



HOME OFFICE

Police and Criminal Evidence Act 1984 (s.60(1)(a) and s.66(1))

CODES OF PRACTICE A-E REVISED EDITION

**Police and Criminal
Evidence Act 1984**
(s.60(1)(a) and s.66(1))

**CODES OF PRACTICE A-E
REVISED EDITION**

Effective 1 April 2003

London: TSO



Published by TSO (The Stationery Office) and available from:

Online

www.tso.co.uk/bookshop

Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich NR3 1GN

Telephone orders/General enquiries: 0870 600 5522

Fax orders: 0870 600 5533

E-mail: book.orders@tso.co.uk

Textphone 0870 240 3701

TSO Shops

123 Kingsway, London WC2B 6PQ

020 7242 6393 Fax 020 7242 6394

68-69 Bull Street, Birmingham B4 6AD

0121 236 9696 Fax 0121 236 9699

9-21 Princess Street, Manchester M60 8AS

0161 834 7201 Fax 0161 833 0634

16 Arthur Street Belfast BT1 4GD

028 9023 8451 Fax 028 9023 5401

18-19 High Street, Cardiff CF10 1PT

029 2039 5548 Fax 029 2038 4347

71 Lothian Road, Edinburgh EH3 9AZ

0870 606 5566 Fax 0870 606 5588

TSO Accredited Agents

(see Yellow Pages)

and through good booksellers

Published with the permission of the Home Office on behalf of Her Majesty's Stationery Office.

© Crown Copyright 2003

ISBN 011 341270 3

All rights reserved.

Copyright in the typographical arrangement and design is vested in the Crown. Applications for reproduction should be made in writing to the Copyright Unit, Her Majesty's Stationery Office, 2-16 Colegate, Norwich NR3 1BQ.

Printed in the UK for TSO.

Foreword

This booklet contains revised Codes of Practice A-E. Sections 60 and 66 (as amended) of the Police and Criminal Evidence Act 1984 (PACE) provide for the Secretary of State to issue Codes of Practice governing certain key areas of police procedure. The existing Codes are:

- Code A: Stop and Search. The exercise by police officers of statutory powers of stop and search. This Code was last revised on 1st March 1999.
- Code B: Searching of premises and seizure of property. This Code governs the exercise of police powers in respect of the searching of premises and the seizure of property found by police officers on persons or premises. This Code was last revised on 10th April 1995.
- Code C: Detention, treatment and questioning. The purpose of this Code is to ensure that all persons suspected of being involved in crime, and others who are in police custody, are dealt with fairly and properly in accordance with the law. This Code was last revised on 10th April 1995. Modifications in relation to this Code have since been made in respect of certain police areas in consequence of section 63B (testing for the presence of class A drugs) of PACE being piloted in those police areas. As these modifications do not apply in all police areas they are not included in this booklet.
- Code D: Identification. This Code concerns the principal methods used by police for identifying persons in connection with the investigation of offences and the keeping of accurate and reliable criminal records. This Code was last revised on 10th April 1995. A modified version of the Code was introduced on 1st April 2002 (Section 2: Identification by witnesses) and ceases to apply with effect from 1 April 2003. Modifications in relation to this Code have been made in respect of certain police areas in consequence of section 63B (testing for the presence of class A drugs) of PACE being piloted in those police areas. As these modifications do not apply in all police areas, they are not included in this booklet.
- Code E: Audio recording of interviews with suspects. This Code deals with the audio tape recording of interviews with persons suspected of certain types of criminal offences and governs the way in which tape recorded interviews are carried out. This Code was last revised on 10th April 1995.
- Code F: Visual recording of interviews. This Code sets out the procedure by which police can visually record interviews with suspects and was introduced in May 2002. It currently only applies to certain areas of the country to enable a pilot study to assess the benefits of such interviews to the criminal justice system. As this Code does not apply in all police areas, it is not included in this booklet.

POLICE AND CRIMINAL EVIDENCE ACT 1984

ISBN 011 341270 3

- (1) “Code A Section 2.1(d): Following the 2003 revision of PACE Code B, the reference to “Code B paragraph 1.3(a)” relates to paragraph 2.3(a) in the revised Code B text.”
- (2) Code B: Paragraph 6.6 (iii): “... of paragraphs 6.4 apply” should read “... of paragraph 6.4 apply”
- (3) Code D: Paragraph 3.11, line 2: “... circumstances in which an identification procedures must ...” should read “... circumstances in which an identification procedure must ...”.
- (4) Code D: Annex A: Paragraph 16: the reference to “paragraph 33 or 31” should read “paragraph 3.30 or 3.31”

London:TSO

April 2003

CONTENTS

A	CODE OF PRACTICE FOR THE EXERCISE BY POLICE OFFICERS OF STATUTORY POWERS OF STOP AND SEARCH	1
	General	2
1	Principles governing stop and search	2
2	Explanation of powers to stop and search	3
	Searches requiring reasonable grounds for suspicion	4
	Searches authorised under section 60 of the Criminal Justice and Public Order Act 1994	6
	Powers to require removal of face coverings	6
	Searches authorised under section 44 of the Terrorism Act 2000	7
	Powers to search in the exercise of a power to search premises	9
3	Conduct of searches	9
	Steps to be taken prior to a search	11
4	Recording requirements	12
5	Monitoring and supervising the use of stop and search powers	14
	Notes for guidance	14
	ANNEX A: SUMMARY OF MAIN STOP AND SEARCH POWERS	19
	ANNEX B: SELF-DEFINED ETHNIC CLASSIFICATION CATEGORIES	21
B	CODE OF PRACTICE FOR SEARCHES OF PREMISES BY POLICE OFFICERS AND THE SEIZURE OF PROPERTY FOUND BY POLICE OFFICERS ON PERSONS OR PREMISES	23
1	Introduction	24
2	General	24
	Notes for guidance	27

3	Search warrants and production orders	29
	(a) Before making an application	29
	(b) Making an application	30
	Notes for guidance	31
4	Entry without warrant - particular powers	32
	(a) Making an arrest etc.	32
	(b) Search of premises where arrest takes place or the arrested person was immediately before arrest	32
	(c) Search of premises occupied or controlled by the arrested person	32
5	Search with consent	33
	Notes for guidance	33
6	Searching premises - general considerations	34
	(a) Time of searches	34
	(b) Entry other than with consent	34
	(c) Notice of Powers and Rights	35
	(d) Conduct of searches	35
	(e) Leaving premises	36
	(f) Searches under PACE Schedule 1 or the Terrorism Act 2000, Schedule 5	37
	Notes for guidance	37
7	Seizure and retention of property	38
	(a) Seizure	38
	(b) Criminal Justice and Police Act 2001: Specific procedures for seize and sift powers	39
	(c) Retention	41
	(d) Rights of owners etc.	42
	Notes for guidance	42
8	Action after searches	43

9	Search registers	45
	Note for guidance	45
C	CODE OF PRACTICE FOR THE DETENTION, TREATMENT AND QUESTIONING OF PERSONS BY POLICE OFFICERS	47
1	General	48
	Notes for guidance	51
2	Custody records	53
	Note for guidance	54
3	Initial action	54
	(a) Detained persons - normal procedure	54
	(b) Detained persons - special groups	57
	(c) Persons attending a police station voluntarily	58
	(d) Documentation	59
	Notes for guidance	59
4	Detainee's property	60
	(a) Action	60
	(b) Documentation	61
	Notes for guidance	61
5	Right not to be held incommunicado	62
	(a) Action	62
	(b) Documentation	63
	Notes for guidance	63
6	Right to legal advice	63
	(a) Action	63
	(b) Documentation	67
	Notes for guidance	67

7	Citizens of independent Commonwealth countries or foreign nationals	69
	(a) Action	69
	(b) Documentation	70
	Note for guidance	70
8	Conditions of detention	70
	(a) Action	70
	(b) Documentation	71
	Notes for guidance	72
9	Care and treatment of detained persons	72
	(a) General	72
	(b) Clinical treatment and attention	73
	(c) Documentation	75
	Notes for guidance	75
10	Cautions	76
	(a) When a caution must be given	76
	(b) Terms of the cautions	77
	(c) Special warnings under the Criminal Justice and Public Order Act 1994, sections 36 and 37	78
	(d) Juveniles and persons who are mentally disordered or otherwise mentally vulnerable	79
	(e) Documentation	79
	Notes for guidance	80
11	Interviews - general	80
	(a) Action	80
	(b) Interview records	82
	(c) Juveniles and mentally disordered or otherwise mentally vulnerable people	83
	(d) Vulnerable suspects - urgent interviews at police stations	84
	Notes for guidance	85

12	Interviews in police stations	86
	(a) Action	86
	(b) Documentation	88
	Notes for guidance	88
13	Interpreters	89
	(a) General	89
	(b) Foreign languages	89
	(c) Deaf people and people with speech difficulties	89
	(d) Additional rules for detained persons	90
	(e) Documentation	90
14	Questioning - special restrictions	90
	Note for guidance	91
15	Reviews and extensions of detention	91
	(a) Persons detained under PACE	91
	(b) Persons detained under the Terrorism Act 2000	92
	(c) Telephone review of detention	93
	(d) Documentation	93
	Notes for guidance	94
16	Charging detained persons	96
	(a) Action	96
	(b) Documentation	98
	Notes for guidance	98
	ANNEX A - INTIMATE AND STRIP SEARCHES	100
	ANNEX B - DELAY IN NOTIFYING ARREST OR ALLOWING ACCESS TO LEGAL ADVICE	105
	ANNEX C - RESTRICTION ON DRAWING ADVERSE INFERENCES FROM SILENCE AND TERMS OF THE CAUTION WHEN THE RESTRICTION APPLIES	109

ANNEX D - WRITTEN STATEMENTS UNDER CAUTION	112
ANNEX E - SUMMARY OF PROVISIONS RELATING TO MENTALLY DISORDERED AND OTHERWISE MENTALLY VULNERABLE PEOPLE	115
ANNEX F - COUNTRIES WITH WHICH BILATERAL CONSULAR CONVENTIONS OR AGREEMENTS REQUIRING NOTIFICATION OF THE ARREST AND DETENTION OF THEIR NATIONALS ARE IN FORCE AS AT 1 APRIL 2003	119
ANNEX G - FITNESS TO BE INTERVIEWED	120
ANNEX H - DETAINED PERSON: OBSERVATION LIST	122
D CODE OF PRACTICE FOR THE IDENTIFICATION OF PERSONS BY POLICE OFFICERS	123
1 Introduction	124
2 General	125
Notes for guidance	129
3 Identification by witnesses	130
(a) Cases when the suspect's identity is not known	130
(b) Cases when the suspect is known and available	131
Video identification	132
Identification parade	132
Group identification	132
Arranging identification procedures	132
Circumstances in which an identification procedure must be held	133
Selecting an identification procedure	133
Notice to suspect	134
(c) Cases when the suspect is known but not available	136
(d) Documentation	136
(e) Showing films and photographs of incidents and information released to the media	137
(f) Destruction and retention of photographs and images taken or used in identification procedures	137

Notes for guidance	138
4 Identification by fingerprints	139
(A) Taking fingerprints in connection with a criminal investigation	139
(a) General	139
(b) Action	139
(c) Documentation	141
(B) Taking fingerprints in connection with immigration inquiries	142
Notes for guidance	143
5 Examinations to establish identity and the taking of photographs	144
(A) Detainees at police stations	144
(a) Searching or examination of detainees at police stations	144
(b) Photographing detainees at police stations	146
(c) Information to be given	147
(d) Documentation	147
(B) Persons at police stations not detained	147
Notes for guidance	148
6 Identification by body samples and impressions	150
(A) General	150
(B) Action	151
(a) Intimate samples	151
(b) Non-intimate samples	152
(c) Documentation	153
Notes for guidance	153
ANNEX A - VIDEO IDENTIFICATION	155
ANNEX B - IDENTIFICATION PARADES	158
ANNEX C - GROUP IDENTIFICATION	162
ANNEX D - CONFRONTATION BY A WITNESS	167
ANNEX E - SHOWING PHOTOGRAPHS	168

ANNEX F - FINGERPRINTS AND SAMPLES - DESTRUCTION AND SPECULATIVE SEARCHES	169
E CODE OF PRACTICE ON TAPE RECORDING INTERVIEWS WITH SUSPECTS	175
1 General	176
2 Recording and sealing master tapes	177
Notes for guidance	178
3 Interviews to be tape-recorded	178
Notes for guidance	179
4 The interview	179
(a) General	179
(b) Commencement of interviews	180
(c) Interviews with deaf persons	180
(d) Objections and complaints by the suspect	180
(e) Changing tapes	181
(f) Taking a break during interview	181
(g) Failure of recording equipment	182
(h) Removing tapes from the recorder	182
(i) Conclusion of interview	182
Notes for guidance	182
5 After the interview	184
Note for guidance	184
6 Tape security	184
Notes for guidance	184
INDEX	187