



Home Office

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## **CONSULTATION ON THE REVISION OF PACE CODE OF PRACTICE E – AUDIO RECORDING INTERVIEWS WITH SUSPECTS**

Attached is a draft revised version of Code of Practice E issued under the Police and Criminal Evidence Act 1984 (PACE) which concerns the audio recording of interviews of suspects.

The Minister of State for Policing, Criminal Justice and Victims has agreed that this will be an 8 week consultation and full details, including a copy of the draft revised Code, will also be published on the Home Office website at:

<https://www.gov.uk/government/organisations/home-office/series/police-and-criminal-evidence-act-1984-pace-current-versions>

The draft has a covering note and table outlining the changes and their purpose, with links to the paragraphs concerned.

The changes introduce a new Annex with *Notes for Guidance*. This Annex, together with supporting changes to other provisions and *Notes for Guidance*, exempt four specific crime types from the current requirement that interviews about *indictable offences* (i.e. offences that may be tried either by a judge and jury in the Crown Court or summarily in a magistrates' court) must be audio recorded.

The four crime types are:

- Possession of cannabis.
- Possession of khat.
- Retail theft (shoplifting) of property with a value *not exceeding* £100; and
- Low value criminal damage to property with a value *not exceeding* £300.

The Annex sets out the circumstances and conditions which will allow an officer to dispense with the need to audio record the interview and instead, require a written record of the interview to be made in accordance with PACE Code C, section 11. It applies in the first instance, to interviews elsewhere than at a police station with suspects aged 18 or over who do not require an appropriate adult and whose arrest for the offence concerned is not necessary. The conditions also take account of the impact of the offence on owners

of property stolen or damaged and limit the exemption to cases where it *appears* to the officer investigating the offence, that *no injury* was caused or threatened.

Overall, the new provisions provide the police with a limited exemption to ensure that on the street disposals for specified indictable offences do not breach the audio recording requirement in the Code. Its purpose is to support the policy which applies in England and Wales to give police options to use of out-of-court disposals, for the purpose of dealing with the specified indictable offences in a proportionate manner.

### ***Next steps***

This draft is being circulated for consultation in accordance with section 67(4) of PACE. All responses should be sent to [pacereview@homeoffice.gsi.gov.uk](mailto:pacereview@homeoffice.gsi.gov.uk) to arrive no later than 5 May 2015. We hope to be in a position to introduce the revised Code in October.

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