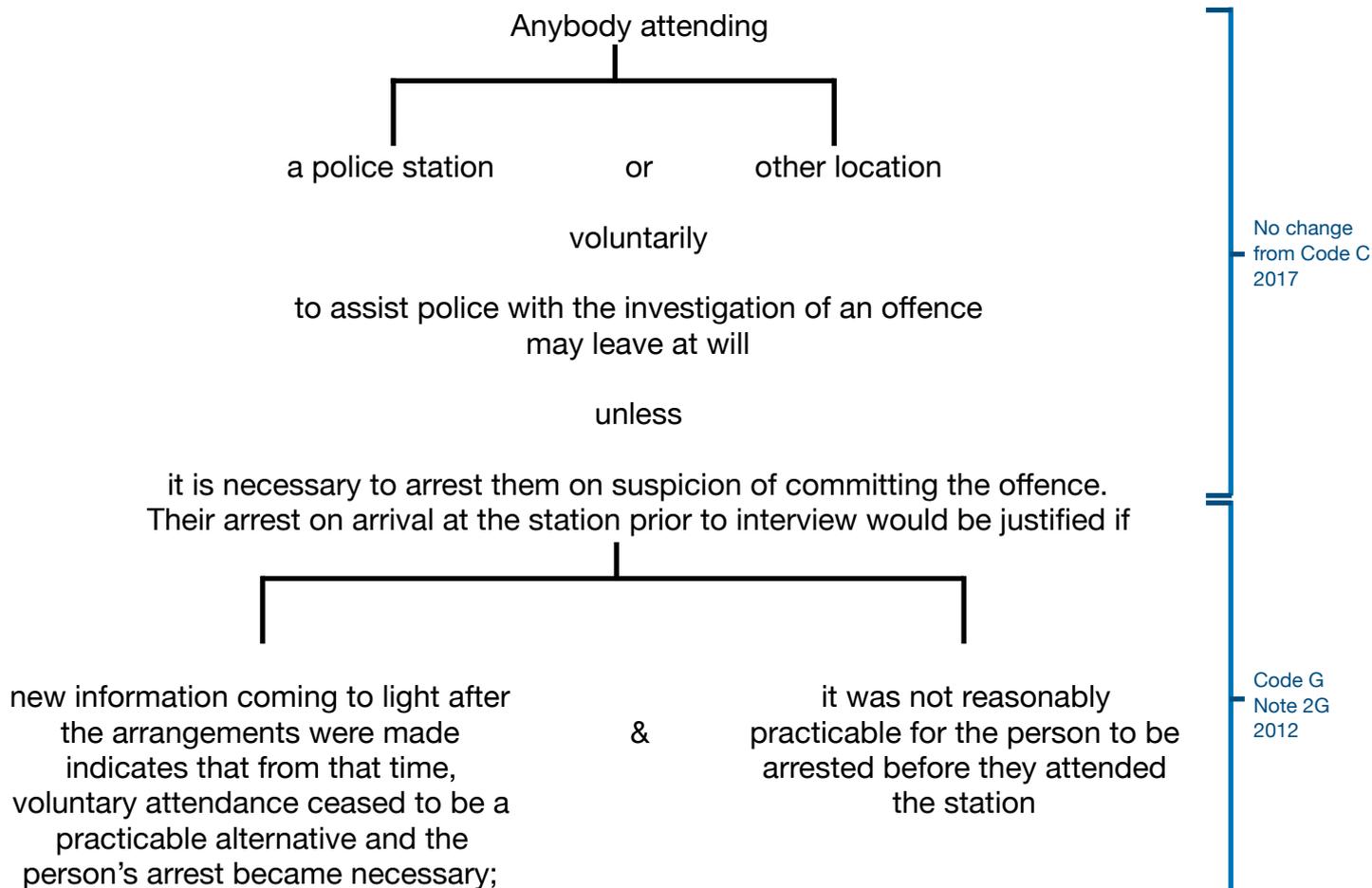


PACE Code C 2018

Summary of changes for voluntary suspect interviews

Persons Attending a Police Station or Elsewhere Voluntarily



PACE Code C 2018

Other location. If the other location is any place or premises for which the interviewer requires the informed consent of the suspect and/or occupier to remain, for example, the suspect's home, then the references that the person is 'not obliged to remain' and that they 'may leave at will' mean that the suspect and/or occupier may also withdraw their consent and require the interviewer to leave.

Updated from Code C 2017

Consideration. A person who attends a police station or other location voluntarily to assist with an investigation should be treated with no less consideration, e.g. offered or allowed refreshments at appropriate times, and enjoy an absolute right to obtain legal advice or communicate with anyone outside the police station or other location.

New to Code C 2018

Doubt over location. An interviewer who is not sure, or has any doubt, about whether a place or location elsewhere than a police station is suitable for carrying out a voluntary interview, particularly in the case of a juvenile or vulnerable person, should consult an officer of the rank of sergeant or above for advice.

New to Code C 2018

Civic duty. All citizens have a duty to help police officers to prevent crime and discover offenders. This is a civic rather than a legal duty; but when police officers are trying to discover whether, or by whom, offences have been committed they are entitled to question any person from whom they think useful information can be obtained, subject to the restrictions imposed by this Code. A person's declaration that they are unwilling to reply does not alter this entitlement.

No change from Code C 2017

Action if arrest becomes necessary

If during a person's voluntary attendance at a police station/other location it is decided for any reason that their arrest is necessary they must

be informed at once that they are under arrest and of the grounds and reasons
(as required by Code G)

be brought before the custody officer at the police station where they are arrested/at the police station to which they are taken after being arrested elsewhere.

The custody officer is then responsible for making sure that a custody record is opened and that they are notified of their rights in the same way as other detainees as required by Code C.

No change from Code C 2017

Information to be given when arranging a voluntary interview

If the suspect's arrest is not necessary but they are cautioned (as required in Code C, section 10), the person who, after describing the nature and circumstances of the suspected offence, gives the caution must at the same time, inform them that they are not under arrest and that they are not obliged to remain at the station or other location.

It shall be determine whether the detainee

- [a] is a juvenile and/or vulnerable and therefore requires an appropriate adult
- [b] requires help to check documentation
- [c] requires an interpreter

The suspect must not be asked to give their informed consent to be interviewed until after they have been informed of the rights, entitlements and safeguards that apply to voluntary interviews.

Updated from Code C 2017

New section - Code C 2018, 3.21A summarised

The interviewer must

[1] inform the suspect that the purpose of the voluntary interview is to question them to obtain evidence about their involvement or suspected involvement in the offence(s) described when they were cautioned and told that they were not under arrest.

[2] inform the suspect that the following matters will apply if they agree to the voluntary interview proceeding:

[a] their right to information about the offence(s) in question by providing sufficient information to enable them to understand the nature of any such offence(s) and why they are suspected of committing it;

[b] their right to free and independent legal advice;

[c] their rights, if the interviewer determines

- that they are a juvenile or are vulnerable; or
- that they need help to check documentation;

[d] If they are a juvenile or vulnerable and do not want legal advice, their appropriate adult has the right to ask for a solicitor to attend if this would be in their best interests and the appropriate adult must be so informed.

[e] their right to an interpreter;

[f] that the interview will be arranged for a time and location that enables

- the suspect's rights to be fully respected;
- and the whole of the interview to be recorded using an authorised recording device.

[g] That their agreement to take part in the interview also signifies their agreement for that interview to be audio-recorded or (as the case may be) visually recorded with sound.

New section - Code C 2018, 3.21B summarised

This refers to the information listed in the roles of the interviewer above and, if asked by the suspect, further such information. This does not constitute an interview for the purpose of this Code and when that information is provided:

[a] the interviewer must remind the suspect about the caution as required in section 10 but must not invite comment about the offence or put specific questions to the suspect regarding their involvement in any offence, nor in respect of any comments they may make when given the information.

[b] Any comment the suspect makes when the information is given which might be relevant to the offence, must be recorded and dealt with.

[c] The suspect must be given a notice summarising the matters described in the roles of the interviewer and which includes the arrangements for obtaining legal advice. If a specific notice is not available, the notice given to detained suspects with references to detention-specific requirements and information redacted, may be used.

[d] For juvenile and vulnerable suspects:

[i] the information must be provided or (as the case may be) provided again, together with the notice, in the presence of the appropriate adult;

[ii] if cautioned in the absence of the appropriate adult, the caution must be repeated in the appropriate adult's presence;

[iii] the suspect must be informed of the decision that an appropriate is required and the reason;

[iv] the suspect and the appropriate adult shall be advised:

- that the duties of the appropriate adult include giving advice and assistance; and
- that they can consult privately at any time.

[v] their informed agreement to be interviewed voluntarily must be sought and given in the presence of the appropriate adult and for a juvenile, the agreement of a parent or guardian of the juvenile is also required.

Commencement of a voluntary interview - general. New section - Code C 2018, 3.22A

Before asking the suspect any questions about their involvement in the offence they are suspected of committing, the interviewing officer must ask them to confirm that they agree to the interview proceeding. This confirmation shall be recorded in the interview record.

Documentation. New section - Code C 2018, 3.22A

Action taken shall be recorded. The record shall include the date time and place the action was taken, who was present and anything said to or by the suspect and to or by those present.

Recording comments. A record shall be made of any comments made by a suspect, including unsolicited comments, which are outside the context of an interview but which might be relevant to the offence. Any such record must be timed and signed by the maker. When practicable the suspect shall be given the opportunity to read that record and to sign it as correct or to indicate how they consider it inaccurate.

No change from Code C 2017

Signing records. When a suspect agrees to read records of interviews and other comments and sign them as correct, they should be asked to endorse the record with, e.g. 'I agree that this is a correct record of what was said' and add their signature. If the suspect does not agree with the record, the interviewer should record the details of any disagreement and ask the suspect to read these details and sign them to the effect that they accurately reflect their disagreement. Any refusal to sign should be recorded.

No change from Code C 2017

Vulnerable suspects. This applies to any person who, because of a mental health condition or mental disorder

- may have difficulty understanding or communicating effectively about the full implications for them of any procedures and processes connected with their arrest and detention; or voluntary attendance for the purpose of a voluntary interview; and the exercise of their rights and entitlements.
- does not appear to understand the significance of what they are told, of questions they are asked or of their replies:
- appears to be particularly prone to: becoming confused and unclear about their position; providing unreliable, misleading or incriminating information without knowing or wishing to do so; accepting or acting on suggestions from others without consciously knowing or wishing to do so; or readily agreeing to suggestions or proposals without any protest or question.

New for Code C 2018

Juvenile. Anyone who appears to be under 18, shall, in the absence of clear evidence that they are older, be treated as a juvenile.

No change from Code C 2017

Appropriate adult (juvenile). This means

1. the parent, guardian or, if the juvenile is in the care of a local authority or voluntary organisation, a person representing that authority or organisation;
2. a social worker of a local authority
3. failing these, some other responsible adult aged 18 or over who is not:
 - a police officer;
 - employed by the police;
 - under the direction or control of the chief officer of a police force; or
 - a person who provides services under contractual arrangements (but without being employed by the chief officer of a police force), to assist that force in relation to the discharge of its chief officer's functions,whether or not they are on duty at the time.

No change from Code C 2017

Appropriate adult (mentally disordered or mentally vulnerable). This means

1. a relative, guardian or other person responsible for their care or custody;
2. someone experienced in dealing with vulnerable persons but who is not:
 - a police officer;
 - employed by the police;
 - under the direction or control of the chief officer of a police force;
 - a person who provides services under contractual arrangements (but without being employed by the chief officer of a police force), to assist that force in relation to the discharge of its chief officer's functions,whether or not they are on duty at the time;
3. failing these, some other responsible adult aged 18 or over.

Change in title, otherwise no change from Code C 2017

Not an appropriate adult. This means

1. An appropriate adult who is not a parent or guardian (juveniles);
2. a relative, guardian or carer in the case of a vulnerable person, must be independent of the police as their role is to safeguard the person's rights and entitlements (mentally disordered or mentally vulnerable);
3. a solicitor or independent custody visitor who is present at the police station and acting in that capacity.

New for Code C 2018

No change from Code C 2017