

Other Procedures

You are also required to be present for the following procedures:

- subject to strictly limited exceptions, during any search of the detainee involving the removal of more than outer clothing or intimate searches.
- during any form of identification procedure involving the participation of the subject i.e. VIPER
- mandatory drug testing

If you are available at the time you are also entitled to be present:

- during any process involving the fingerprinting, photographing of the detainee or when a sample or footwear impression is taken from them.
- when the police review whether there is a need to keep the person in detention.
- when a decision to authorise extended detention to 36 hours is made by a senior police officer.
- when the detainee is formally charged or informed they may be prosecuted.

Legal Advice

If the detainee refuses legal advice but you feel that legal advice is needed you can request that a solicitor be called. The Custody Officer must call the solicitor but the detainee cannot be forced to receive legal advice when they arrive.

You are not entitled to be present during private legal consultations between the detainee and their legal representative.

However, there is nothing to prevent you from assisting the communication between the detainee and their legal representative if they request your support.

You should make sure that the detainee understands that you are not subject to legal privilege. This means that, in exceptional circumstances, you could be questioned by the police, or in court, about what is discussed.

On leaving custody under no circumstances must you transport the detainee home.

Further Guidance

This leaflet is designed to give you a quick overview of your role and responsibilities.

If you require any further guidance please contact you co-ordinator.



GUIDE FOR APPROPRIATE ADULTS

Your role as an appropriate adult

Appropriate adults are called to the police station as an important safeguard, providing independent support to detainees who are:

- aged under 17,
- vulnerable adults

You are **not** simply an observer. Your role is to assist the detainee to ensure that they understand what is happening at the police station during the interview and investigative stages. In particular you should:

- support, advise and assist the detainee
- ensure that the police act fairly and respect the rights of the detainee
- help communicate between the detainee, the police and others

You are **not** there to provide the detainee with legal advice.

Key information / contacts

The way in which police investigate offences is governed by the Police and Criminal Evidence Act 1984 (PACE)

The PACE Codes of Practice set out the powers, responsibilities and procedures of the police in more detail. Copies are available at the police station.

The Custody Officer has overall responsibility for detainees. The Custody Officer is responsible for the care and welfare of the detainee and must ensure that the investigation is conducted quickly and fairly.

Rights of the detainee

The Custody Officer must tell the detainee, in your presence, that they have the following rights:

- The right to have someone informed of their arrest.
- The right to independent legal advice free of charge.
- The right to consult the PACE Codes of Practice.

The detainee (if under 17 or vulnerable) also has the right to speak to an appropriate adult in private at any time.

These rights can be exercised at any time while the detainee is in custody. In exceptional circumstances some or all of these rights may be delayed.

The Custody Officer must give the detainee a written notice of these rights and other entitlements which explain how the detainee should be looked after.

Your rights as an appropriate adult

You must also be present when:

- the Custody Officer informs the detainee of their rights and entitlements. *If this is carried out before you arrive it must be repeated in your presence.*
- when the detainee is cautioned. *If this is given before you arrive it must be repeated in your presence.*

In your role you also have a right to:

- be told why the detainee is being held.
- inspect the written record of the detainee's period in detention (the custody record) at any time.
- see copies of the notices of rights and entitlements.
- see a copy of the PACE Codes of Practice.

Interviews

You must be present when the police interview the detainee. You should:

- ensure that the detainee understands the caution that is given by the police at the start of the interview.
- intervene if you feel it is necessary to help the detainee communicate effectively with the police, or if you feel that the police questioning is oppressive.
- ask for a break in the interview if you feel the detainee needs to rest or if you feel they need legal advice or you want to consult with them in private.
- be present when the detainee is asked to agree and/or sign any documentation.

If you have any queries or complaints about the conduct of an interview you should speak to the Custody Officer and / or Duty Inspector immediately.