

INTERVIEW RECORDING ENGLAND & WALES	
1.	<b>PURPOSE</b> The aim of this policy is to give investigators a quick reference to interview recording procedures.
2.	<b>LINK TO ACCOUNTABILITIES</b> Security Managers
3.	<b>POLICY</b>
3.1	<b>TAPE RECORDED INTERVIEWS</b> <ul style="list-style-type: none"> <li>Plan the interview thoroughly.</li> <li>Get full names and ranks of all persons attending interview. Have a copy of CS001 available.</li> <li>Give all exhibits identification numbers.</li> <li>Put a 'DO NOT ENTER' notice on the door and disconnect the telephone.</li> <li>Have sufficient new tapes and seals (CS022) available.</li> <li>Have a notice to person form (CS019) available.</li> <li>Have a copy of the PACE 1984 codes of practice available.</li> </ul>
3.2	<b>USE 24 HOUR CLOCK - USE FULL NAMES OF PERSONS PRESENT PRELIMINARIES</b> <ul style="list-style-type: none"> <li>Unseal two tapes in the presence of the interviewee</li> <li>Put the tapes in the machine</li> <li>Write the starting time on Master Tape seal</li> <li>Press the start/record button and wait for buzzer to end</li> <li><b>State:</b> <i>"This interview is being tape recorded. My name is .... My colleague is .... We are Officers of the .....employed to investigate possible criminal offences. Also present is ....(name of interviewee and any other person present). The date is .... the time is .... This interview is being conducted in the .... Office at the .... I want to ask you some questions about .... At the end of the interview I will give you a notice explaining what will happen to the tapes. Have you any objection to the interview being tape recorded?"</i></li> <li>It is important to ensure that the suspect is aware that his/her rights are covered by PACE and the Codes of Practice issued thereunder. He/she should be under no misapprehension that he/she is facing a criminal investigation because the Officers believe he/she has committed a criminal offence.</li> </ul>
3.3	<b>PROCEDURE IF INTERVIEWEE OBJECTS TO INTERVIEW BEING TAPE RECORDED</b> <p><u>If interviewee objects or does not answer question</u></p> <ul style="list-style-type: none"> <li><b>State:</b> <i>"I will be free to make a note of the interview anyway but the recording will provide a clear and undisputed account of what takes place."</i> <u>If objections continue</u></li> <li><b>State:</b> <i>"My instructions require that your objections should be recorded on tape."</i>  <u>After the interviewee has stated his objection or made no reply</u></li> <li><b>State:</b> <i>"I am going to stop the tape because .... (reason for objection) .... The time is...."</i>  <u>Stop the machine and seal tape. The interview should then continue in writing</u></li> </ul>

INTERVIEW RECORDING ENGLAND & WALES	
3.4	<p><b>IF THERE ARE NO OBJECTIONS CARRY ON AS BELOW</b></p> <ul style="list-style-type: none"><li>• <b>State:</b> <i>"Will you please state your full name?"</i> <u>For voice identification purposes all other persons present at the interview including the support officer should also be asked to state their name in full</u></li><li>• <b>State: Caution:</b> <i>"You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence."</i></li><li>• <b>State:</b> <i>"Do you understand that?"</i></li><li>• <b>State:</b> <i>"Will you explain your understanding of the caution to me"</i> <u>Should the interviewee either state they do not understand the caution or cannot demonstrate that they do whilst explaining it, it is essential that you provide him/her with a full explanation of its meaning (an example of which is detailed below), testing understanding as you explain it. Should the interviewee still not understand the caution then legal advice must be recommended.</u>  <b>"Firstly, you must understand that you do not have to say anything if you choose not to. That is entirely your choice and no negative inferences can be drawn at a later date.</b>  <b>If however, you do choose to say nothing now when you're asked questions, and then come up with explanations at a later date that you could have reasonably been expected to give now, then inferences may be drawn.</b>  <b>Finally, you must understand that if you do choose to answer questions now those answers may be given in evidence.</b>  <b>Does this explain things better?"</b>  <u>Show form CS001 to interviewee</u></li><li>• <b>In addition, the suspect's right to consult a Solicitor must be explained in full on tape.</b></li><li>• <b>The use of the CS001 is not just a formality that just has to be got out of the way. It is the written record showing that the suspect's rights have been fully explained. The form is also used to record the interviewee's decisions.</b></li><li>• <b>State:</b> <i>"I am now showing you form side A which explains your legal rights. Will you please read this form. "</i>  <u>When interviewee has read form</u></li><li>• <b>State:</b> <i>"Will you please answer the questions as indicated, then sign, time and date the form</i> <u>When the interviewee has completed this</u></li></ul>

INTERVIEW RECORDING ENGLAND & WALES	
3.5	<ul style="list-style-type: none"> <li>• <b>State:</b> <i>"M .... has now read and signed side A of the form</i> <u>Allocate an item identification number to form</u></li> </ul> <p><b>PROCEDURE IF SOLICITOR IS REQUESTED AT INTERVIEW</b></p> <p><u>After interviewee has made the appropriate entry on the CS001.</u></p> <p><b>State:</b> <i>"I am going to stop the tape while you arrange for your Solicitor to attend.</i></p> <p><i>The time is now....."</i></p> <p><u>Stop the machine. Do not remove tapes</u></p> <ul style="list-style-type: none"> <li>• Investigators should offer to assist in obtaining a Solicitor, if the suspect does not have one. If necessary, the officer should telephone the local Police Station to ascertain whether the Duty Solicitor will attend or, failing this obtain the local Yellow Pages and telephone any Solicitor the suspect may name.</li> </ul> <p><u>When Solicitor arrives start machine</u></p> <ul style="list-style-type: none"> <li>• <b>State:</b> <i>"The time is.... M .... has entered the room. I am.... this is....We are Officers of ..... employed to investigate possible criminal offences. I am about to interview .... about .... He/she has asked for you to attend as his/her legal representative. Will you please state your full name.."</i></li> </ul> <p><u>After Solicitor has replied</u></p> <ul style="list-style-type: none"> <li>• <b>State:</b> <i>"Do you agree that I have not put any questions to you relating to (nature of inquiries) whilst waiting for your solicitor to arrive"</i></li> </ul> <p>After the interviewee has replied he should be re-cautioned or reminded that he has previously been cautioned. Continue interview as above.</p>
3.6	<p><b>IF A SOLICITOR IS NOT REQUIRED CARRY ON AS BELOW</b></p> <ul style="list-style-type: none"> <li>• The suspect's reasons for not wanting a solicitor must be recorded.</li> <li>• If a suspect says he is unsure or does not say with certainty that he does not require a solicitor (for example suspect says he does not think he needs a solicitor) then he should be invited to telephone a solicitor immediately who can help explain his rights. If he declines his reasons should be recorded.</li> <li>• If the suspect, during the course of the interview, indicates in any way that he may need help, or is considering using a solicitor or specifically asks for a solicitor then no further questions must be asked, the interview must be stopped and arrangements made to obtain the services of a solicitor.</li> <li>• Where the suspect changes his mind about legal advice the Officer must state on tape or make an entry in his notebook to be signed by the suspect that the Officer has spoken to his superior officer (to be named) and the position has been explained to the Superior Officer. In addition the Superior Officer has authorised the continuation of the interview.</li> </ul> <p><b>State:</b> <i>"During this interview you can have a friend present if you wish. Any friend you nominate must</i></p>

INTERVIEW RECORDING ENGLAND & WALES	
	<i>be at least 18 years of age and not involved in the inquiry. Your friend must be a Consignia employee, who may be the local union representative, or an official of the recognised union for your grade. This right is in addition to your right to speak to a solicitor. Do you understand? Do you require a friend.?"</i>
3.7	<p><b>PROCEDURE IF FRIEND IS REQUESTED AT INTERVIEW</b></p> <ul style="list-style-type: none"> <li> <b>State:</b> <i>"Who would you like to act as your friend at this interview?"</i>  <u>After the reply</u>  <u>Show interviewee form CS001Side B</u> </li> <li> <b>State:</b> <i>"Please complete the top half form Side B, Item No.... (refer to Item No.allocated earlier)."</i> </li> <li> <b>State:</b> <i>"I am going to stop the tape while we arrange for....to attend. The time is now...."</i>  <u>Stop machine. Do not remove the tapes</u>  <u>When the friend arrives start machine</u> </li> <li> <b>State:</b> <i>"The time is....M....has entered the room. I am....This is....We are Officers of the..... employed to investigate possible criminal offences. I am about to interview .... about.... He/she has called for you to attend as a friend. Your role would be to witness the interview proceedings. You may take notes if you wish but they must be treated confidentially. You may supply a copy of these notes to the interviewee and to his union if he so wishes. No other communication about the interview is allowed without the permission of Consignia. Are you now prepared to act as a friend under these conditions?"</i>  <u>If the Friend agrees to the conditions</u> </li> <li> <b>State:</b> <i>"Will you please state your full name, rank and office."</i>  <u>After reply show friend form SIDE B</u> </li> <li> <b>State:</b> <i>"Would you now complete form, side B, Item identification number....which I now produce to you."</i> </li> <li> <b>State:</b> <i>"Do you agree that we have not discussed ....(nature of inquiries) whilst waiting for your friend to arrive."</i>  <u>After the interviewee has replied he should again be cautioned or reminded that he has previously been cautioned. Continue interview as above.</u> </li> </ul>
3.8	<p><b>IF A FRIEND IS NOT REQUIRED CARRY ON AS BELOW</b></p> <p><u>Show interviewee form Side B referring to the item identification number already allocated and ask them to complete the top half</u></p> <ul style="list-style-type: none"> <li> <b>State:</b> <i>"M.... has now read and signed side B of the form."</i> </li> </ul>
3.9	<p><b>QUESTIONING</b></p> <p>Commence questioning interviewee. The following should be noted:</p>

INTERVIEW RECORDING ENGLAND & WALES	
	<ul style="list-style-type: none"> <li>Ensure that everyone present speaks clearly and that the suspect clarifies any nods, shrugs or gestures, i.e. "You have just nodded. Would you please answer the question verbally"</li> <li>All items shown to the interviewee should be described concisely and given item numbers</li> <li>Be careful not to say anything that could be interpreted as oppression or construed as inducement</li> </ul>
<b>3.10</b>	<p><b>VISITORS TO INTERVIEW ROOM</b></p> <p>Ensure it is clear that an interview is being conducted in the interview room so that other people do not enter the room unnecessarily. Do not lock the interview room. If someone does enter room</p> <ul style="list-style-type: none"> <li><b>State:</b> <i>"You have just entered the interview room. The time is.... This interview is being tape recorded. Please state your full name and why you have come in."</i></li> </ul> <p>Unless it then becomes necessary to suspend the interview and the interviewee leaves the room, the interview can carry on without the tapes being changed</p>
<b>3.11</b>	<p><b>BREAKS IN INTERVIEW</b></p> <p><u><b>If interviewee leaves the interview room for any reason</b></u></p> <ul style="list-style-type: none"> <li><b>State:</b> <i>"We are taking a break during this interview because ....(quote reasons). Please sign this seal before I stop the machine, the time is ...."</i></li> </ul> <p>Stop machine, remove tapes, seal master tape with CS022 and label working tape. Everyone else present should also be asked to sign the master tape seal</p>
<b>3.12</b>	<p><b>WHEN INTERVIEW IS BEING STOPPED IN ORDER THAT SEARCHES CAN BE MADE.</b></p> <ul style="list-style-type: none"> <li><b>State:</b> <i>"Do you have any objection to a search being made of your person, locker, car and home in order that I may satisfy myself you are not in unauthorised possession of Consignia property"</i></li> </ul> <p>Remind Interviewee of entitlement to the presence of a friend during search:</p> <ul style="list-style-type: none"> <li><u>When interview resumes unseal and place new tapes in the machine and start machine in normal way</u></li> <li><b>State:</b> <i>"I am resuming the interview, the time is...."</i></li> <li>It is mandatory at this stage for everyone present to reintroduce themselves and for the date, time and location of the interview to be announced. The interviewee should be reminded that he is still under caution, (or be re-cautioned) and reminded of his legal rights and the availability of a friend. <u>Produce CS001, quote item number and ask interviewee to sign, date and time in appropriate place on CS001A. The reasons why there was a break in the interview should be stated. If searches have been carried out a completed form CS005 must be produced and given an item identification number</u></li> </ul>
<b>3.13</b>	<p><b>WHEN TAPE HAS BEEN COMPLETED AND NEW TAPES REQUIRED</b></p> <p><u>When buzzer sounds towards the end of the tape</u></p>



INTERVIEW RECORDING ENGLAND & WALES							
	<ul style="list-style-type: none"><li>• <b>State:</b> <i>"This tape is due to end, please sign this seal before I stop the machine, the time is...."</i> <u>Stop the machine, remove tapes and label as above</u> <u>Unseal new tapes in the presence of the interviewee place in the machine and start in the normal way</u></li><li>• <b>State:</b> <i>"I am continuing this interview, the time is...."</i>  It is advisable to remind the interviewee of the caution, legal rights and the availability of a friend. Produce, quote item identification number and ask interviewee to sign, date and time in appropriate place.  <u>Each person present should reintroduce themselves to assist in voice identification</u></li></ul>						
3.14	<b>TO END THE INTERVIEW</b>  <u>When the questioning is complete</u>  <b>State:</b> <i>"I have to inform you that you may have rendered yourself liable to prosecution. You do not have to say anything, but it may harm your defence if you do not mention now something which you later rely on in court. Anything you do say may be given in evidence. Do you wish to clarify anything you have said or add anything else before the end of the interview."</i> If as a result of the interview it is not appropriate to mention the first sentence about prosecution the Interviewee should still be asked if he wishes to add or clarify anything that has been said  <u>When the interviewee has answered that question hand him form CS019</u>  <b>State:</b> <i>"Here is a leaflet that explains what will happen to the tapes. I am about to stop the tape machine. One of the tapes will be sealed. Will you please sign the seal before I stop the machine."</i>  <u>Stop the machine and seal the tapes as described above, with everyone present being asked to sign the master tape seal.</u>						
4.	<b>Links to other reference material (policies, processes and procedures, etc.)</b> <table><tr><th>Title</th><th>Author</th><th>Located</th><th>Version</th><th>Type</th><th>Policy No.</th></tr></table>	Title	Author	Located	Version	Type	Policy No.
Title	Author	Located	Version	Type	Policy No.		
5.	<b>Document details</b>						
5.1	Author :	Programme Manager, Law & Legislation					
5.2	Owner :	Head of Corporate Security, 4 <sup>th</sup> Floor, Impact House, 2 Edridge Road, Croydon CR9 1PJ					
5.3	Audience:	Security Community					
5.4	Enquiry point :	Paul A Booth, Corporate Security, 4 <sup>th</sup> Floor, Impact House, 2 Edridge Road, Croydon CR9 1PJ					
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INTERVIEW RECORDING ENGLAND & WALES			
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