

## Basic rights

- The right to have another person informed that they are being kept in the police station
- The right to consult the code of practice, which is a book about police procedures
- The right to free legal advice at any time

## Who requires an appropriate adult?

- Juveniles (Under 17)
- Mentally Vulnerable
- Suspects
- Vulnerable young adults
- Learning Disabilities

## Who can be an appropriate adult?

- Parent, grand parent, carer, guardian
- Social Worker, AMHP?
- Youth Justice Worker
- Volunteer
- Professional

An individual from a care authority, voluntary organisation or independent company. Failing the above another responsible adult aged 18 or over who is not a police officer or employed by the police.

## Appropriate adults role

### Provide support at the police station

- When the person is informed of his or her rights
- During a strip or intimate search
- During any interviews
- During fingerprinting or the taking of samples
- At the point of case disposal
- Aid person through an identification procedure
- Advise the person being questioned
- Ensure the interview is conducted fairly and properly
- To facilitate communication with person being interviewed.
- When the person takes part in an identification procedure
- To advise the person being questioned
- To ensure that the interview is conducted fairly and properly
- To facilitate communication with the person being interviewed

The role of the appropriate adult (AA) is to verify information and to establish further details about the likely process and outcome.

The role of the Appropriate Adult is to support and advise a person or vulnerable adult in police custody and to facilitate communication between them and the police.

(Appropriate Adult Network and PACE Code 11.17)





## Arrival at the station

Request to see the custody record and check what you have already been told.

- Times
- Solicitor
- Alleged offence
- Medical state (alcohol etc)

Speak to officer conducting the case to establish the process and if known the possible outcome.

## Custody record

- Has the record been correctly completed? (Code C 2.4)
- Has the person raised any problems in detention?
- Are they medically fit?
- Are they mentally able?
- Check the time of arrest and any subsequent reviews (length of time in custody!)
- Check whether the offences discussed are the same as those given over the telephone.

## Solicitor

It is strongly advised that the person you are acting for has legal representation (especially if being interviewed)

- If they refuse what is your organisations policy?
- Where do you stand on this issue?

## The process

- How long is the interview likely to take?
- Are there any other matters that the police wish to interview the person about?
- Is the person likely to be charged, bailed or held for court?
- Is there is an address for release and will it be acceptable to the police?

The role of the AA at this stage is to establish a rapport with the person and to advise and assist them through the police procedures.

## The person

- If medically unfit (in your opinion) request the Forensic medical examiner to see the person
- Is the person mentally vulnerable (mental health assessment, views of medical examiner, views of solicitor) - You may have to call AMHP
- Are there any other reasons for concern?

## PACE Act 1984 (2002) (2004)

The Police are statutorily obliged to follow

The Police and Criminal Evidence Act which provides codes of practice that deals with contacts between the police and the public in the exercise of police powers, these include:

### Code A

Stop and Search (amended 2008)

### Code B

Searching of premises (2008)

### Code C

Detention, treatment, questioning (2008)

### Code D

Identification (2008)

### Code E

Audio Recording of suspects (2010)

### Code F

Visual Recording of suspects (2010)

### Code G

Powers of Arrest (organised crime) (2005)

### Code H

Detention of Terrorism suspects (2006)

## Other legislation

- Mental Health Act
- Mental Capacity Act
- DoLS
- Crime and Disorder Act 1998
- Youth Justice legislation
- Human Rights Act
- UNCRC

## Meeting the person

- Upon arrival you should request to see the person alone, unless it is unsafe to do so. Keep alert!
- Explain why you are there and how it will help the person
- Explain the limits of confidentiality – offence cannot be discussed with the AA
- You cannot appropriately act as an Appropriate Adult if the person in custody has confided in you. (Legal Privilege)
- Check that a solicitor will be attending
- Is an interpreter needed?
- Explain the interview process
- Establish what has already been discussed
- Check what has already happened
- Ensure that the person is informed of their rights by the custody officer in front of the AA both orally and written
- Check to see at this stage if the person might possibly return to their current address.
- Ensure the person consults with a solicitor!

## Your role

AA must be present during all interviews with the person. AA is to facilitate communication between person and police and to ensure that the interview is fairly conducted.

AA could be questioned in subsequent court hearings if a defence solicitor challenges police procedure of person's treatment.

Following charge the AA should ensure that the person is dealt with in appropriate time scales, understands what will happen next and what is required of them.

## During the interview

- Check seating arrangements for the interview
- Ensure that the person is cautioned before the interview starts
- Ensure that the person understands the question and is able to respond
- If you have to - stop the interview!
- Ensure that there are refreshment breaks every 2 hours
- Ensure accurate records are made – tapes to be sealed then signed by the AA/person and Police

## Your role

Following charge the AA should ensure that the person is dealt with in appropriate timescales, understands what will happen next and what is required of them.

## What is asked?

**If the person is interviewed on tape you will be asked to say:**

'Your name and the name of the person you are acting as the appropriate adult for'.



**If you are asked your role:**

'I am here to assist (name of person) with anything that they don't understand and to ensure that this interview is conducted fairly according to the PACE Code of practice'.

## Following a charge

- Ensure that the person understands any charge
- Make representations to the custody officer relating to arrangements following charge
- Make representation to Custody Officer if person is likely to remain in detention

## Your role

If person is to be the subject of any form of identification or search the AA should involve a solicitor. The AA should ensure that the person understands the process, its consequences and their right to legal advice.

## Mental health

Individuals suspected of having a mental health problem can be taken to a place of safety for assessment. (Sect. 136 Mental Health Act) They can be moved from one place of safety to another under 2007 MH Act.

It is the Forensic Medical Examiner (FME) who would determine if the person is fit for interview. However the AA is able to challenge this if they feel the person should require a mental health assessment. Some FMEs are approved for Mental Health Assessment.

### Further information

#### National Appropriate Adult Network website

Protecting the rights and welfare of children and vulnerable adults detained or interviewed by police

[www.appropriateadult.org.uk](http://www.appropriateadult.org.uk)

## ID & searches

- The AA cannot give consent for any identification purposes
- Consent is required from parents/guardians for person's under 14
- Person's over 14 may give their own consent but this must be in the presence of the AA



### Photographs

Written consent required in front of the AA.

### Palm and finger printing

Prints can be taken by 'reasonable force' from the person 10+ without their permission.

### Strip searches

Consent not needed. Same sex AA must be present unless person decides otherwise. Any concerns to be noted on custody record.

### Intimate and non intimate searches

- Normally requires written consent, AA to be present when person is asked
- Same sex AA to be present when sample taken, unless person decides otherwise
- Person must be advised that the authorisation has been given for the sample, the grounds for doing so and the consequences of refusing