
Interviewing Suspects

ABC Food Safety Online

Aims

This course aims to provide the reader with the necessary skills and confidence to undertake PACE interviews.

Objectives

On completion of this course the reader will be able to:

- Appreciate the requirements of the Police and Criminal Evidence Act 1984 as it applies to the interview of suspects.
- Understand the requirements of PACE Codes of Practice.
- Undertake interviews of suspects.

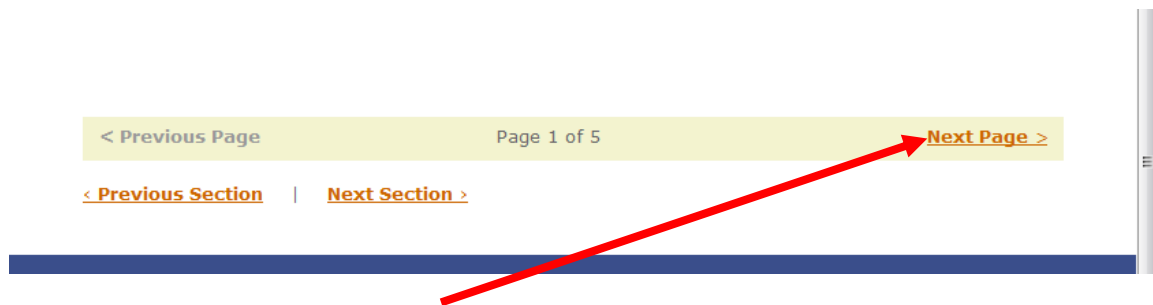
Module Description

Section	Title	Estimated time for completion*
1	Introduction	30 minutes
2	Purpose of PACE interviews	10 minutes
3	Preparation for PACE interview	30 minutes
4	Tape recorded interviews	20 minutes
5	Conduct of the interview	35 minutes
6	Common problems	15 minutes
	Quiz	10 minutes
	Total	2.5 Hours

* Please note that this figure is provided to help plan your training. The actual time spent on each section may vary depending on your prior knowledge of the topic area.

User Hints

To complete this module, simply read through the on-screen text, click on the links for further information and make notes in this handbook where appropriate. It is recommended that you place these notes in a ring-binder and print out any additional notes from the course as required.



Remember to click on “next page” to progress through the course whenever it appears in orange text at the bottom right of the screen. If this is not highlighted then click on “next section”.

To leave and return to a course simply bookmark the page that you are using, logout and then click on the bookmark when you are ready to return to the course.

If you would like to undertake some further reading on this topic, click on the “library” button to view links to legislation, codes of practice etc.

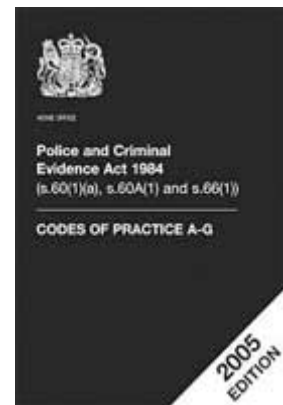
The Police and Criminal evidence Act was introduced by the Government of the day, in response to a number of high-profile miscarriages of justice. Its primary function is to ensure that Criminal Investigations are carried out in a [fair way](#).

The Act provides for the issue of a number of Codes of Practice, by the Home Secretary which contain detailed guidance on the conduct of a number of activities associated with the investigation of criminal offences, such as the interviewing of suspects. The Codes of Practice are approved by both Houses of Parliament and as such, deviations from the requirements contained in the Codes by investigators may be viewed as being serious by the Courts.

Section 67 (9) of the Act requires that persons other than police officers who are investigating alleged offences shall also have regard to relevant provisions of the codes. As such, Local Government Officers must be familiar with the requirements of the Act and Codes of Practice and conduct their investigations accordingly.

There are eight [Codes of Practice](#) issued within a single volume:

- A: [Stop and Search Powers](#)
- B: [Searching of premises](#)
- C: [Detention, treatment and questioning](#)
- D: [Identification of persons](#)
- E: [Tape recorded interviews](#)
- F : [Visual Recording with Sound](#)
- G: [Statutory powers of arrest by police officers](#)
- H: [Detention etc of suspected terrorists](#).



The provisions of Codes A,D, G and H are not relevant to Local Authority Officers and as such will not be considered further. However, both Codes C and E are pertinent to the process of interviewing suspects and parts of Code B may apply to investigations undertaken by officers under certain circumstances. Code C provides for the interviewing of suspects. If this interview is conducted with the use of tape recorders, then Code E should be considered in conjunction.

Question 1

Which Code of practice issued under the Police and Criminal Evidence Act sets out the requirements for the interviewing of suspects?

PACE Code C

A PACE interview can be defined as: “...the questioning of a person regarding his involvement or suspected involvement in a criminal offence.”

Much of Code C deals with matters that are only relevant to Police Officers, for example, the detention and treatment of persons in Police custody. Local Authority Officers will need to carefully consider the content of the [Code](#) and have regard to the elements that clearly fit in with the nature of their work.

The Code provides detailed guidance on the suspect’s right to [legal advice](#) and on the role and conduct of legal representatives. Interviewing Officers must ensure that prior to the commencement or re-commencement of an interview, they advise the suspect that they may have a legal adviser present and that the interview may be suspended to allow the necessary arrangements to be made.

Paragraph 10 of Code C specifies the nature and the appropriate use of the “Caution”. The purpose of the caution is to make it clear to the suspect prior to being asked questions about his involvement in suspected offences, of his common law right to remain silent. The correct use of the caution can be vital to the success of a criminal investigation.

The interview must cease when officer in charge is satisfied that all relevant questions have been put, has taken into account all other available evidence and reasonably believes that evidence is sufficient to provide a realistic prospect of conviction.

An accurate [record](#) of every interview of a person suspected of criminal offences should be made. An [interpreter](#) should always be provided if the suspect has difficulty in understanding English, the interviewing officer cannot speak the suspect’s language and the suspect wishes an interpreter to be present.

PACE Code E

Code E provides for the tape-recorded interviews of suspects. One of the key factors of conducting such interviews is to do so in an open and transparent manner so as to reassure the suspect of the reliability of the record made. Tape recorded interviews involve the simultaneous recording of the interview on to two audio cassettes; the Master tape and the working tape.

The master tape is the definitive record of the interview and will be the one played in Court if the need arises. As such, precautions must be taken to ensure its integrity. Such precautions will include the sealing of the master tape in the presence of the suspect, controlled storage of the tape and strict procedures to be followed should the need arise to break the seal of the tape.

Question 2

What is a PACE interview?

The main purposes of a PACE interview are to:

- To provide the suspect with opportunity to put his/her version of events
- To gather evidence
- To clarify matters
- To aid in the enforcement decision making process

Officers should approach the PACE interview with the aim of obtaining a fair and reliable statement from the suspect and the objectives of gathering further evidence, and strengthening existing evidence.

Question 3

Under what circumstances should a person be invited to attend a PACE interview?

The best place to undertake a PACE interview is in the controlled and safe environment of the [Council Offices](#). Some Authorities have dedicated rooms for interviewing suspects, others use the facilities of the local Police station.

It is a good practice to invite the suspect in writing to attend the interview. This invitation should clearly state the nature of the alleged offences that are under investigation, inform the suspect of his right to have [legal representation](#) and make it clear that attendance at the interview is on a voluntary basis.

If the interview is to be tape-recorded, this should be mentioned in the [invitation](#). It is a good practice to identify a number of possible dates and times when the interview may take place and invite the suspect to identify, in writing, his preference. This will negate any subsequent claims that the suspect failed to attend the interview because it was inconvenient or that the timing of the interview caused him unnecessary discomfort. The interviewee should also, where appropriate, be offered the services of an [interpreter](#).

The preparation for an interview should be geared to the identification of appropriate, focused questions that should be put to the suspect in order to achieve the desired outcome. Officers planning to undertake a PACE interview should also ensure that a suitable, briefed manager is on hand in case a suspect refuses to sign a relevant document or it becomes necessary to exclude a legal Representative from the interview.

Question 4

When should an interpreter be offered to a person attending a PACE interview?

Before interviewing a suspect, it is important for the interviewer to have identified the “**facts in issue**”, which will include the **identity of the suspect**. The next consideration is to determine whether there are any **Statutory Defences** available and hence consider whether any evidence in their possession is likely to undermine this defence.



An essential part of the preparation for a PACE interview is the **review of evidence** that is already in the possession of the prosecution. The interviewing officers should focus their attention on areas where the review has identified gaps in the evidence that relate to the facts in issue.

It is likely that the interview is the first opportunity that the investigator has had to discuss the results of his investigation with the suspect. As such, the interview should be seen as an opportunity for the investigator to piece the elements of his investigation together to provide a logical account of the sequence of events that led to the commission of the offence.

The investigator should seek to put the evidence together prior to the interview in such a way that any gaps in the story become apparent and can be clarified at the interview.

Question 5

What are the "facts in issue" of a case?

The PEACE model

The PEACE interview model is used by the Police and other enforcement agencies and comprises the following steps:

P – Preparation and planning

E – Engage and explain

A – Account

C – Closure

E – Evaluate

The PEACE model is well established for interviews conducted by the Police but may need to be modified for use by local authority officers.

Code E requires that the suspect be given a notice that explains what will happen to the tapes made during the course of an interview. An example of such a “Notice to Persons Whose Interview is to be Tape-Recorded” can be viewed by clicking [here](#).

It is useful to give this notice to the suspect prior to the interview commences to allow him enough time to read it properly and consult with his legal representative if he so wishes. The Officer should then refer to the notice during the course of the interview and invite the suspect to confirm that he has read and understood it on tape.

A tape movement Log should be created and completed for every interview in order to demonstrate compliance with the rules of documentary evidence with respect to the handling of the Master and Working Tapes.



Whenever the Master Tape is removed from the tape recorder, it should be sealed in the presence of the suspect. This is normally achieved using a paper seal.

Where a suspect is provided with a copy of the interview, he should also be given details regarding his right to challenge any **inaccuracies** that he believes may be present on the tape.

As with all PACE interviews, a copy of the Codes of Practice should be available for the suspect to refer to on request.

Question 6

What should an interviewee be provided with at a tape recorded PACE interview?

Conduct of Tape-recorded Interviews

When conducting a tape-recorded interview, officers must have regard to the provisions of both Code C and Code E.

It is often helpful to spend a few minutes prior to the commencement of the interview to explain to the suspect the process involved. Such an explanation should not refer to the case under investigation or invite the suspect to comment. It should merely be confined to a description of the equipment, paperwork and format of the interview.

The suspect should be given the opportunity to read the “Notice to Person whose interview will be tape recorded” before the interview starts. The Lead officer should then show the suspect a pack of sealed tapes and give him the opportunity to inspect them to confirm that they have not been tampered with.



The Lead Officer should then break the seal of the tapes and insert them into machine. It should be noted that the recording mechanism may vary from machine to machine and so the interviewing officer should take steps to familiarise himself with the machine prior to the interview so that he inserts the tapes in the correct way.

The officer should inform the suspect that the machine will emit a buzzing sound for ten seconds once the record button is pushed and that recording will commence immediately after this buzzing has stopped.

Once the tapes are inserted, the Lead Officer should check with everyone present that they are ready to begin and then should start the machine.

The Lead Officer should make a record in his notebook of the time that the interview started, those present, the location and the date. He should also check that the tape counter has been reset at “0”.

During the introduction to the interview, the suspect should be asked to confirm that he has received, read and understood a copy of the Notice for Persons whose interview is to be tape recorded. The suspect should also be asked if he has any objection to the interview being tape recorded. If the suspect does object, he should be invited to state the nature of his objection on tape and then the interview should be continued with a written record being made.

If there is an observer present, he should introduce himself for the purposes of the tape and the Interviewing Officer should state, on record, that the observer may take no part in the interview itself. During the course of the interview, the interviewing officer should record any significant events in his notebook together with the tape-counter reference when the event occurred. This will enable the officer to quickly access the information on the tape after the interview for the purposes of preparing a written summary.

The golden rule of tape recorded interviews is that the Master tape should always be sealed whenever it is removed from the tape recorder or if the suspect wishes to leave the room.

The stop procedure is: Both Master and Working Tapes are removed from the machine. The record protection tabs on the cassette should be broken to avoid any accidental recordings being made, the labels checked to ensure that they are properly identified, and the tapes placed into their plastic boxes. A tape seal is completed which the suspect and his legal representative are invited to sign. The Master Tape is then sealed in the presence of the suspect.

Question 7

Who may accompany a suspect to a PACE interview?

The Home Office require that where proceedings are to follow an interview, a written record should be made. This may be prepared by a “civilian” who for the purposes of Local Government can be interpreted as a person other than the authorised officer, for example an admin officer or typist. However, the interviewing officer will be required to ensure the accuracy of the record.

The written record of a tape recorded interview may be made in the form of a Summary or a transcript using a transcribing machine. The purpose of such a record is to provide a balanced, accurate and reliable account of what has been said in the interview.

A transcript is a verbatim account of the interview made from the Working tape. In short interviews it is good practice to produce a transcript. However for longer interviews, it may be more appropriate to produce a summary of the interview.

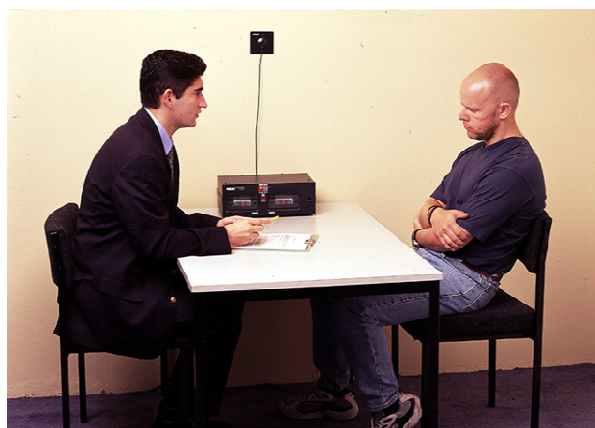
Where a summary is made, it should be both objective and fair.

The Conduct of an interview of a person suspected of offences must be fair and any record of the interview must be accurate and fair in accordance with [Section 78](#) of the Police And Criminal Evidence Act 1984

It should be remembered that the interview is not a trial and hence is not adversarial in nature. Where the interviewing officers believe that a suspect is not being truthful, they are not required to resolve the disputed point but should seek to [clarify](#) the suspects' position.

It is the Author's view that interviews of suspects are best undertaken in the Council offices or in a local Police station.

It should be appreciated that the requirements of PACE are onerous and rightly so to protect the rights of the individual. If an interview is carried out, for



example, in the workplace of the suspect, the Officer would have little if any control over the interview environment. The interview may be interrupted by telephone calls, visitors or the suspect may be distracted by activities going on around him.

Another important consideration is the [safety of the interviewing officers](#). An investigating officer may not be aware of other matters that are going on in the suspect's life. The suspect may not fully understand the implications of the interview until the caution is given. If the interview is being conducted in the home or workplace of the suspect, the safety of the interviewing officers could be seriously compromised if for example the defendant becomes aggressive or threatening during the course of the interview.

Interviews at the Council Offices can be controlled by a variety of techniques to minimise the risk of injury to officers. The interview room in a Council building can be organised in such a way to prevent [interruptions](#) and the suspect from feeling [oppressed](#). Refreshment breaks and toilet facilities can be provided to preserve the fairness of the proceedings.

Question 8

What health & safety arrangements should be in place with respect to PACE interviews?

There should preferably be two Officers present at an interview each having a defined specific role.

The first Officer takes the lead in the interview and is responsible for making the initial introductions, advising the suspect of his rights, asking the suspect questions and, in the case of tape recorded interviews, operating the equipment and making any necessary commentary.

The second officer is there to support the first officer. Both officers should work as a team; as the first officer progresses through the interview, the second officer should be checking to ensure that all of the required components of the interview have been followed in accordance with the Codes of Practice and [relevant notes](#) are made.

The Second Officer should take charge of any exhibits and produce them at the relevant point in the interview. The Codes require that breaks should be taken every two hours, the second officer should ensure that this requirement is adhered to.

Of course, if the interview is recorded in writing, the second officer will act as a scribe and so it may become difficult to stick to the roles as defined above. During an interview, if it becomes apparent to the second officer that his colleague has omitted to do something, he should remind him in an [appropriate manner](#).

Question 9

What matters should be noted at a PACE interview?

Before starting the interview, the First officer should informally discuss the nature and format of the interview and introduce the equipment, if the interview is to be tape-recorded, and forms.

For tape-recorded interviews, the following equipment will be required (click on the underlined text for more details)

[Tape recorder](#)

[Microphone](#)

[Tapes](#)

Officers should not discuss the evidence at this stage and should take steps to prevent the suspect from doing so.

It is important that the suspect is clear about the purpose of the interview. Such clarification can usually be achieved by ensuring that the suspect is provided with a written invitation to attend the interview. Once the interviewing officer is satisfied that the suspect is ready, he should start the interview.

The interviewing officer should begin by introducing the purpose of the interview and then himself in terms of name and occupation.

He should then identify the place where the interview is taking place, the date and the time.

The interviewing officer should then invite the other persons present to identify themselves by name and occupation, spelling any difficult words for the benefit of the scribe or the tape. This will include the details of any observers present. The interviewing officer should remember to record all of these details in his notebook as well as any other relevant matters.

The interviewing officer should then advise the suspect that: “You are not under arrest and may terminate the interview at any time” and “You may have a legal representative present if you so wish”

If there is no legal representative present, the officer should obtain the suspects consent, (and ensure that such consent is recorded) that they agree to proceed with the interview. Where a legal representative is present, it would be prudent to remind them of [their role](#) in the interview.

If the interview is being tape-recorded, the interviewing officer should ask whether the suspect has any objection.

Question 10

What is the role of a solicitor at a PACE interview?

If a written record is being made of the interview, the suspect should be asked to speak slowly and clearly and to watch the pen of the person making the record so that a verbatim account can be made.

For tape-recorded interviews, the suspect's attention should be drawn to the "Notice for persons whose interview is to be tape-recorded." The interviewing officer should then seek to clarify the personal details of suspect. These may include:

- The Trading name
- Details of the Registered Office
- Any relevant ownership details such as the names and nature of any partners.

The suspect should then be given details for the reason for the interview: "On 28th march 2009, Mrs Hilda Smith of 23 Highgate Hill , Fulchester purchased a packet of crumpets from Foods R Us, High Street Fulchester, which she subsequently realised were mouldy. The sale of such food, to the prejudice of the purchaser, which is not of the quality demanded, is an offence under Section 14 of the Food Safety act 1990"

At this point the **Caution** is given: The interviewing officer should record the time that the caution was given in his notebook and ask the suspect "Do you understand the caution?"

Where the suspect indicates that he doesn't understand the caution, the interviewing officer should explain it to him in simple language that the suspect can understand. Having done so, the officer should confirm that the caution has now been understood.

The Caution need not be given if questions are to be put for other purposes, for example to establish the suspect's identity or personal details or if a prosecution is not likely.

Once the caution has been given, the interviewing officer should proceed to ask **relevant questions**.

Question 11

When should the PACE caution be given?

It should be remembered that the interview is a mechanism to, amongst other things, gather evidence. It is not a trial or a forum to [argue](#) about the case.

At relevant points during the interview, the interviewing officers may wish to produce exhibits. Any exhibits that are referred to in an interview should be properly labelled with an exhibit number and should, of course conform with the rules of continuity of evidence. Where two officers are present at the interview, one should take responsibility for the handling and care of exhibits. If the interview is tape-recorded, officers should always remember to describe exhibits for the purposes of the tape.

The interview must cease when the officer in charge is satisfied that all relevant questions have been put, that he has taken into account all other available evidence and reasonably believes that evidence is sufficient to provide a realistic prospect of conviction.

At the conclusion of the interview, the Lead officer should advise the suspect that they may clarify or add to anything that they have already said. The officer should then state

“I am suspending/terminating the interview, it is now (time)”

The Officer may need time to review the material that has been supplied during the interview prior to making a decision regarding the likely outcome of the investigation and so may wish to state:

“I am now terminating this interview at (time). I will review what has been said today and will contact you should I wish to re-interview you with regard to this matter, or to inform you of my decision following the conclusion of my investigation.”

The suspect should then be given the opportunity to read through the written interview record and identify any inaccuracies.

The suspect and his legal representative, if present, should be requested to sign the interview record. If he declines to do so, this fact should be recorded in the officer’s notebook and a senior manager should attend to sign the record.

Officers may find it helpful to use a pro-forma aid memoir to both prompt them during the interview and also record the information required by Codes of Practice.

Question 12

What should an officer do if a suspect makes comments or admits guilt after an interview has finished?

After the interview

After the interview has been conducted, the suspect should be provided with details of how to obtain a copy of the tape. Alternatively, if the interview has been short, a copy tape could be made by the officer immediately and given to the suspect to take away with them.

The Home Office require that where proceedings are to follow an interview, a written record should be made ¹. This may be prepared by a "civilian" who for the purposes of Local Government can be interpreted as a person other than the authorised officer, for example an admin officer or typist. However, the interviewing officer will be required to ensure the accuracy of the record.

The written record of a tape recorded interview may be made in the form of a Summary or a [transcript](#) using a transcribing machine. The purpose of such a record is to provide a balanced, accurate and reliable account of what has been said in the interview.

In short interviews it is good practice to produce a transcript. However for longer interviews, it may be more appropriate to produce a summary of the interview. Where a summary is made, it should be both objective and fair.

Where a suspect is provided with a copy of the interview, he should also be given details regarding his right to challenge any inaccuracies that he believes may be present on the tape. Such inaccuracies may occur because the microphone failed to pick up a relevant point, perhaps because it was obstructed or someone present at the interview coughed at an inopportune moment. It is normal to request that such a challenge be made to the Head of Legal Services, or similar, in writing.

If there is a need to take a break during an interview due to a problem, the ["stop procedure"](#) should be followed. Common problems that may arise during a PACE interview include:

[The interviewee refuses to sign the Master Tape Seal or other documents](#)

[The tape recorder fails during an interview](#)

[A tape breaks during an interview](#)

[Someone interrupts the interview](#)

[A mobile phone rings during the interview](#)

[The interviewee requests a break](#)

[The interviewee's solicitor answers questions or provides written answers for their client to read out.](#)

[The suspect provides unsatisfactory or inconsistent answers to questions](#)



Question 13

What should an officer do if an interviewee refuses to sign a tape master seal?