

APPENDIX 1 to P&S 7.4 INTERVIEWING SUSPECTS ON TAPE  
QUICK REFERENCE GUIDE ENGLAND AND WALESP&S Doc 7.4 Appendix  
1 V1INTRODUCTION

1. The suspect should be informed that the interview is being tape recorded.
2. The lights on the recording machine which indicate that the recording equipment is activated and recording should be explained to the suspect.
3. Then state the date, time and place of the interview. The Investigators should state their names and role and all other persons present should identify themselves.

OBJECTION TO TAPE RECORDING If a suspect objects tell them that you 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. If the objections continue the suspect should be told that your instructions require that they should record their objections on tape. After they have stated their objection, or made no reply, decide if you are going to continue on tape or revert to notes of interview.

PROCEDURE TO FOLLOW WHEN AN APPROPRIATE ADULT IS PRESENT Confirm they have received a copy of the GS001A. "You are not expected to act simply as an observer. The purpose of your presence is firstly, to advise the person being questioned, secondly to observe whether or not the interview is being conducted properly and fairly, and thirdly to facilitate communication with the person being interviewed."

THE JUVENILE SHOULD BE ADVISED "The duties of the appropriate adult include giving you advice and assistance. Also you can consult privately with your appropriate adult at any time."

REASONS The suspect should be told in detail the following;

1. Reason for the Investigation (The offences and matter under Investigation).
2. Reason why they have been Identified (Their suspected involvement, e.g. DCDO. Be aware of the potential risk of jeopardising the enquiry by revealing too much information prematurely).
3. Reason for the interview (To establish the facts or seek an explanation from them)

The suspect must be under no misapprehension that they are facing a criminal investigation because the Investigators suspect that they have committed a criminal offence.

NOTICE AT END OF INTERVIEW Inform the suspect that at the end of the interview they will be given a notice explaining what will happen to the tapes.

CAUTION "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. Do you understand?"

EXPLANATION OF CAUTION IF REQUIRED

1. You do not have to say anything; you do not have to answer my questions.
2. However if this matter goes to court and you give an explanation which you have not told me about today the court may wonder why you are saying it then. They may think you needed time to think up an explanation, they may in fact think you are lying. So if you have an explanation now is your opportunity to give it.
3. Anything you do say is being recorded and the tapes could be played in court.

APPENDIX 1 to P&S 7.4 INTERVIEWING SUSPECTS ON TAPE QUICK REFERENCE GUIDE ENGLAND AND WALES	P&S Doc 7.4 Appendix 1 V1
<p><u>LEGAL RIGHTS</u> The suspect should be fully reminded or informed of their legal rights as detailed on the Legal Rights Form GS001. If a GS001 has not been completed then one should be.</p> <p><u>FRIEND</u> The suspect should be informed or reminded of the right to have a friend present. If a GS003 has not been completed then one should be.</p>	

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QUICK REFERENCE GUIDE ENGLAND AND WALESP&S Doc 7.4 Appendix  
1 V1

**ROUTINE** Give the suspect an indication of what they can expect during the interview, this may include;

1. If they don't understand the question they should say so.
2. Breaks will be taken.
3. As the interview is being recorded it is important that people don't talk at the same time. They will be allowed to finish their answer before being further questioned. They should let you finish your question before answering it.
4. Also if they answer with shrugs or gestures they will be asked to answer the question verbally.

**SIGNIFICANT STATEMENTS** The suspect should be asked to confirm or deny any significant statement(s) or silences made by them prior to the interview commencing and they should be asked if they wish to add anything to the statement(s).

**VISITORS TO INTERVIEW ROOM** A "DO NOT ENTER" sign should be put on the interview room door, however, if someone does enter the room, state the time and ask the person entering to state their full name and why they have entered the room.

**BREAK IN INTERVIEW - INTERVIEWEE REMAINS IN THE ROOM** There is no need to change the tapes just announce the time, the fact that you are taking a break and the reason. Then stop the machine.

**BREAK IN INTERVIEW - INTERVIEWEE LEAVES THE ROOM** Announce that you are going to take a break and the reason. Then ask the suspect to read out the master tape seal number, state the time and the fact that you are stopping the machine. Remove the tapes, mark them with an identification number, seal the master tape and ask everyone present to sign the seal.

**BREAK IN INTERVIEW TO CONDUCT SEARCHES** Inform the suspect of the purpose of the searches, deal with consent and the GS004, GS005 whilst on tape. Remind the suspect of their right to have a friend present at the searches. It is best practice to conduct the search of the person with the tape running. Then suspend the interview as in the section above on "Break in Interview - Interviewee Leaves the Room".

**END OF TAPES NEW TAPES REQUIRED** When the buzzer sounds at the end of the tape or it is known that the tape is ending inform the suspect that the tapes need to be changed. Suspend the interview as in the section above, on "Break in interview - Interviewee Leaves the Room"

**RESUMING AFTER BREAKS IN INTERVIEW** When the interview resumes, unseal new tapes if necessary, in the presence of the suspect and place them in the machine. Start the recording;

1. Everyone present should introduce themselves after which state the place, date, time.
2. Remind the suspect what they are being questioned about.
3. Re-caution/remind the suspect they are under caution. Additionally remind them of their legal rights
4. Re-offer the presence of a friend.
5. The reason for the break should be stated.
6. Confirm that no questions about the offence, (apart from those documented) were asked during the break.
7. Commence questioning by dealing with any significant statements made during the break and cover any documentation completed.

APPENDIX 1 to P&S 7.4 INTERVIEWING SUSPECTS ON TAPE QUICK REFERENCE GUIDE ENGLAND AND WALES	P&S Doc 7.4 Appendix 1 V1
<p><b>ENDING THE INTERVIEW</b> When the questioning is complete state, "Do you wish to clarify anything you have said or add anything else before the end of the interview?"</p> <p>If appropriate state, "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.</p> <p><b>NOTICE TO PERSON WHOSE INTERVIEW HAS BEEN TAPE RECORDED</b> When the suspect has answered that question hand them the form GS019. The suspect should read out the master tape seal number. Then state the time and the fact that you are stopping the machine, remove the tapes, mark them with an identification number, seal the master tape and ask everyone present to sign the seal.</p>	