



Home Office

POLICE AND CRIMINAL EVIDENCE ACT 1984 (PACE) – CODE F

REVISED CODE OF PRACTICE ON VISUAL RECORDING WITH SOUND OF INTERVIEWS WITH SUSPECTS

May 2018



Home Office

POLICE AND CRIMINAL EVIDENCE ACT 1984 (PACE) – CODE F

**REVISED CODE OF PRACTICE ON
VISUAL RECORDING WITH SOUND OF
INTERVIEWS WITH SUSPECTS**

Presented to Parliament pursuant to section 67(7B) of the
Police and Criminal Evidence Act 1984

May 2018



© Crown copyright 2018

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/government/publications

Any enquiries regarding this publication should be sent to us at
Police Powers
6th Floor Fry Building
2 Marsham Street
London SW1P 4DF
Email: public.enquiries@homeoffice.gsi.gov.uk

ISBN 978-1-5286-0402-4

CCS0518642174-04 05/18

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the APS Group on behalf of the Controller of Her Majesty's Stationery Office

POLICE AND CRIMINAL EVIDENCE ACT (PACE)

CODE F

CODE OF PRACTICE ON VISUAL RECORDING WITH SOUND OF INTERVIEWS WITH
SUSPECTS

Commencement - Transitional Arrangements

This contents of this Code should be considered if an interviewer proposes to make a visual recording with sound of an interview with a suspect after 00.00 twenty-one days after The Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Codes of Practice C, E, F and H) Order 2018 is made.

There is no statutory requirement under PACE to visually record interviews.

Contents

(click page number to view text)

1	General.....	3
	<i>Notes for Guidance</i>	<i>3</i>
2.	When interviews and matters to which Code F applies may be visually recorded with sound and provisions for their conduct and recording.	4
(A)	General.....	4
(B)	Application of Code E – additional provisions that apply to visual recording with sound.....	5
(i)	General.....	5
(ii)	Objections and complaints by the suspect about visual recording	5
(ii)	Failure of visual recording device	6
	<i>Notes for Guidance</i>	<i>6</i>

1 General

- 1.0 The procedures in this Code must be used fairly, responsibly, with respect for the people to whom they apply and without unlawful discrimination. Under the Equality Act 2010, section 149 (Public Sector Equality Duty), police forces must, in carrying out their functions, have due regard to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct which is prohibited by that Act, to advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it, and to foster good relations between those persons. The Equality Act *also* makes it unlawful for police officers to discriminate against, harass or victimise any person on the grounds of the 'protected characteristics' of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation, marriage and civil partnership, pregnancy and maternity, when using their powers. See [Note 1C](#).
- 1.1 This Code of Practice must be readily available for consultation by police officers and other police staff, detained persons and members of the public.
- 1.2 The *Notes for Guidance* included are not provisions of this code. They form guidance to police officers and others about its application and interpretation.
- 1.3 Nothing in this Code shall detract from the requirements of [Code C](#), the Code of Practice for the detention, treatment and questioning of persons by police officers.
- 1.4 The interviews and matters to which this Code applies and provisions that govern the conduct and recording of those interviews and other matters are described in section 2.
- Note: The provisions of this Code and Code E which govern the conduct and recording of interviews *do not apply* to interviews with, or taking statements from, witnesses.
- 1.5 *Not used.*
- 1.5A The provisions of Code E which require interviews with suspects to be audio recorded and the provisions of this Code which permit simultaneous visual recording provide safeguards:
- for suspects against inaccurate recording of the words used in questioning them and of their demeanour during the interview; and
 - for police interviewers against unfounded allegations made by, or on behalf of, suspects about the conduct of the interview and what took place during the interview which might otherwise appear credible.
- The visual recording of interviews must therefore be carried out openly to instil confidence in its reliability as an impartial and accurate record of the interview.
- 1.6 *Not used.*
- 1.6A *Not used.*
- 1.7 *Not used.*
- 1.8 *Not used.*

Notes for Guidance

1A *Not used.*

1B *Not used.*

1C *In paragraph 1.0, under the Equality Act 2010, section 149, the 'relevant protected characteristics' are: age, disability, gender reassignment, pregnancy and maternity, race, religion/belief, and sex and sexual orientation. For further detailed guidance and advice on the Equality Act, see: <https://www.gov.uk/guidance/equality-act-2010-guidance>.*

2. When interviews and matters to which Code F applies may be visually recorded with sound and provisions for their conduct and recording.

(A) General

- 2.1 For the purpose of this Code, a visual recording with sound means an audio recording of an interview or other matter made in accordance with the requirement in *paragraph 2.1* of the Code of Practice on audio recording interviews with suspects (Code E) (see [Note 2A](#)) during which a *simultaneous* visual recording is made which shows the suspect, the interviewer and those in whose presence and hearing the audio recording was made.
- 2.2 There is no statutory requirement to make a visual recording, however, the provisions of this Code shall be followed on any occasion that the 'relevant officer' described in *Code E paragraph 2.4* considers that a visual recording of any matters mentioned in *paragraph 2.1* should be made. Having regard to the safeguards described in [paragraph 1.5A](#), examples of occasions when the relevant officer is likely to consider that a visual recording should be made include when:
- (a) the suspect (whether or not detained) requires an appropriate adult;
 - (b) the suspect or their solicitor or appropriate adult requests that the interview be recorded visually;
 - (c) the suspect or other person whose presence is necessary is deaf or deaf/blind or speech impaired and uses sign language to communicate;
 - (d) the interviewer anticipates that when asking the suspect about their involvement in the offence concerned, they will invite the suspect to demonstrate their actions or behaviour at the time or to examine a particular item or object which is handed to them;
 - (e) the officer in charge of the investigation believes that a visual recording with sound will assist in the conduct of the investigation, for example, when briefing other officers about the suspect or matters coming to light during the course of the interview; and
 - (f) the authorised recording device that would be used in accordance with *paragraph 2.1 of Code E* incorporates a camera and creates a combined audio and visual recording and does not allow the visual recording function to operate independently of the audio recording function.
- 2.3 For the purpose of making such a visual recording, the provisions of Code E and the relevant *Notes for Guidance* shall apply equally to visual recordings with sound as they do to audio-only recordings, subject to the additional provisions in *paragraphs 2.5 to 2.12* below which apply exclusively to visual recordings. (See [Note 2E](#).)
- 2.4 This Code does not apply to the conduct and recording in England and Wales, of:
- interviews of persons detained under section 41 of, or Schedule 7 to, the Terrorism Act 2000, and
 - post-charge questioning of persons authorised under section 22 of the Counter-Terrorism Act 2008.

These must be video recorded with sound in accordance with the provisions of the separate Code of Practice issued under paragraph 3 of Schedule 8 to the Terrorism Act 2000 and under section 25 of the Counter-Terrorism Act 2008. If, during the course of an interview or questioning being visually recorded under this Code, it becomes apparent that the interview or questioning should be conducted under that separate Code, the interview should only continue in accordance with that Code (see *Code E paragraph 1.4*).

(B) Application of Code E – additional provisions that apply to visual recording with sound.

(i) General

- 2.5 Before visual recording commences, the interviewer must inform the suspect that in accordance with [paragraph 2.2](#), a visual recording is being made and explain the visual and audio recording arrangements. If the suspect is a juvenile or a vulnerable person (see Code C, *paragraphs 1.4, 1.5 and 1.13(d)*), the information and explanation must be provided or (as the case may be) provided again, in the presence of the appropriate adult.
- 2.6 The device used to make the visual recording at the same time as the audio recording (see [paragraph 2.1](#)) must ensure coverage of as much of the room or location where the interview takes place as it is practically possible to achieve whilst the interview takes place (see [Note 2B](#)).
- 2.7 In cases to which *paragraph 1.13* of Code E (disclosure of identity of officers or police staff conducting interviews) applies:
- (a) the officers and staff may have their backs to the visual recording device; and
 - (b) when in accordance with Code E *paragraph 3.21 or 4.12* as they apply to this Code, arrangements are made for the suspect to have access to the visual recording, the investigating officer may arrange for anything in the recording that might allow the officers or police staff to be identified to be concealed.
- 2.8 Following a decision made by the relevant officer in accordance with [paragraph 2.2](#) that an interview or other matter mentioned in *paragraph 2.1* above should be *visually recorded*, the relevant officer may decide that the interview is not to be visually recorded if it no longer appears that a visual recording should be made or because of a fault in the recording device. However, a decision not to make a *visual recording* does not detract in any way from the requirement for the interview to be *audio recorded* in accordance with *paragraph 2.1* of Code E. (See [Note 2C](#).)
- 2.9 The provisions in Code E *paragraph 2.6* for remote monitoring of interviews shall apply to visually recorded interviews.

(ii) Objections and complaints by the suspect about visual recording

- 2.10 If the suspect or an appropriate adult on their behalf objects to the interview being *visually* recorded either at the outset or during the interview or during a break in the interview, the interviewer shall explain that the visual recording is being made in accordance with [paragraph 2.2](#) and that this Code requires the objections to be recorded on the *visual* recording. When any objections have been recorded or the suspect or the appropriate adult have refused to have their objections recorded visually, the relevant officer shall decide in accordance with [paragraph 2.8](#) and having regard to the nature and circumstances of the objections, whether visual recording should be turned off (see [Note 2D](#)). Following a decision that visual recording should be turned off, the interviewer shall say that they are turning off the *visual* recording. The audio recording required to be maintained in accordance with Code E shall continue and the interviewer shall ask the person to record their objections to the interview being *visually* recorded on the audio recording. If the relevant officer considers that visual recording should not be turned off, the interviewer may proceed to question the suspect with the visual recording still on. If the suspect also objects to the interview being audio recorded, *paragraph 3.9* of Code E will apply if a removable recording media device (see Code E *paragraph 1.6(a)(ii)*) is being used) and *paragraph 4.6* of Code E will apply if a secure digital recording device (see Code E *paragraph 1.6(a)(iii)*) is being used.

- 2.11 If the suspect indicates that they wish to tell the interviewer about matters not directly connected with the offence of which they are suspected and that they are unwilling for these matters to be visually recorded, the suspect should be given the opportunity to tell the interviewer about these matters after the conclusion of the formal interview.

(ii) Failure of visual recording device

- 2.12 If there is a failure of equipment and it is not possible to continue visual recording using the same type of recording device (i.e. a removable recording media device as in Code E *paragraph 1.6(a)(ii)* or a secure digital recording network device as in Code E *paragraph 1.6(a)(iii)*) or by using a replacement device of either type, the relevant officer may decide that the interview is to continue without being visually recorded. In these circumstances, the continuation of the interview must be conducted and recorded in accordance with the provisions of Code E (See [Note 2F.](#))

Notes for Guidance

- 2A *Paragraph 2.1 of Code E describes the requirement that authorised audio-recording devices are to be used for recording interviews and other matters.*
- 2B *Interviewers will wish to arrange that, as far as possible, visual recording arrangements are unobtrusive. It must be clear to the suspect, however, that there is no opportunity to interfere with the recording equipment or the recording media.*
- 2C *A decision made in accordance with [paragraph 2.8](#) not to record an interview visually for any reason may be the subject of comment in court. The ‘relevant officer’ responsible should therefore be prepared to justify that decision.*
- 2D *Objections for the purpose of [paragraph 2.10](#) are meant to apply to objections based on the suspect’s genuine and honestly held beliefs and to allow officers to exercise their discretion to decide whether a visual recording is to be made according to the circumstances surrounding the suspect and the investigation. Objections that appear to be frivolous with the intentions of frustrating or delaying the investigation would not be relevant.*
- 2E *The visual recording made in accordance with this Code may be used for eye-witness identification procedures to which paragraph 3.21 and Annex E of Code D apply.*
- 2F *Where the interview is being visually recorded and the media or the recording device fails, the interviewer should stop the interview immediately. Where part of the interview is unaffected by the error and is still accessible on the media or on the network device, that part shall be copied and sealed in the suspect’s presence as a master copy or saved as a new secure digital network recording as appropriate. The interview should then be recommenced using a functioning recording device and new recording media as appropriate. Where the media content of the interview has been lost in its entirety, the media should be sealed in the suspect’s presence and the interview begun again. If the visual recording equipment cannot be fixed and a replacement device is not immediately available, the interview should be audio recorded in accordance with Code E.*
- 2G *The relevant officer should be aware that a decision to continue visual recording against the wishes of the suspect may be the subject of comment in court.*

