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## **CONSULTATION ON THE REVISION OF PACE CODES OF PRACTICE C, H, E AND F**

Attached are draft revised versions of Codes of Practice C, H, E and F issued under the Police and Criminal Evidence Act 1984 (PACE). Code C concerns the detention, treatment and questioning of persons detained under PACE, Code H concerns persons detained under the terrorism provisions, Code E concerns the audio recording of suspect interviews and Code F, the visual recording with sound of suspect interviews.

2. The Minister of State for the Police and the Fire Service Policing, Fire, Criminal Justice and Victims has agreed that this will be an 6 week consultation beginning on 25 October 2017 and ending on 6 December 2017. Full details, including copies of the draft revised Codes, 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>.
3. Each draft has a covering note and table which briefly outlines the changes and their purpose, with links to the paragraphs concerned.

### ***Code C (Detention)***

4. The proposed changes to Code C comprise new and amended provisions which:
  - (a) introduce a new definition of 'vulnerable adult' replacing references to the Mental Health Act and to 'mentally vulnerable', update the role description of the appropriate adult and who may or may not act in this capacity.
  - (b) for voluntary suspect interviews, set out in full the rights, entitlements and safeguards that apply and the procedure to be followed when arranging for the interview to take place. The changes take account of concerns that suspects might not realise that a voluntary interview is just as serious and important as being interviewed after being arrested.
  - (c) reflect amendments to PACE made by the Policing and Crime Act 2017 which:
    - (i) enable the use of a live link for authorising detention with without charge under sections 42 to 44 of PACE and interviewing suspects; and
    - (ii) amend previous provisions to ensure that 17-year-olds are not treated as adults for all purposes under PACE.

### ***Code H (Detention- terrorism)***

5. The proposed changes to Code H mirror those in Code C with regard to the safeguards relating to vulnerable adults described in 4(b) above.

***Codes E and F (audio and audio-visual recording of suspect interviews).***

6. Significant changes to the content and format of Codes E and F are proposed which introduce a revised approach to the audio (Code E) and visual recording (Code F) of suspect interviews. These provide for clarity, consistency and more effective and efficient recording of interviews, with improved safeguards for suspects and the police. The key features of the revised approach are that:
- (a) it extends the range of devices that may be used and enables the police to use the latest recording technology, including any suitably compliant 'body worn video' (BWV) equipment to record suspect interviews;
  - (b) for any interview, irrespective of the type of offence and whether or not the suspect has been arrested, whenever a suitably compliant authorised recording device is available and can be used, it *must* be used;
  - (c) a written interview record may be made only if a specified officer (the 'relevant officer') determines that such a device is not available/cannot be used and the interview should not be delayed until such time that it can be audio recorded. Depending on the offence in question, whether the suspect has been arrested and where the interview takes place, the 'relevant officer' may be the custody officer, a sergeant or the interviewing officer; and
  - (d) for Code F, the changes to Code E are mirrored by setting out the requirements that apply exclusively for the purpose of making a visual recording with sound. The aim of this approach is to:
    - make it clear that a visual recording with sound comprises an audio recording made in accordance with Code E together with a simultaneous visual recording;
    - avoid replication of the full Code E provisions that apply to all audio recorded interviews; and
    - clarify and extend the circumstances under which police may make a visual recording to include the use of 'BWV' equipment.

***Next steps***

7. These drafts are circulated for statutory 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 Wednesday 6 December 2017.

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