

**The following changes are made to the version of Police & Criminal Evidence (Northern Ireland)  
Order 1989 - Code F that came into effect on 31 May 2015.**

1. Click on underlined links in the table below to view relevant revised text of the Code.
2. The changes tracked in   indicate deletions, and those in   indicate new/revised text.

Item No.	Paragraph	Summary of changes, reason/purpose
1	<u>Commencement</u>	Commencement date to be updated.
2	<u>F1.1</u>	List of who can access the Codes at police stations has been amended for consistency with the other Codes.
3	<u>F1.2</u>	Paragraph has been amended for consistency with the other Codes.
4	<u>F1.3</u>	Amended for consistency with Code E1.3.
5	<u>F1.4</u>	Clarification that this code does not apply to statements taken from witnesses.
6	<u>F1.5</u>	Original text no longer required. New paragraph added to clarify that designated persons must have regard to any relevant provisions of the Codes of Practice.
7	<u>F1.5A</u>	Amended and extended to set out the safeguards that audio and visual recording of interviews provide for suspects and police.
8	<u>F1.6, F1.6A, F1.7, F1.8, Note 1A and Note 1B</u>	Not used – unnecessary repetition of the Code E provisions and Notes that govern the conduct and recording of all audio recorded interviews.
9	<u>Section 2</u>  Subheading <u>A &amp; B</u>	Extensively amended section taken from previous Code F. As a result, provisions in section 2 to 7 that repeat the provisions of Code E are omitted. Code F effectively sets out the provisions that apply exclusively for the purposes of making a visual recording with sound.
10	<u>F2.1 &amp; F2.3</u>	Definition of “visual recording with sound” as an audio recording made in accordance with Code E together with a simultaneous visual recording made at the same time and the application of Code E to Code F.
11	<u>F2.2</u>	Applies the role of the ‘relevant officer to Code F and describes the occasions when visual recording should be considered.
12	<u>F2.4</u>	Paragraph amended to clarify that suspects interviewed under the Terrorism Act 2000 (TACT) and the National Security Act 2023 (NSA) must be video recorded with sound in accordance with the provisions of the separate Code of Practice issued under the respective legislation.
13	<u>F2.5 to F2.12</u>	Amended headings. The amendments set out provisions that apply exclusively to visual recording by amending previous provisions, provisions from Code E and related Notes for Guidance. These deal with: <a href="#">F2.5</a> - Information to be given to the suspect <a href="#">F2.6</a> - Positioning of recording device (previously F2.2)

Item No.	Paragraph	Summary of changes, reason/purpose
	Supported by <u>Notes 2C, 2D, &amp; 2F</u>	<a href="#">F2.7</a> - Disclosure of interviewer's identity (previously F2.5). <a href="#">F2.8/Note 2C</a> - Decision not to make a visual record (previously F3.3). <a href="#">F2.9</a> - Remote monitoring (from <a href="#">E2.7</a> ) <a href="#">F2.10/Note 2D</a> - Objections and complaints (previously F4.9) <a href="#">F2.11</a> – Unconnected matters not being recorded (previously F4.10) <a href="#">F2.12 /Note 2F</a> - Failure of visual recording device (previously F4.15)
14	<u>Note 2A</u>	New note regarding the cross reference to Code E about audio recording.
15	<u>Note 2B</u>	Deletion of last sentence of paragraph as no longer required.
16	<u>Note 2C</u>	Wording amended as per similar text previously at Note 3F.
17	<u>Note 2E</u>	Amendment of paragraph indicating that visual recording can be used for eye-witness identification.
18	<u>Note 2G</u>	Similar text previously at Note 4G.

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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 **XX Month 2024**, notwithstanding that the interview may have been commenced before that time.

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

## Section 1 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.~~

This Code of Practice must be readily available for consultation by:

- police officers;
- police staff;
- detained persons;
- appropriate adults;
- solicitors;
- 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.~~ The provisions of this Code:

- Include the Annexes
- do not include the Notes for Guidance, which form guidance to police officers and others about its application and interpretation.

1.3 Nothing in this Code shall detract ~~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 ~~and matters~~ to which this Code applies ~~and provisions that govern the conduct and recording of those interviews and other matters are described in section 2~~ are set out in section 3.

Note: The provisions of this Code and Code E which govern the conduct and recording of interviews *do not apply* to interviews with, or taking statements from, witnesses.

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.~~ Designated persons must have regard to any relevant provisions of the Codes of Practice.

1.5A The provisions of Code E which require interviews with suspects to be audio recorded and the provisions of this Code which permit simultaneous visual recording provide safeguards:

- for suspects against inaccurate recording of the words used in questioning them and of their demeanour during the interview; and
- for police interviewers against unfounded allegations made by, or on behalf of, suspects about the conduct of the interview and what took place during the interview which might otherwise appear credible.

The visual recording of interviews must therefore shall be carried out openly to instil confidence in its reliability as an impartial and accurate record of the interview.

1.6 Not used. 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 Not used. Section 7 below sets out the provisions which apply to interviews visually recorded using a secure digital network.

1.7 Not used. References to "official notebook" in this Code include any official report book issued to police officers.

1.8 Not used. 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 ~~Not used. As in paragraph 1.9 of Code C, references to custody officers include those carrying out the functions of a custody officer.~~

1B ~~Not used. 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.~~

**Section 2** When interviews and matters to which Code F applies may be visually recorded with sound and provisions for their conduct and recording **Recording and sealing of master recordings**

**A. General**

2.1 **Not Used.** For the purpose of this Code, a visual recording with sound means an audio recording of an interview or other matter made in accordance with the requirement in *paragraph 2.1* of the Code of Practice on audio recording interviews with suspects (Code E) (see Note 2A) during which a *simultaneous* visual recording is made (using the same authorised recording device) which shows the suspect, the interviewer and those in whose presence and hearing the audio recording was made.

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

There is no statutory requirement to make a visual recording, however, the provisions of this Code shall be followed on any occasion that the 'relevant officer' described in Code E paragraph 2.4 considers that a visual recording of any matters mentioned in paragraph 2.1 should be made. Having regard to the safeguards described in paragraph 1.5A, examples of occasions when the relevant officer is likely to consider that a visual recording should be made include when:

- (a) the suspect (whether or not detained) requires an appropriate adult;
- (b) the suspect or their solicitor or appropriate adult requests that the interview be recorded visually;
- (c) the suspect or other person whose presence is necessary is deaf or deaf/blind or speech impaired and uses sign language to communicate;
- (d) the interviewer anticipates that when asking the suspect about their involvement in the offence concerned, they will invite the suspect to demonstrate their actions or behaviour at the time or to examine a particular item or object which is handed to them;
- (e) the officer in charge of the investigation believes that a visual recording with sound will assist in the conduct of the investigation, for example, when briefing other officers about the suspect or matters coming to light during the course of the interview; and
- (f) the authorised recording device that would be used in accordance with paragraph 2.1 of Code E incorporates a camera and creates a combined

audio and visual recording and does not allow the visual recording function to operate independently of the audio recording function.

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. For the purpose of making such a visual recording, the provisions of Code E and the relevant *Notes for Guidance* shall apply equally to visual recordings with sound as they do to audio-only recordings, subject to the additional provisions in paragraphs 2.5 to 2.12 of this Code which apply exclusively to visual recordings (See Note 2E).

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. This Code does not apply to the conduct and recording of:

- interviews of persons detained under section 41 of, or Schedule 7 to, the Terrorism Act 2000 (TACT), or
- interviews of persons detained under section 27 of the National Security Act 2023 (NSA).

Interviews of persons detained under section 41 of, or Schedule 7 to, the TACT must be video recorded with sound in accordance with the provisions of the separate Code of Practice issued under paragraph 3 of Schedule 8 to the TACT and under section 25 of the Counter-Terrorism Act 2008.

Interviews of persons detained under section 27 of the NSA must be video recorded with sound in accordance with the provisions of the separate Code of Practice issued under paragraph 3(2)(a) of Schedule 6 to the NSA.

If, during the course of an interview or questioning being visually recorded under this Code, it becomes apparent that the interview or questioning should be conducted under a separate Code, the interview should only continue in accordance with that Code (see Code E paragraph 1.4).

## **B. Application of Code E – additional provisions that apply to visual recording with sound**

### **i General**



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 notebook. See Note 2E. Before visual recording commences, the interviewer must inform the suspect that in accordance with paragraph 2.2, a visual recording is being made and explain the visual and audio recording arrangements. If the suspect is a juvenile or a vulnerable person (see Code C, paragraphs 1.4, 1.5 and 1.12(d)), the information and explanation must be provided or (as the case may be) provided again, in the presence of the appropriate adult.

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. The device used to make the visual recording at the same time as the audio recording (see paragraph 2.1) must ensure coverage of as much of the room or location where the interview takes place as it is practically possible to achieve whilst the interview takes place (see Note 2B).

2.7 In cases to which paragraph 1.12 of Code E (disclosure of identity of officers or police staff conducting interviews) applies:

- (a) the officers and staff may have their backs to the visual recording device; and
- (b) when in accordance with Code E paragraph 3.22 or 4.12 as they apply to this Code, arrangements are made for the suspect to have access to the visual recording, the investigating officer may arrange for anything in the recording that might allow the officers or police staff to be identified to be concealed.

2.8 Following a decision made by the relevant officer in accordance with paragraph 2.2 that an interview or other matter mentioned in paragraph 2.1 should be *visually recorded*, the relevant officer may decide that the interview is not to be visually recorded if it no longer appears that a visual recording should be made or because of a fault in the recording device. However, a decision not to make a *visual recording* does not detract in any way from the requirement for the interview to be *audio recorded* in accordance with paragraph 2.1 of Code E. (See Note 2C.)

2.9 The provisions in Code E paragraph 2.6 for remote monitoring of interviews shall apply to visually recorded interviews.

**ii *Objections and complaints by the suspect about visual recording***

2.10 If the suspect or an appropriate adult or solicitor 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 that the visual recording is being made in accordance with paragraph 2.2 and that this Code requires the objections to be recorded on the *visual* recording. When any objections have been recorded or the suspect or the appropriate adult or solicitor on their behalf have refused to have their objections recorded visually, the relevant officer shall decide in accordance with paragraph 2.8 and having regard to the nature and circumstances of the objections, whether visual recording should be turned off (see Note 2D). Following a decision that visual recording should be turned off, the interviewer shall say that they are turning off the *visual* recording. The audio recording required to be maintained in accordance with Code E shall continue and the interviewer shall ask the person to record their objections to the interview being *visually* recorded on the audio recording. If the relevant officer considers that visual recording should not be turned off, the interviewer may proceed to question the suspect with the visual recording still on. If the suspect also objects to the interview being audio recorded, paragraph 3.10 of Code E will apply if a removable recording media device (see Code E paragraph 1.6(a)(ii)) is being used) and paragraph 4.6 of Code E will apply if a secure digital recording device (see Code E paragraph 1.6(a)(iii)) is being used.

2.11 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.

**iii *Failure of visual recording device***

2.12 If there is a failure of equipment and it is not possible to continue visual recording using the same type of recording device (i.e. a removable recording media device as in Code E *paragraph 1.6(a)(ii)* or a secure digital recording network device as in Code E *paragraph 1.6(a)(iii)*) or by using a replacement device of either type, the relevant officer may decide that the interview is to continue without being visually recorded. In these circumstances, the continuation of the interview must be conducted and recorded in accordance with the provisions of Code E (See Note 2F.)

## Notes for Guidance

- 2A Paragraph 2.1 of Code E describes the requirement that authorised audio-recording devices are to be used for recording interviews and other matters.
- 2B ~~(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. ~~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 A decision made in accordance with paragraph 2.8 not to record an interview visually for any reason may be the subject of comment in court. The 'relevant officer' responsible should therefore be prepared to justify that decision. ~~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 Objections for the purpose of paragraph 2.10 are meant to apply to objections based on the suspect's genuine and honestly held beliefs and to allow officers to exercise their discretion to decide whether a visual recording is to be made according to the circumstances surrounding the suspect and the investigation. Objections that appear to be frivolous with the intentions of frustrating or delaying the investigation would not be relevant.
- 2E ~~(2D)~~ The visual recording made in accordance with this Code of the interview may be used for eye-witness the identification procedures to which paragraph 3.21 and in accordance with paragraphs 3.22 or Annex E of Code D apply. ~~The purpose of paragraph 2.5(b) is to protect the police officers and others involved in the investigation of serious organised crime or the arrest of particularly violent suspects when there is a 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.~~
- 2F Where the interview is being visually recorded and the media or the recording device 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 or on the network device, that part shall be copied and sealed in the suspect's presence as a master copy or saved as a new secure digital network recording as appropriate. The interview should then be recommenced using a functioning recording device and new recording media as appropriate. Where the media 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 visual recording equipment cannot be fixed and a replacement device is not immediately available, the interview should be audio recorded in accordance with Code E.

2G *The relevant officer should be aware that a decision to continue visual recording against the wishes of the suspect may be the subject of comment in court.*

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### Section 3 Interviews to be visually recorded – Not Used

- 3.1 **Not used.** 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 **Not used.** 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 **Not used.** 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 **Not used.** 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 **Not used.** The whole of each interview shall be recorded visually, including the taking and reading back of any statement.

3.6 **Not used.** A sign or indicator which is visible to the suspect must show when the visual recording equipment is recording.

**Use of live link – Interviewer not present at the same station as the detainee – Not Used**

3.7 **Not used.** Code C paragraphs 12.9A and 12.9B set out the conditions which, if satisfied, allow a suspect in police detention to be interviewed using a live link by a police officer who is not present at the police station where the detainee is held. These provisions also set out the duties and responsibilities of the custody officer, the officer having physical custody of the suspect and the interviewer and the modifications that apply to ensure that any such interview is conducted and audio recorded in accordance with this Code or (as the case may be) audio recorded in accordance with Code E.

**Notes for Guidance – Not Used**

3A **Not used.** 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 **Not used.** 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 **Not used.** Code C sets out the circumstances in which a suspect may be questioned about an offence after being charged with it.

3D **Not used.** 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 **Not used.** 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 **Not used.** 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.

## Section 4 The Interview – Not Used

### (A) General – Not Used

- 4.1 ~~Not used.~~ 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 ~~Not used.~~ 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 – Not Used

- 4.3 ~~Not used.~~ 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 ~~Not used.~~ 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 ~~Not used.~~ 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 **Not used.** 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 **Not used.** 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 – **Not Used**

- 4.7 **Not used.** 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 – **Not Used**

- 4.8 **Not used.** 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 that 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 **Not used.** 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 **Not used.** 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 – Not Used

- 4.11 Not used. 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 – Not Used

- 4.12 Not used. 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 Not used. 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 Not used. 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 Not used. 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 – Not Used

- 4.15 Not used. 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 – Not Used

4.16 **Not used.** 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 – Not Used

4.17 **Not used.** 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 **Not used.** 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 **Not used.** 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 – Not Used

4AA **Not used.** For the purpose of voice identification the interviewer should ask the suspect and any other people present to identify themselves.

4A **Not used.** 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 ~~Not used. 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 ~~Not used. 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 ~~Not used. 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 ~~Not used. 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 ~~Not used. 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 ~~Not used. 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.~~

## Section 5 After the Interview – Not Used

- 5.1 **Not used.** The interviewer shall make a note in his or her official notebook 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 **Not used.** 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 **Not used.** 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 **Not used.** 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 **Not used.** 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 **Not used.** 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 **Not used.** The court shall be made aware of any transcription of the recorded interview which has been made.
- 5.8 **Not used.** 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 – Not Used

- 5A **Not used.** *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 **Not used.** *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 **Not used.** *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.*

## Section 6 Master Recording Security – Not Used

### A. General – Not Used

6.1 **Not used.** 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 – Not Used

6.2 **Not used.** 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 – Not Used

6.3 **Not used.** 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 **Not used.** 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 **Not used.** 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 **Not used.** 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 of endanger any person. See Note 6E.

#### D. Documentation – Not Used

- 6.7 **Not used.** 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 – Not Used

- 6A **Not used.** *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 **Not used.** *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 **Not used.** *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 **Not used.** *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 **Not used.** 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.~~

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## Section 7 Visual Recording of Interviews by Secure Digital Network – Not Used

7.1 Not used. 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 Not used. 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 – Not Used

7.4 Not used. 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 – Not Used

7.5 Not used. 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 Not used. 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 Not used. 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 – Not Used

- 7.8 ~~Not used.~~ 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 ~~Not used.~~ 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 ~~Not used.~~ 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 – Not Used

- 7.11 ~~Not used.~~ 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 – Not Used

- 7.12 ~~Not used.~~ 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 – Not Used**

7.14 **Not used.** The interviewer shall make a note in their official notebook that the interview has taken place, was recorded, its time, duration and date and the original recording's identification number.

7.15 **Not used.** 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 – Not Used**

7.16 **Not used.** 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 **Not used.** 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 – Not Used

- 7A ~~Not used. 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.~~

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