



**Chief Constables
Chief Crown Prosecutors**

2 April 2020

Dear Colleagues

Re: Custody Protocol – Covid-19 response

The Covid-19 outbreak presents an unprecedented crisis for policing and for the Criminal Justice System (CJS).

Government guidance on social-distancing will affect police interviews with suspects; whether in custody or elsewhere. Interviews with suspects may involve the presence of non-police staff including solicitors, legal representatives, appropriate adults and interpreters. Police forces will have their own guidance about the steps they take to ensure the health and safety of officers, and the suspects and witnesses they deal with; but the police also have a duty to ensure that all reasonably practicable steps are taken to protect visitors to the custody suite, including legal representatives. Challenges posed by Covid-19 has meant the application of PACE Codes in circumstances which are unlikely to have previously been anticipated.

A custody interview protocol has been agreed between the CPS, NPCC, the Law Society, the Criminal Law Solicitors Association and the London Criminal Courts Solicitors' Association. The Home Office has also been consulted. The signatories to this protocol accept that the practices and procedures contained here amount to a reasonable interpretation of the law to enable the rights and interests of detained persons to be protected during the unprecedented circumstances of the Coronavirus crisis

A suspect interview will almost always be a reasonable line of enquiry in a criminal investigation, but the Covid-19 related challenges may make that difficult if not impossible in some cases. In some cases interviews may have to take place at a later date, in some cases special arrangements will have to be made and in a few cases it may not be possible to interview before a charging decision is made (although it may be possible to then seek a prepared statement from a suspect). The attached protocol sets out guidance for those involved in making the decision as to whether, when, and how to interview. This decision is linked to interim charging guidance previously drawn up by the CPS and distributed by the NPCC to chief officers.

In the current circumstances relating to the Covid-19 challenge, the parties to this protocol have agreed that the video-link facilities available under Code C of PACE to police officers and interpreters should also be available to defence representatives. Telephone consultations with defence representatives should also be used whenever possible (and that may include the provision of prepared statements),

but this protocol does not include any agreement as to the use of telephone for a formal suspect interview because such links are not available under PACE for police officers and interpreters.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'G. McGill', with a large loop at the top and a horizontal line extending to the right.

Gregor McGill
Director of Legal Services

A handwritten signature in blue ink, appearing to be 'N. Kemp', with a large loop at the top and a vertical line extending downwards.

Deputy Chief Constable Nev Kemp
NPCC Lead for Custody