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FIRST SCHEDULE

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GRENADA

ACT NO. 16 OF 2014



I assent,

28th April, 2014.

CECILE E. F. LA GRENADE

Governor-General.

AN ACT to provide for the creation of the video and audio recording of suspect interviews by law enforcement officers.

[By Order.]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Grenada, and by the authority of the same as follows—

1.—(1) This Act may be cited as the—

Short title and commencement.

**INTERVIEWING OF SUSPECTS FOR SERIOUS CRIMES
ACT, 2014.**

(2) This Act shall come into force on a date to be fixed by the Minister by Order published in the *Gazette*.

2. In this Act—

Interpretation.

“accused” in relation to any criminal proceedings, means any person charged with a serious crime to which the proceedings relate (whether or not convicted);

“authorizing officer” means a law enforcement officer of equivalent or higher status to a Sergeant, and for the purposes of the Customs Department, a law enforcement officer of equivalent or higher status to a Class I Customs Officer;

“court” means the Magistrates’ Court, the High Court or the Court of Appeal;

“custodial interview” means an interview which occurs while a person is in a place of detention, involving a law enforcement officer’s questioning under caution that is reasonably likely to elicit incriminating responses beginning with a law enforcement officer’s advice of the person’s constitutional rights and ending when the interview has completely finished;

“electronic recording” means an audio, video or digital recording that is an authentic, accurate, unaltered record of a custodial interview;

“law enforcement agency” means the Royal Grenada Police Force, the Customs Department, the Immigration Department, the Financial Intelligence Unit or other investigatory agency in Grenada;

“law enforcement officer” means a police officer, customs officer, immigration officer or investigator of the Financial Intelligence Unit or officer of any other law enforcement agency in Grenada;

“legal adviser” means a person who is admitted and entitled to practice law as a barrister, solicitor or an attorney-at-law in Grenada;

“Minister” means Minister responsible for legal affairs;

“place of detention” includes a jail or police station, a holding cell, or other place where a person is held in connection with criminal charges and where the recording equipment is located;

“remote communication” means communicating from a different location from which the custodial interview takes place;

“serious crime” means an offence listed in the First Schedule;

“statement” means an oral, written, sign language or nonverbal communication made by the suspect;

“suspect” for a serious crime, means a person who is reasonably suspected of having committed the serious crime and is under detention for the serious crime;

“written statement” means any statement made in writing and signed by the suspect in relation to his arrest for a serious crime.

3. This Act shall apply where any provision of this Act is in conflict with any other law, or where the exercise of any power conferred by or under this Act would be inconsistent with the exercise of a power conferred by or under any other law.

Application.

4.—(1) Subject to subsection (2) an authorizing officer may conduct a custodial interview when a suspect is detained for any serious crime.

Custodial
interview.

(2) The custodial interview conducted under subsection (1) shall be electronically recorded.

(3) Notwithstanding subsection (2) an authorizing officer may, in accordance with sub-paragraph 3.2 of the guidance set out in the Second Schedule, authorize the interviewing officer not to electronically record the custodial interview.

Procedure for custodial interview.

5.—(1) If an interpreter is needed for a custodial interview, the interpreter may participate in the custodial interview by remote communication.

(2) An authorizing officer shall remind the suspect of his or her right to a legal adviser.

(3) The guidance set out in the Second Schedule applies to the procedure for electronic recording of a custodial interview.

Recordings required if a statement provided.

6. A written statement made by a suspect and read during a custodial interview relating to a serious crime shall be electronically recorded.

Presumption of inadmissibility.

7. Subject to sections 8 and 9, a statement made by a suspect during a custodial interview that is not electronically recorded under section 4, is presumed inadmissible as evidence against the suspect in any criminal proceeding brought against the suspect.

Rebuttal of the presumption of inadmissibility.

8. A presumption of inadmissibility under section 7 may be rebutted, and a statement that is not electronically recorded may be admitted into evidence in a criminal proceeding brought against the suspect, if the court finds that—

- (a) the statement is admissible under applicable rules of evidence;
- (b) the statement is proven beyond a reasonable doubt to have been made voluntarily, and is reliable; and

- (c) if practicable to do so, a law enforcement officer made a contemporaneous record of the reason for not making an electronic recording of the statement—
 - (i) a question put by a law enforcement officer, and the responsive statement of the suspect was part of the routine processing of the suspect;
 - (ii) a law enforcement officer failed in good faith to make an electronic recording of the custodial interview because the law enforcement officer failed to operate the recording equipment properly, or the recording equipment malfunctioned or stopped operating;
 - (iii) the custodial interview took place in another jurisdiction and was conducted by a law enforcement officer of that jurisdiction in compliance with the law of that jurisdiction;
 - (iv) the law enforcement officer conducting the custodial interview reasonably believed that the making of an electronic recording would jeopardize the safety of the suspect, a law enforcement officer, another person, or the identity of a confidential informant;
 - (v) the law enforcement officer conducting the custodial interview reasonably believed that the crime for which the person was taken into custody, or was being investigated or questioned was not a serious crime;
 - (vi) that equipment to make an electronic recording of the custodial interview could not be obtained while it was reasonable to detain the suspect; or

- (vii) exigent circumstances existed which prevented the making of, or rendered it not practicable to make, an electronic recording of the custodial interview.

Exception.

9.—(1) A statement that is electronically recorded which is relevant to any matter in issue in a criminal proceeding, may not be admitted into evidence in the proceeding if it is represented to the court that the statement was or may have been unfairly obtained.

(2) Where the accused represents to the court that the statement was unfairly obtained, the court shall not allow a statement to be given in evidence against an accused except in so far as the prosecution proves to the court beyond reasonable doubt that the statement was made by the accused voluntarily, and is reliable.

(3) In any criminal proceedings where the prosecution proposes to give in evidence a statement that is electronically recorded, the court may on its own motion require the prosecution to prove beyond a reasonable doubt that the statement was made by the accused voluntarily, and is reliable.

Recorded
interview to be
made available
to the suspect.

10.—(1) If an electronic recording is made of a custodial interview and the suspect is charged with an offence to which the custodial interview relates, a copy of the electronic recording must be made available to the suspect or the suspect's legal adviser within fourteen days after the suspect is charged or, if that is not practicable, as soon as practicable after that period.

(2) A suspect or their legal adviser is not entitled to a transcript of an electronic recording of a custodial interview, or any part of such an electronic recording.

(3) A court shall not order that a transcript be made unless satisfied that—

- (a) words spoken in the custodial interview cannot be understood satisfactorily; and

(b) it is practicable to prepare a transcript.

(4) Subsections (2) and (3) do not prevent a law enforcement officer from making a transcript of an electronic recording of a custodial interview and supplying a copy of it to the suspect or their legal adviser.

11.—(1) Subsection (2) applies where, in any proceedings against an accused for a serious crime, evidence is given that the accused—

Effect of failure of suspect to mention facts when interviewed.

(a) at any time before he was charged with the serious crime, on being interviewed by a law enforcement officer trying to discover whether or by whom the serious crime had been committed, failed to mention any fact relied on in his defence in the proceedings; or

(b) on being charged with the serious crime or informed by a law enforcement officer that he might be prosecuted for it, failed to mention any such fact, being a fact which in the circumstances existing at the time the suspect could reasonably have been expected to mention when interviewed.

(2) The court, in determining whether there is a case to answer or the court or jury, in determining whether the accused is guilty of the serious crime charged, may draw such inferences from the failure as appear proper.

(3) Where the accused was at a place of detention at the time of the failure, subsections (1) and (2) do not apply if he was not told of his right to consult a legal adviser prior to being interviewed.

(4) Subject to any directions by the court, evidence tending to establish the failure may be given before or after evidence tending to establish the fact which the accused is alleged to have failed to mention.

(5) This section does not—

- (a) prejudice the admissibility in evidence of the silence or other reaction of the accused in the face of anything said in his presence relating to the conduct in respect of which he is charged, in so far as evidence would be admissible apart from this section; or
- (b) preclude the drawing of any inference from any such silence or other reaction of the accused which could properly be drawn apart from this section.

(6) This section does not apply in relation to a failure to mention a fact if the failure occurred before the commencement of this section.

Effect of charge for a matter otherwise than a serious crime.

12. If an accused is charged for a matter that is not a serious crime the custodial interview is still admissible in any criminal proceedings against the accused.

Amendment of Schedules.

13.—(1) The Minister may amend the Schedules to this Act by Order published in the *Gazette*.

(2) An Order made under subsection (1) shall be subject to the negative resolution of the Parliament.

Regulations.

14. The Minister may make Regulations generally for the better administration of this Act.

FIRST SCHEDULE

(Section 2)

SERIOUS CRIMES

Drug trafficking offence as defined in section 18(1) of the Drug Abuse (Prevention and Control) Act Cap. 84A

Money laundering offences contrary to sections 34 – 39 of the Proceeds of Crime Act No. 6 of 2012

Murder

Manslaughter

Rape

Kidnapping

Robbery with violence

Treason

Human trafficking

Burglary

Maiming

Firearms possession

Terrorist acts

Defilement

Conspiring, procuring, counseling, aiding and abetting or attempting to commit an offence listed above; and

any other indictable offence punishable by fifteen or more years imprisonment

SECOND SCHEDULE

(Sections 4 and 5)

GUIDANCE FOR ELECTRONIC RECORDING OF INTERVIEWS

General

1.1 This Guidance must be readily available for consultation by–

- (a) law enforcement officers;
- (b) law enforcement staff;
- (c) accused or arrested persons; and
- (d) members of the public.

1.2 The term–

“accused” in relation to any criminal proceedings, means any person charged with a serious crime to which the proceedings relate, whether or not convicted;

“admission” means an admission made by a suspect to a law enforcement officer, whether the admission is by spoken words or by acts or otherwise;

“appropriate adult” means—

- (a) in the case of a juvenile:
 - (i) the parent, guardian; or
 - (ii) an officer approved by the Child Protection Authority, if the juvenile is in the care of the Child Protection Authority;
 - (iii) failing these, some other responsible adult aged 18 or over who is not a law enforcement officer or employed by a law enforcement agency, and who has no connection with the matters involved in the investigation.

- (b) In the case of a person who is mentally disordered or mentally vulnerable—
 - (i) a relative, guardian or someone responsible for his or her care or custody; or
 - (ii) someone experienced in dealing with mentally disordered or mentally vulnerable persons but who is not a member of a law enforcement agency, or has any connection with the matters involved in the investigation. (However if the suspect expresses a preference for a relative to a better qualified stranger, or objects to a particular person, every effort should be made to respect his wishes so far as practicable);
 - (iii) failing these, some other responsible adult aged 18 or over who is not a law enforcement officer or employed by a law enforcement agency, or has any connection with the matters involved in the investigation.

“authorizing officer” means a law enforcement officer of equivalent or higher status to a Sergeant and for the purposes of the Customs Department, a law enforcement officer of equivalent or higher status to a Class I Customs Officer;

“court” means the Magistrates’ Court, the High Court or the Court of Appeal except where otherwise stated;

“custodial interview” means an interview which occurs while a person is in a place in detention, involving a law enforcement officer’s questioning

under caution that is reasonably likely to elicit incriminating responses;

“electronic recording” or “electronically recorded” means an audio, video or digital recording that is an authentic, accurate, unaltered record of a custodial interview, beginning with a law enforcement officer’s advice of the suspect’s constitutional rights and ending when the interview has completely finished;

“law enforcement agency” means the Royal Grenada Police Force, the Customs Department, the Immigration Department, the Financial Intelligence Unit or other investigatory agency in Grenada;

“law enforcement officer” means a police officer, customs officer, immigration officer or investigator of the Financial Intelligence Unit or officer of any other law enforcement agency in Grenada;

“legal adviser” means a person who is duly admitted and entitled to practise law as a barrister or a solicitor within the state of Grenada;

“place of detention” means a jail or police station, a holding cell, or other place where a person is held in connection with criminal charges, and where the recording equipment is located;

“recording equipment” means any device which is able to record electronically the custodial interview using recording media;

“recording media” means any removable, physical audio recording medium, such as magnetic tape, optical disc or solid state memory, which can be played and copied;

“remote communication” means communicating from a different location from which the custodial interview takes place;

“serious crime” means the following offences:

Drug trafficking offence as defined in section 18(1) of the Drug Abuse (Prevention and Control) Act Cap. 84A

Money laundering offences contrary to sections 34 – 39 of the Proceeds of Crime Act No. 6 of 2012

Murder

Manslaughter

Rape

Kidnapping
Robbery with violence
Treason
Human trafficking
Burglary
Maiming
Firearms possession
Terrorist acts
Defilement

Conspiring, procuring, counseling, aiding and abetting or attempting to commit an offence listed above; and
any other indictable offence punishable by fifteen or more years imprisonment.

“statement” means an oral, written, sign language or nonverbal communication made by the suspect;

“suspect for a serious crime” means a person who is reasonably suspected of having committed the serious crime and is under detention for the serious crime;

“vulnerable person” means:

- (a) a mentally disordered or otherwise mentally vulnerable person;
- (b) Juveniles, a person under the age of 18 as defined by section 2 (1) of the Juvenile Justice Act No. 24 of 2012.

“written statement” means any statement made in writing and signed by the accused in relation to his arrest for a serious crime.

- 1.3 This Guidance is not meant to discourage field interviews. Gathering “*real time*” information in the field can be critical for an investigation. For example, information is often immediately needed to locate a weapon, to find victims or accomplices, or to secure a crime scene (qualifying event). If information is gathered from the suspect in the field regarding a qualifying event, efforts should be made to record the statements at the earliest practicable time and the procedure for significant statements pursuant to paragraph 6.6 followed.
- 1.4 Prior to the custodial interview, the interviewing officer should be certain that the suspect, who is in custody, was searched for weapons, contraband, evidence, electronic devices or cell phones and that all relevant items were removed.

2. Electronic recording and sealing of recording media

- 2.1 Electronic recording of custodial interviews on recording media shall be carried out openly to instill confidence in its reliability as an impartial and accurate record of the interview.
- 2.2 One copy of the electronic recording (referred to as the master recording) will be sealed in the suspect's presence. A second copy of the electronic recording will be used as a working copy. The master recording is either of the two recordings used in a twin deck or twin drive machine or the only recording in a single deck or single drive machine. The working copy is either the second or third recording used in a twin or triple deck or twin or triple drive machine or a copy of the master recording made by a single deck or single drive machine.

3. Interviews to be electronically recorded

- 3.1 Electronic recording shall be used at a place of detention for any custodial interview—
 - (a) with a person who has been detained and cautioned in respect of a serious crime;
 - (b) which takes place as a result of a law enforcement officer exceptionally putting further questions to a suspect about a serious crime after he has been charged with, or informed he may be prosecuted for, that offence;
 - (c) in which a law enforcement officer wishes to bring to the notice of a suspect, after he has been charged with, or informed he may be prosecuted for, a serious crime any written statement made by another person, or the content of an interview with another person; or
 - (d) a person who has not been arrested and voluntarily agrees to an electronically recorded interview.
- 3.2 The authorising officer may authorise the interviewing officer not to electronically record the custodial interview—
 - (a) where it is not reasonably practicable to do so because of failure of the recording equipment or the non-availability of a suitable interview room or recording equipment and the authorising officer considers on reasonable grounds that the custodial interview should not be delayed until the failure has been rectified or a suitable room or recording equipment becomes available; or

(b) where it is clear from the outset that no prosecution will ensue.

In such cases the custodial interview shall be recorded in writing.

- 3.3 In all cases the authorising officer shall make a note in specific terms of the reasons for not electronically recording the custodial interview.
- 3.4 Where a custodial interview takes place with a person voluntarily attending the place of detention and the law enforcement officer has grounds to believe that person has become a suspect (that is the point at which he should be cautioned pursuant to paragraph 6.4 below) the continuation of the custodial interview shall be electronically recorded, unless an authorising officer gives authority in accordance with the provisions of sub-paragraph 3.2 for continuation of the custodial interview not to be electronically recorded.
- 3.5 The whole of each custodial interview shall be electronically recorded, including the taking and reading back of any written statement.

4. Right to contact a friend, relative or a legal practitioner

- 4.1 Before a custodial interview commences a law enforcement officer must inform the suspect he or she can communicate or attempt to communicate with—
- (a) a friend or relative to inform that person of his or her whereabouts; and
 - (b) a legal adviser.
- 4.2 If an authorizing officer believes on reasonable grounds that—
- (a) the communication would result in the escape of an accomplice or the fabrication or destruction of evidence; or
 - (b) the questioning is so urgent having regard to the safety of other people, that it should not be delayed,

the authorizing officer can delay this right for a time that is reasonable in the circumstances to enable the person to make, or to attempt to make, the communication.

- 4.3 Subject to paragraph 4.2, if a suspect wishes to communicate with a friend, relative or legal adviser; the law enforcement officer in whose custody the suspect is:
- (a) must afford the suspect reasonable facilities as soon as practicable to enable the suspect to do so; and

- (b) must allow the suspect's legal adviser to communicate with the suspect in custody in circumstances in which, as far as practicable, the communication will not be overheard.

5. Right of foreign national to contact with consular office

5.1 If a suspect is not a citizen of Grenada, a law enforcement officer must inform the suspect that he or she may communicate with or attempt to communicate with any consular office of the country of which the person is a citizen located within Grenada (if any) and, unless the authorizing officer believes on reasonable grounds that:

- (a) the communication would result in the escape of an accomplice or the fabrication or destruction of evidence; or
- (b) the questioning is so urgent having regard to the safety of other people, that it should not be delayed

the authorizing officer can delay this right for a time that is reasonable in the circumstances to enable the person to make, or to attempt to make, the communication.

5.2 Subject to paragraph 5.1, if a suspect wishes to communicate with the consular office of the country of which the suspect is a citizen, the law enforcement officer in whose custody the suspect is must afford the person reasonable facilities as soon as practicable to enable the suspect to do so.

6. Commencement of custodial interview

6.1 When the suspect is brought into the interview room the law enforcement officer shall without delay, set the recording equipment to record. The recording media must be shown to the suspect before commencing the custodial interview.

6.2 The law enforcement officer shall sign the master recording and ask the suspect and any third party present to sign. If the suspect or third party refuses to sign the master recording, an authorising officer, shall be called into the interview room and asked to sign it.

6.3 The law enforcement officer shall then tell the suspect formally about the electronic recording. He shall state

- (a) that the custodial interview is being electronically recorded;

- (b) his name and rank and the name and rank of any other law enforcement officer present;
 - (c) the name of the suspect and any other person present;
 - (d) the date, time of commencement and place of the custodial interview; and
 - (e) that the suspect will be given a notice about what will happen to the electronic recording.
- 6.4 The law enforcement officer shall then caution the suspect. Minor deviations do not constitute a breach of this requirement provided that the sense of the caution is preserved.
- 6.5 The law enforcement officer shall remind the suspect of his rights to a legal adviser, subject to paragraph 4.1.
- 6.6 The law enforcement officer shall then put to the suspect any significant statement, which occurred before the start of the electronically recorded custodial interview, and shall ask him whether he confirms or denies that earlier statement or whether he wishes to add anything.
- 6.7 A significant statement means one, which appears capable of being used in evidence against the suspect, in particular a direct admission of guilt.

7. Custodial interviews with the deaf and suspects who cannot speak English

If the suspect appears deaf or there is doubt about his hearing or speaking ability or ability to understand English, and effective communication cannot be established, the custodial interview should be given or sought through an interpreter and this may be by remote communication.

8. Vulnerable persons

- 8.1 An electronically recorded custodial interview of a vulnerable person must take place in the presence of an appropriate adult.
- 8.2 If the only obstacle to an electronically recorded custodial interview is that a juvenile's parent or guardian is unavailable and all reasonable efforts to contact them have failed, an authorising officer may authorise the law enforcement officer to proceed with the electronically recorded custodial interview. In all such cases the authorising officer shall make a note in specific terms of the reasons for proceeding with electronically recording the custodial interview in the absence of an appropriate adult.

- 8.3 If a person is blind, seriously visually impaired or unable to read, an authorising officer shall make sure his legal adviser, relative, appropriate adult or some other person likely to take an interest in him, and who is not involved in the investigation, is available to help check any documentation. When this Guidance requires signing, the person assisting may be asked to sign instead, if the suspect prefers. This paragraph does not require an appropriate adult to be called solely to assist in checking and signing documentation for a person who is not a juvenile, or mentally disordered or otherwise mentally vulnerable.
- 8.4 If any procedure in this Guidance requires information to be given to or sought from a suspect, it must be given or sought in the appropriate adult's presence if the suspect is mentally disordered, otherwise mentally vulnerable or a juvenile. If the appropriate adult is not present when the information is first given or sought, the procedure must be repeated in the presence of the appropriate adult when he arrives, so that the appropriate adult is fully informed before the procedure takes place.

9. Changing recording media

- 9.1 When the recording equipment indicates that the recording media have only a short time left to run, the law enforcement officer shall tell the suspect that the recording media is coming to an end and round off that part of the custodial interview. If the law enforcement officer wishes to continue the custodial interview but does not already have a second set of recording media, he shall obtain a set. The suspect nor the legal adviser shall be left unattended in the interview room. The law enforcement officer will remove the recording media from the recording equipment and insert the new recording media, which shall be shown to the suspect before the re-commencement of the custodial interview. The recording equipment shall then be set to record on the new recording media. Care must be taken, particularly when a number of sets of recording media have been used, to ensure that there is no confusion between the recording media. Marking the recording media with an identification number immediately after they are removed from the recording equipment may do this.

10. Taking a break during the custodial interview

- 10.1 When a break is to be taken during the course of a custodial interview and the interview room is to be vacated by the suspect, the fact that a break is to be taken, the reason for it and the time shall be recorded. The recording media shall then be removed from the recording equipment and the procedures for the conclusion of a custodial interview set out in paragraph 14 followed.

- 10.2 When a break is to be a short one and both the suspect and a law enforcement officer are to remain in the interview room, the fact that a break is to be taken, the reasons for it and the time shall be recorded. The recording equipment may be turned off; there is, however, no need to remove the recording media and when the custodial interview is recommenced the electronic recording shall be continued on the same recording media. The time at which the custodial interview recommences shall be recorded.
- 10.3 When there is a break in questioning under caution the interviewing law enforcement officer must ensure that the suspect being questioned is aware that he remains under caution and of his right to a legal adviser. If there is any doubt the caution must be given again in full when the custodial interview resumes.

11. Failure of recording equipment

- 11.1 If there is a failure of the recording equipment which can be rectified quickly, for example by inserting new recording media, the appropriate procedures set out in paragraph 9 shall be followed, and when the electronic recording is resumed the law enforcement officer shall explain what has happened and record the time the custodial interview recommences. If, however, it will not be possible to continue electronically recording on that particular recording equipment and no replacement recording equipment or recording equipment in another interview room is readily available, the custodial interview may continue without being electronically recorded. In such circumstances the procedures in sub-paragraph 3.2 for seeking the authority of an authorising officer will be followed.

12. Refusal to go to interview room

- 12.1 If a person refuses to go into or remain in a suitable interview room, and the authorizing officer considers, on reasonable grounds, that the custodial interview should not be delayed the custodial interview may, at the authorizing officer's discretion, be conducted in a cell using portable recording equipment or, if none is available, recorded in writing as in procedures in sub-paragraph 3.2. The reasons for this shall be recorded in accordance with paragraph 3.3.

13. Removing recording media from the recording equipment

- 13.1 Where recording media are removed from the recording equipment in the course of a custodial interview, they shall be retained and the procedures set out in paragraph 14 followed.

14. Conclusion of custodial interview

- 14.1 At the conclusion of the custodial interview, the suspect shall be offered the opportunity to clarify anything he has said and to add anything he may wish.
- 14.2 At the conclusion of the custodial interview, including the taking and reading back of any written statement, the time shall be recorded and the recording equipment switched off. The master recording media shall be sealed and treated as an exhibit.
- 14.3 The suspect shall be handed a notice which explains the use which will be made of the recording media and the arrangements for access to it and that a copy of the recording media shall be supplied to him as soon as practicable if the person is charged or informed that he will be prosecuted, and for the purposes of a vulnerable person such notice shall be handed to an appropriate adult.

15. After the custodial interview

- 15.1 The law enforcement officer shall make a record of the fact that the custodial interview has taken place and has been electronically recorded, its time, duration and date and the identification number of the master recording media.
- 15.2 Where no proceedings follow in respect of the person whose custodial interview was electronically recorded the recording media must nevertheless be kept securely in accordance with paragraph 16.1.

16. Recording media security

- 16.1 The law enforcement officer shall make arrangements for the master recording media to be kept securely and their movements accounted for on the same basis as other material, which may be used for evidential purposes.
- 16.2 A law enforcement officer has no authority to break the seal on a master recording media, which is required for criminal proceedings. If it is necessary to gain access to the master recording media, the law enforcement officer shall arrange for its seal to be broken in the presence of a representative of the Office of the Director of Public Prosecutions. The accused or his legal adviser shall be informed and given a reasonable opportunity to be present. If the accused or his legal adviser is present he shall be invited to reseal and sign the master recording media. If either refuses or neither is present the representative of the Office of the Director of Public Prosecutions shall do this.

- 16.3 Where no criminal proceedings result it is the responsibility of the Head of the relevant law enforcement agency to establish arrangements for the breaking of the seal on the master recording media, where this becomes necessary.

Passed by the House of Representatives this 6th day of March, 2014.

ADRIAN FRANCIS
Acting Clerk to the House of Representatives.

Passed by the Senate this 4th day of April, 2014.

RAPHAEL DONALD
Acting Clerk to the Senate.

GRENADA

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