using new equipment/media as required. Where the content of the interview has been lost in its entirety, the media should be sealed in the suspect's presence and the interview begun again. If the recording equipment cannot be fixed or no replacement is immediately available, the interview should be audio recorded in accordance with Code E.*
- 4G The interviewer should be aware that a decision to continue recording against the wishes of the suspect may be the subject of comment in court.*

5. After the Interview

- 5.1 The interviewer shall make a note in his or her official note book of the fact that the interview has taken place and has been recorded, its time, duration and date and the identification number of the master copy of the recording media.
- 5.2 Where no proceedings follow in respect of the person whose interview was recorded, the recording media must nevertheless be kept securely in accordance with paragraph 6.1 and Note 6A.

- 5.3 Subject as mentioned at paragraph 5.6, where criminal proceedings do follow or are under consideration the interviewing officer shall prepare or have prepared on his behalf a summary of the interview which shall be signed by the interviewing officer.
- 5.4 Any written statement of evidence prepared by the interviewing officer in relation to what took place at the interview shall refer to the fact that the interview was recorded and refer to the master recording as an exhibit to the statement.
- 5.5 Subject to paragraph 5.6, the summary of interview shall be exhibited to any written statement of evidence prepared by the interviewing officer at paragraph 5.4. If the summary of interview is prepared by a person other than an interviewing officer, the interviewing officer must check that the summary is correct before he signs it and his written statement must contain a reference to the fact that he has been shown the summary, checked it, found it to be correct and signed it.
- 5.6 The Chief Constable or, where applicable, the Public Prosecutions Service may direct that, in circumstances which they shall specify, a summary of interview will not be required to be included in files submitted for the decision of the District Commander or, where applicable, the Public Prosecutions Service. Accordingly, where the specified circumstances arise, paragraphs 5.3 and 5.5 shall not apply unless the District Commander or, where applicable, the Public Prosecutions Service after receipt of the file directs that a summary of interview be prepared in that individual case.
- 5.7 The court shall be made aware of any transcription of the recorded interview which has been made.
- 5.8 Reference to the Public Prosecutions Service in this part of the code shall be taken to include any other body or person, other than police, with a statutory responsibility for prosecution to whom the police report the investigation of any criminal offence.

Notes for Guidance

- 5A *Prior to preparing the summary of the interview or to checking a summary of interview which has been prepared on his behalf by another person, the interviewing officer may refresh his memory by viewing the working copy of the recording.*
- 5B *A person preparing a summary of interview on behalf of the interviewing officer shall be a police officer, or other person who has received appropriate training in the preparation of summaries of interview. He should prepare the summary after viewing the recording and if necessary after consultation with the interviewing officer.*

5C *The summary of interview shall be prepared on the basis that it shall be exhibited to the interviewing officer's statement of evidence and that it will be used for the following purposes:*

(i) to enable the District Commander or the Public Prosecutions Service to make informed decisions about the case on the basis of what was said at the interview;

(ii) for use pursuant to any rule of law permitting the admission of written statements as evidence in court (for example Article 33 of the Magistrates' Courts (Northern Ireland) Order 1981);

(iii) where applicable, for use as a basis for the conduct of the case by the prosecution, the defence and the court without the necessity for the master recording to be played in court. The summary shall, therefore, comprise a balanced account of the interview, including points in mitigation and/or defence made by the suspect. Where an admission is made the question as well as the answer containing the admission shall be recorded verbatim in the summary. Care should be taken to bring to the attention of the District Commander and/or Public Prosecutions Service, by means of a covering report, any material on the recording which might be regarded by a court as prejudicial or inadmissible.

6. Master Recording Security

(a) General

6.1 The officer in charge of the police station at which interviews with suspects are recorded or as the case may be, where recordings of interviews carried out elsewhere than at a police station are held, shall make arrangements for the master copies to be kept securely and their movements accounted for on the same basis as other material which may be used for evidential purposes, in accordance with police service orders. *See Note 6A.*

(b) Breaking master recording seal for criminal proceedings

6.2 A police officer has no authority to break the seal on a master copy which is required for criminal trial or appeal proceedings. If it is necessary to gain access to the master copy, the police officer shall arrange for its seal to be broken in the presence of a representative of the Public Prosecution Service. The defendant or their legal adviser shall be informed and given a reasonable opportunity to be present. If the defendant or their legal representative is present they shall be invited to reseal and sign the master copy. If either refuses or neither is present, this shall be done by the representative of the Public Prosecution Service. *See Notes 6B and 6C.*

(c) Breaking master recording seal: other cases

6.3 The Chief Constable is responsible for establishing arrangements for breaking the seal of the master copy where no criminal proceedings result, or the criminal proceedings, to which the interview relates, have been concluded and it becomes necessary to break the seal. These arrangements should be those which the Chief

Constable considers are reasonably necessary to demonstrate to the person interviewed and any other party who may wish to use or refer to the interview record that the master copy has not been tampered with and that the interview record remains accurate. *See Note 6D.*

- 6.4 Subject to paragraph 6.6, a representative of each party must be given a reasonable opportunity to be present when the seal is broken and the master recording copied and resealed.
- 6.5 If one or more of the parties is not present when the master copy seal is broken because they cannot be contacted or refuse to attend or paragraph 6.6 applies, arrangements should be made for an independent person such as a custody visitor, to be present. Alternatively, or as an additional safeguard, arrangements should be made for a film or photographs to be taken of the procedure.
- 6.6 Paragraph 6.4 does not require a person to be given an opportunity to be present when:
- (a) it is necessary to break the master copy seal for the proper and effective further investigation of the original offence or the investigation of some other offence; and
 - (b) the officer in charge of the investigation has reasonable grounds to suspect that allowing an opportunity might prejudice any such an investigation or criminal proceedings which may be brought as a result or endanger any person. *See Note 6E.*

(d) Documentation

- 6.7 When the master copy seal is broken, copied and re-sealed, a record must be made of the procedure followed, including the date, time and place and persons present.

Notes for Guidance

- 6A *This section is concerned with the security of the master recordings which will have been sealed at the conclusion of the interview. Care should, however, be taken of working recordings since their loss or destruction may lead unnecessarily to the need to have access to master copies.*
- 6B *If the master recording has been delivered to the court for their keeping the Public Prosecutor will apply to the official appointee of the appropriate court for its release for unsealing by the Public Prosecutor.*
- 6C *Reference to the Public Prosecution Service or to the Public Prosecutor in this part of the code shall be taken to include any other body or person with a statutory responsibility for prosecution for whom the police conduct any recorded interviews.*
- 6D *The most common reasons for needing access to master recordings that are not required for criminal proceedings arise from civil actions and complaints*

against police and civil actions between individuals arising out of allegations of crime investigated by police.

6E *Paragraph 6.6 could apply, for example, when one or more of the outcomes or likely outcomes of the investigation might be:*

(i) the prosecution of one or more of the original suspects,

(ii) the prosecution of someone previously not suspected, including someone who was originally a witness; and

(iii) any original suspect being treated as a prosecution witness and when premature disclosure of any police action, particularly through contact with any parties involved, could lead to a real risk of compromising the investigation and endangering witnesses.

7. Visual Recording of Interviews by Secure Digital Network

7.1 This section applies if an officer wishes to make a visual recording with sound of an interview mentioned in section 3 of this Code using a secure digital network which does not use removable media, see *paragraph 1.6(c)* above.

7.2 *Not used.*

7.3 The following requirements are solely applicable to the use of a secure digital network for the recording of interviews.

(a) Application of sections 1 to 6 of Code F

7.4 Sections 1 to 6 of Code F above apply except for the following paragraphs:

- Paragraph 2.4 under "Recording and sealing of master recordings"
- Paragraph 4.3 under "(b) Commencement of interviews"
Paragraph 4.4 (e) under "(b) Commencement of interviews"
- Paragraphs 4.11 to 4.19 under "(e) Changing the recording media", "(f) Taking a break during the interview", "(g) Failure of recording equipment", "(h) Removing used recording media from the recorder" and "(i) Conclusion of interview"; and
- Paragraphs 6.1 to 6.7 and Notes 6A to 6E under "Master Copy Security"

(b) Commencement of Interview

7.5 When the suspect is brought into the interview room, the interviewer shall without delay and in the sight of the suspect, switch on the recording equipment and enter the information necessary to log on to the secure network and start recording.

- 7.6 The interviewer must then inform the suspect that the interview is being recorded using a secure digital network and that recording has commenced.
- 7.7 In addition to the requirements of paragraph 4.4 (a) to (d) above the interviewer must inform the person that:
- they will be given access to the recording of the interview;
 - in the event that they are charged or informed that they will be prosecuted but if they are not charged or informed that they will be prosecuted they will only be given access as agreed with the police or on the order of a court; and
 - they will be given a written notice at the end of the interview setting out their rights to access the recording and what will happen to the recording.

(c) Taking a break during interview

- 7.8 When a break is taken, the fact that a break is to be taken, the reason for it and the time shall be recorded on the recording. The recording shall be stopped and the procedures in paragraphs 7.12 and 7.13 for the conclusion of an interview followed.
- 7.9 When the interview recommences the procedures in paragraphs 7.5 to 7.7 for commencing an interview shall be followed to create a new file to record the continuation of the interview. The time the interview recommences shall be recorded on the recording.
- 7.10 After any break in the interview the interviewer must, before resuming the interview, remind the person being questioned that they remain under caution or, if there is any doubt, give the caution in full again. See *Note 4D*

(d) Failure of recording equipment

- 7.11 If there is an equipment failure which can be rectified quickly, e.g. by commencing a new secure digital network recording, the interviewer shall follow the appropriate procedures as in *paragraphs 7.8 to 7.10*. When the recording is resumed the interviewer shall explain what happened and record the time the interview recommences. If, however, it is not possible to continue recording on the secure digital network the interview should be recorded on removable media as in *paragraph 4.3* unless the necessary equipment is not available. If this happens the interview may continue without being recorded and the interviewer shall seek the custody officer's authority as in paragraph 3.3. See *Note 4E*.

(e) Conclusion of interview

- 7.12 At the conclusion of the interview, the suspect shall be offered the opportunity to clarify anything he or she has said and asked if there is anything they want to add.
- 7.13 At the conclusion of the interview, including the taking and reading back of any written statement:

(a) the time shall be orally recorded;

(b) the suspect shall be handed a notice (see Note 7A) which explains:

- how the recording will be used
- the arrangements for access to it
- that if they are charged or informed that they will be prosecuted, they will be given access to the recording of the interview either electronically or by being given a copy on removable recording media, but if they are not charged or informed that they will be prosecuted, they will only be given access as agreed with the police or on the order of a court.

See *Note 7A*.

(c) the suspect must be asked to confirm that he or she has received a copy of the notice at paragraph 7.13(b) above. If the suspect fails to accept or to acknowledge receipt of the notice, the interviewer will state for the recording that a copy of the notice has been provided to the suspect and that he or she has refused to take a copy of the notice or has refused to acknowledge receipt.

(d) the time shall be recorded and the interviewer shall notify the suspect that the recording is being saved to the secure network. The interviewer must save the recording in the presence of the suspect. The suspect should then be informed that the interview is terminated.

(f) After the interview

7.14 The interviewer shall make a note in their official note book that the interview has taken place, was recorded, its time, duration and date and the original recording's identification number.

7.15 If no proceedings follow in respect of the person whose interview was recorded, the recordings must be kept securely as in paragraphs 7.16 and 7.17.

(g) Security of secure digital network interview records

7.16 Interview record files are stored in read only format on non-removable storage devices, for example, hard disk drives, to ensure their integrity. The recordings are first saved locally to a secure non-removable device before being transferred to the remote network device. If for any reason the network connection fails, the recording remains on the local device and will be transferred when the network connections are restored.

7.17 Access to interview recordings, including copying to removable media, must be strictly controlled and monitored to ensure that access is restricted to those who have been given specific permission to access for specified purposes when this is necessary. For example, police officers and prosecution lawyers, persons interviewed if they have been charged or informed they may be prosecuted and their legal representatives.

Note for Guidance

- 7A *The notice at paragraph 7.13 above should provide a brief explanation of the secure digital network and how access to the recording is strictly limited. The notice should also explain the access rights of the suspect, his or her legal representative, the police and the prosecutor to the recording of the interview. Space should be provided on the form to insert the date and the file reference number for the interview.*