

CODES D, E AND G OF THE CODES OF PRACTICE UNDER PACE – WEDNESDAY 26th JUNE 2024

THIS PRESENTATION FOLLOWS ON FROM THE EARLIER ONE IN THE MONTH WHICH DEALT PURELY WITH CODE C

The 1-hour zoom presentation will take you through **30 IMPORTANT THINGS** you really ought to know about **CODES D, E AND G**

Have a look at the **30 THINGS** below and see if knowing about them would assist when looking after clients at the police station stage – you might consider, after scanning them, that this is a presentation that you should book on or, after the event a recording that you should purchase.

30 THINGS

CODE D

1 – What are the various methods of identification available to the police covered by Code D?

2 – What is the definition/significance of something being a **Recordable Offence** in Code D? (Notes for Guidance 4A)

3 – What is the significance of something being a **Qualifying Offence** under **Section 65A** of **PACE**? (Notes for Guidance 4AB + see Annex F as regards retention of fingerprints and DNA)

4 – Can a non-intimate sample be taken from a person (e.g. a volunteer) where that person has simply been informed that they will be reported for consideration of prosecution regarding a **Recordable Offence**? (6.6 (d))

5 – What are the pre-requisites under the Code in relation to the taking of an intimate sample? (6.2 and beyond)

6 – What are the pre-requisites under the Code in relation to the taking of a non-intimate sample? (6.5 and beyond)

7 – What is the position concerning a request for a non-intimate sample where the client has been bailed in the proceedings? (6.6 (c))

8 – In what circumstances may there be a request by the police for a person to attend at the police station in order to provide fingerprints and a photograph and a

non-intimate sample? (See **Section 63 (A) 4** of **PACE** + **Schedule 2A** of **PACE** + 4.4 + Annex G)

9 – Where do marks/scars/tattoos fit in as regards identification? (See **Section 54A** of **PACE** and 1.6 of Code D)

10 – In what circumstances may the police show photographs to an eye witness? (3.3 + ANNEX E)

11 – What steps may the police take where the identity of the suspect is **NOT KNOWN**? (3.2)

12 – What should the police do where the suspect is **KNOWN**? (3.1A)

13 – We know that the Code covers the various methods of **visual identification** but does the Code also cover **voice identification**? (1.2 + Notes for Guidance + **Home Office Circular 57/2003**)

14 – What is the position with consent, in circumstances where consent is a prerequisite under the Code, when your client is a juvenile? (2.12 + Notes for Guidance 2A)

15 – What does the Code say the police must do as regards a 1st description given by a witness? (3.1)

16 – Would it be lawful for your client simply to be **Confronted** by the witness in his/her cell and would it possible for your client simply to turn away and face the wall? (ANNEX D)

17 – In what way is **Recognition** very different from **Identification**? (1.2A + Part B of Section 3 of the Code)

18 – For how long may the police **Retain** the fingerprints and DNA of a client? (Annex F) – as a result of amendments brought about in this area by the **Protection of Freedoms Act 2012**

19 – What is the legal position regarding the **Taking** and **Retention** of fingerprints and a DNA sample in relation to non-recordable offences? (ANNEX F)

20 – In what circumstances are the police entitled to take footwear impressions from your client in connection with a criminal investigation? (4.15)

CODE E

21 – Can your client refuse to be interviewed? (2.3 (e))

22 – In what circumstances is your client entitled to a copy of the recording of the interview? (3.4 (e) + 3.21)

23 – What does the Code say about the power to issue Penalty Notices? (Notes for Guidance 6 – the very last page of the Code (page 19))

24 – What is the overriding presumption in the Code about the usage of an authorised audio- recording device? (2.1 and beyond)

25 – What is the position where the suspect or any 3rd party refuses to sign the master recording label? (3.20)

CODE G

26 – Where will you find the statutory power of arrest? (1.3)

27 – What is the definition of an **OFFENCE**? (Notes for Guidance 1 in relation Part 4 of the Code (page 8)

28 – Do we have **ARRESTABLE** and **NON-ARRESTABLE** offences? (1.3 + 2.6)

29 – What are the ‘elements’ of a lawful arrest? (2.1)

30 – Where will you find the **NECESSITY CRITERIA?** (2.7 + 2.9 + Section 24 of **PACE**) and what do we mean by necessary in these circumstances (Notes for Guidance 2C relating to Part 4 of the Code (page 10))

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