APPROPRIATE ADULT SCHEME GUIDELINES

1. Introduction

In order to assist Appropriate Adults to carry out their role within Greater Manchester, and for all parties involved in the Appropriate Adult process, the Office of the Police and Crime Commissioner for Greater Manchester (Commissioner’s Office) has produced these guidelines.

2. Organisation

The Commissioner’s Office has established this scheme following consultation with partner agencies. The operation of the scheme is the responsibility of the Commissioner’s Office. The Commissioner’s Office has the final responsibility in all matters relating to the operation of the scheme.

3. Infrastructure

To achieve the scheme objectives, the Commissioner’s Office sets rota availability across Greater Manchester, against which performance is monitored, measured and published annually.

The Appropriate Adult Scheme is managed on a daily basis by the Volunteer Manager and overall managerial responsibility of the scheme lies with the Commissioners Office.

4. Appropriate Adults

4.1 Eligibility

Subject to the exceptions set out below, any person over 18 who works or resides within Greater Manchester may be appointed by the Commissioner’s Office as an Appropriate Adult. Appropriate Adults should be persons of good character who are able to remain impartial from the procedures taking place, but are able to support, advise and assist juveniles and vulnerable people within custody. Anyone who has been convicted of an offence punishable with imprisonment within the last five years, or who has ever served a term of imprisonment or detention, may not be suitable for this reason. Applicants will therefore be asked to include on their application form details of any such convictions, including those which are spent by reason of the Rehabilitation of Offenders Act 1974, and to consent to police vetting enquiries being made. Wherever information provided from the police differs from that provided by the applicant, the Commissioner’s Office and/or GMP Vetting Unit, will discuss the discrepancy with the person concerned before deciding whether or not to appoint.

In appointing Appropriate Adults, care must be taken to avoid any potential conflict of interest. For example, serving police officer or Commissioner’s Office staff will be unsuitable for that reason. The same will apply to Special Constables and Justices of the Peace. Other people may be excluded, after discussion with the individual applicant,
if they have a direct involvement in the criminal justice system, such as solicitors or probation officers.

Each application will be treated on its merits, but the over-riding factor will be to prevent possible conflicts of interest for individuals, and to maintain the independence and integrity of the scheme as a whole.

4.2 **Recruitment**

The Commissioner’s Office will ensure that adequate numbers of suitably trained, vetted and accredited Appropriate Adults are available. To do this, it recruits Appropriate Adults by inviting applications from the general public. This will be done by means of advertisements or other publicity in local newspapers, volunteer bureaux and Councils for Voluntary Service, and any other means, which the Commissioner’s Office may consider suitable.

4.3 **Application Process**

Interested parties will be sent an application pack containing; background information on the Appropriate Adult Scheme, an application form, equal opportunities monitoring form, a job description, a person specification and a list of designated police stations.

The Commissioner’s Office’s Recruitment Panel will identify suitable applicants based against the person specification.

4.4 **Selection**

Suitable applicants will be invited to a formal interview conducted by the Volunteer Recruitment Panel.

Selection will be based on an applicant’s suitability as detailed in the person specification, the feedback from the two references and in line with equal opportunities. All reasonable adjustments will be made to accommodate those with disabilities and those who do not have English as their first language, where they are considered suitable candidates.

Following the Recruitment Panel will make a decision as to whether or not a candidate is suitable to attend the two-day training and information session. An unsuccessful applicant may seek feedback, in broad terms, from the Recruitment Panel as to the reasons for their decision. However, the decision of the Recruitment Panel is final.

An unsuccessful applicant may not re-apply to become an Appropriate Adult within two years of their last application.

4.5 **Training and Information Session**

Applicants identified at 4.4 will be invited to attend a two-day training and information session organised by the Commissioner’s Office. This is part of the selection process, and will also provide those who are subsequently appointed with the basic knowledge and skills they will need to undertake their duties. Additional training and information
sessions will be provided and Appropriate Adults will be expected to participate in such training.

4.6 **Appointment and Accreditation**

Successful applicants will be invited to become an Appropriate Adult and asked to sign and return to the Commissioner’s Office a copy of the Appropriate Adult Memorandum of Understanding and also the Code of Conduct.

This Agreement outlines the main criteria of the Appropriate Adult Scheme and what the Commissioner’s Office expects from Appropriate Adults and what Appropriate Adults can expect from the Commissioner’s Office, in terms of training and support.

Following notification of their appointment and following completion and confirmation of GMP vetting, the Commissioner’s Office will issue each Appropriate Adult with a Police and Crime Commissioner’s identity card which will show the holder’s photograph. The ID badge will authorise the holder to visit any designated police station in Greater Manchester to undertake their volunteer Appropriate Adult duties.

The identity card must be used only for the purpose of Appropriate Adult duties. If anyone is found to be using their card for any other purpose, it will be withdrawn and that persons’ appointment as an Appropriate Adult will be referred to the Volunteer Review Panel and may be terminated.

On appointment, Appropriate Adults will need to sign the Official Secrets Act.

4.7 **Probation Period**

On appointment, Appropriate Adults must serve a six-month probation period. During the probation period an Appropriate Adult must, without reasonable cause, put themselves forward for a minimum of 4 shifts per month.

At the end of the six-month probation period, the Appropriate Adult must attend a Probation Review Meeting. This meeting will involve the Appropriate Adult and an officer from the Commissioner’s Office.

4.8 **Probation Review Meeting**

The purpose of this meeting is to discuss the performance of the probationer, and in doing so, identify any specific training needs. Following the meeting the appointment will be confirmed in writing where appropriate, and will subsequently be renewable subject to formal review after a period of three years of appointment.

4.9 **1-2-1 Supervision Sessions**

The volunteer will have supervision on a one-to-one basis every 9 months with an officer from the Commissioner’s Office. During these sessions, both parties will reflect on performance and experiences over the last few months and will have a discussion around training needs for the future. Notes from the meeting will be taken and signed and dated by both parties to show that it is an accurate record of what was discussed.
4.10 Monitoring And Review of Appropriate Adult Performance

It is important that the performance of the Appropriate Adult is reviewed on a 3 year basis, and each Appropriate Adult has an important part to play in this process. Therefore, following the successful completion of their probation period, the Volunteer Manager, will arrange an opportunity for all individual Appropriate Adults to review their performance. A key factor in maintaining an appointment will be the continuing ability and willingness of an individual to carry out the volunteer role effectively.

To ensure that this is a meaningful process, the Volunteer Manager and an officer from the Commissioners Office will bring to the discussion any comments and feedback received from GMP.

Consideration will also be given to the following criteria:

- the number of shifts and duties undertaken
- the number of training sessions attended
- the number of support meetings attended

This will enable all parties to identify and discuss any difficulties or problems and to identify any training needs.

The Volunteer Manager will record the review discussions and provide any feedback required to individual Appropriate Adults.

4.11 Termination of Appointment of Appropriate Adults

Although the work is entirely voluntary, the Commissioner’s Office has the right to terminate the appointment of any Appropriate Adult whose conduct or performance does not meet the required standard as set out below.

In the event of misconduct, the Volunteer Review Panel of the Commissioner’s Office will consider whether it is appropriate to terminate the appointment of that Appropriate Adult. Misconduct will encompass matters such as misuse of the identity card, conviction of a criminal offence, abusing ones position as an Appropriate Adult, for example, by consistently flouting the Guidelines and/or Code of Conduct.

Appropriate Adults must notify the Commissioner’s Office if they are arrested, cautioned or charged with a criminal offence. In the case of any offences committed within the Greater Manchester Police area, details of the offence will be notified to the Volunteer Manager by Greater Manchester Police. In such circumstances, the Commissioner’s Office will suspend the appointment of that Appropriate Adult until the outcome of any criminal proceedings is known. If the Appropriate Adult is subsequently found to be not guilty, they may be reinstated. In the case of a caution, the Volunteer Review Panel will review the appointment of the Appropriate Adult with regard to the nature of the offence.

Where an Appropriate Adult fails to put themselves forward for the rota within a one-month period, the Volunteer Manager will write to the person concerned to establish whether this is simply an oversight or to seek an explanation.
Where an individual has not undertaken their duties within a 4 month period, and no good reason for this has been notified, the Volunteer Manager will notify the individual in writing that their appointment is to be referred to the Volunteer Review Panel for consideration.

Where a volunteer fails to put themselves forward for the minimum duty requirement during the year, and no good reason for this has been notified to the Volunteer Team, the Volunteer Manager will notify the individual in writing that their continuing appointment is to be referred to the Volunteer Review Panel of the Commissioner’s Office for consideration.

The Commissioner’s Office will arrange developmental training opportunities throughout the year. If an individual fails to attend each of the developmental training sessions during the first 2 years with the scheme, the Volunteer Manager will notify the individual in writing that their continuing appointment is to be referred to the Volunteer Review Panel for consideration.

If a volunteer wishes to resign from the AA Scheme, they must put this in writing to the Volunteer Manager, giving ONE MONTH’S notice of their intention to leave. An exit questionnaire will be sent to the volunteer for completion, and the feedback from this questionnaire will be used constructively.

4.12 Grievance Procedure

All grievances will be resolved openly, fairly and quickly to:-

- Protect our volunteers
- Minimise any disruption to staff and other volunteers
- Demonstrate that our organisation respects volunteers
- Protect the reputation of Commissioner’s Office

A volunteer has a right to complain if they feel they have been treated unfairly. If the grievance is with a member of staff, another volunteer or a representative from a partner agency, their first point of contact should be the Volunteer Manager.

If a volunteer has a grievance against the Volunteer Manager, their first point of contact is with the Office Manager.

At the first stage, the aim should be to resolve the issue through informal discussion. If this is not successful, the second stage involves the volunteer putting their concerns in writing. This will be acknowledged by Commissioner’s Office within two working days and will be responded to within twenty working days. If the volunteer is not satisfied with the outcome, the third stage will be for them to appeal to the Chief Executive. The decision of the Chief Executive is final.

If a complaint is received about a volunteer, they have the right to be told why they are being investigated, the right to state their case, and the right to appeal. The person who made the complaint should be kept informed of progress.

The aim should be to resolve the complaint informally through discussion. Wherever possible, options such as additional support, supervision and training should be offered,
and where appropriate, clear objectives for improvement along with a review date, should be set. If the complaint cannot be resolved through discussion, this will be referred to the Volunteer Review Panel. The Panel can issue the volunteer with a written warning outlining the reason for the complaint, along with clear objectives for improvement, where appropriate.

The decision to dismiss a volunteer should be a last resort. If the volunteer chooses to appeal, this should be made to the Chief Executive. The decision of the Chief Executive is final.

If a volunteering relationship is agreed to be exhausted, or there has been a breakdown of trust, all efforts will be made to signpost the volunteer to other opportunities outside the Commissioner’s Office.

5. **AA ARRANGEMENTS**

5.1 **PACE Codes of Practice**

The role of the Appropriate Adult exists and operates through the PACE Codes of Practice.

In order for volunteer Appropriate Adults to understand these Codes further, information is provided at Appendix 1 in the ‘Police and Criminal Evidence Act and Codes of Practice – Guidance for Appropriate Adults’.

5.2 **Number of Appropriate Adults**

The Commissioner’s Office will appoint sufficient Appropriate Adults to ensure that, where possible, all divisions and partner agencies who contribute towards the scheme have adequate cover.

5.3 **Custody Facilities Throughout Greater Manchester**

The following table shows the custody facilities across Greater Manchester where the Commissioner’s Office operates an Appropriate Adult service:

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5.4 **Support Meetings**

The Commissioner’s Office will call regular meetings of Appropriate Adults in line with paragraph 5.6 of these guidelines. Where possible, a Police Representative should be in attendance, and any concerns should be brought to their immediate attention. If there is no police representative present, any issues of concern will be pursued at the earliest opportunity by the Volunteer Manager.

5.5 **Rotas**

The Business Support Officer is responsible for drawing up the weekly rotas in advance. Appropriate Adults are responsible for informing the Commissioner’s Office of the availability for the forthcoming month where practicable.

An officer from the Commissioner’s Office will be responsible for monitoring volunteer performance against the rota and highlighting any problems with individual Appropriate Adult.

5.6 **Effective Working Relationships**

For the Scheme to be effective, it is essential that Appropriate Adults and police staff develop and maintain professional working relationships based on mutual respect and understanding of each other’s legitimate roles.

Such relationships can only exist where there is politeness and consideration on both sides.

Certain types of behaviour have the potential to create tension and conflict. Some examples of how Appropriate Adult volunteers may cause difficulties are explained in the Code of Conduct.

6. **TRAINING**

6.1 **Responsibility**

The basic responsibility for training lies with the Commissioner’s Office and a structured learning and development plan with clear objectives has been developed in consultation with Greater Manchester Police, partner agencies and volunteers.

6.2 **Mandatory Induction Training**

This should cover the basic knowledge and skills required to effectively carry out the appropriate adult role. It is likely to require a minimum of 2 whole days, supported by appropriate pre-reading. Key contents should include:

- The purpose of and background to the Appropriate Adult role
- The relevant aspects of the Police and Criminal Evidence Act 1984 and of its associated Code C covering Detention, Treatment and Questioning
- Current Home Office requirements
- National Standards
- Local guidance, conditions of service and working practices
- The basic practicalities of conducting a callout for a detained person
- Communication skills to assist effective contact with detainees and custody staff
- Boundaries
- Equal opportunities and race awareness issues
- Risk Assessments
- Data protection considerations
- The Police Complaints System
- Paperwork
- Evacuation procedures from police custody suites
- Familiarisation visit to police custody suite
- Input from Social Services and Youth Offending Services

The Memorandum of Understanding agreed between the Commissioner’s Office and new Appropriate Adults will include references to training arrangements and to a six-month probationary period during which experience will be acquired in a supportive environment. Observation sheets completed following any shadow visits undertaken will form part of this process. Only once that initial period has been successfully completed should full Appropriate Adult status be granted.

6.3 Developmental Training

Appropriate Adults, during their initial two years with the scheme, must complete the following developmental training opportunities in order to ensure that their skills and knowledge base are of the highest standard:

- Safeguarding Vulnerable People
- Learning Difficulties
- Dealing With Conflict Within Your Role
- Equality and Diversity
- Mental Health Awareness
- Human Rights
- PACE/Scheme refresher

Training should be refreshed every two years so that volunteers are kept up to date with any changes in legislation etc.

6.4 Optional Training

There is always scope to refresh and enhance training and there may be specific issues to address in relation to changing legal, procedural and Health and Safety requirements, developing best practice or practical issues emerging from the Appropriate Adult process.

Appropriate Adults must attend at least one optional training opportunity on a yearly basis.

6.5 Evaluating Training
The Commissioner’s Office must evaluate the effectiveness of training and the extent to which it is achieving its objectives. This will be done on a yearly basis.

7. APPROPRIATE ADULT SCHEME CALLOUT PROCEDURES

7.1 Reasons For Attendance At The Station

You may be called to attend a station or telephoned to make representations to deal with the following procedures:

- Rights & Entitlements
- VIPER (Video Identification Parade Electronically Recorded)
- Charging
- MDT (Mandatory Drugs Test)
- Bail
- Interview
- Other (i.e. Inspector’s Review or Extension of Detention by a Superintendent)

7.2 Callout Procedures

As an Appropriate Adult, it is important that when Social Services (SS), Youth Offending Services (YOS) or Greater Manchester Police (GMP) contacts you, you adhere to the following points which provide important information and a checklist for your role as an Appropriate Adult:

- Initial contact will be made by SS, YOS or GMP via the mobile telephone provided, who will then have identified the need for you to act as an Appropriate Adult for a juvenile or vulnerable adult.
- There is a 1½ hour response time for Appropriate Adults to attend from the time of the initial referral call.
- Ensure you have information regarding the detainee, such as whether it is a juvenile or vulnerable adult, what efforts have been made to contact the parent/guardian for attendance, has a doctor attended, will an interpreter be needed.

7.3 AA0 PACE Referral Forms

If a callout is received from the following areas via SS, YOS, EDT or a mental health team, then an AA0 PACE referral form is needed for you to act as an AA:

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The AA0 form will be emailed through to the custody suite from the relevant partner agency for your attention. **You must not act** as an Appropriate Adult unless you have the relevant AA0 form as this form authorises you to act on behalf of the relevant organisation.

Section 1 of this form will contain any information you may need to know about the detained person, such as whether they are known to SS or YOS or if there are any safeguarding issues etc.

For the following areas and for **Vulnerable Adults and EDS only**, GMP will contact you to request your services as an AA and Section 1 of the AA0 form will be completed by the custody staff as we currently do not operate the scheme in partnership with SS:

**Table 2**

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Manchester Youth Offending Service (YOS) operate the service from 08:30am until 15:00pm, whereby thereafter the OPCC Scheme will be in operation.

**7.4 Private Interview With The Detained Person**

As an Appropriate Adult, you are entitled to meet with the detained person in private to discuss your role and the purpose of your attendance at the station. Health & safety should be taken into consideration as to where you meet with the detainee, and the Custody Sergeant will make you aware of any information regarding any concerns highlighted through the risk assessment and provide you with a briefing i.e. seating positions.

**7.5 Attendance By A Legal Representative**

The Commissioner’s Office and partner organisations insist on the attendance of a legal representative in all cases, however PACE stipulates that if a detainee can waive their right to legal advice, but this must be recorded on the custody record. Before agreeing to attend for interview, Appropriate Adults must ensure that the detainee has had every opportunity to enrol the services of a legal representative and must satisfy themselves that the detainee understands the decision they have made. If a detainee refuses legal representation at this point, upon meeting with the detainee at the station, the AA must once again ensure that the detainee has had every opportunity to request legal representation. At any point during interview, a detainee can change their mind and request the services of a legal representative.
The reason for legal representation not in attendance at an interview must be recorded on the AA0 PACE referral form.

7.6 **Legal Privilege**

The relationship between the client and the legal representative is privileged and a private interview will take place between the client and legal representative. Appropriate Adults **must not** be involved in this process.

Appropriate Adults are not subject to legal privilege and may therefore be called as a witness in any future court case if the detainee has disclosed any relevant information.

7.7 **Interviews**

When acting as an Appropriate Adult during the interview process, volunteers should ensure the following:-

- The person is cautioned and advised of his/her rights (irrespective of whether previously cautioned etc.)
- Seek clarification if there is any confusion during the interview
- Ensure the detained person understands the significance of the questions
- Watch for leading/misleading questions
- Ensure the interview is not oppressive
- Stop the interview at any time if you feel, within reason, this is necessary and in the interests of the detainee e.g. where there is a lack of understanding or to allow a private consultation to take place, or the detainee feels unwell
- Allow the vulnerable person the right to speak alone with you if necessary
- Ensure there are breaks at regular intervals

**Outcome Following Interview**

Either one or a combination of the subsequent actions will happen to the detainee following on from interview:-

- Reprimanded
- Charged
- Mental Health Assessment
- No further action
- Caution (adult)
- Referred to CPS (awaiting decision)
- Kept in police custody for court appearance
- Police bail with conditions
- Police bail without conditions
- Held in secure accommodation pending court appearance
- Transferred to local authority accommodation pending court appearance
- Other – AA to specify
- Fixed Penalty Notice
- Conditional Caution
7.8 *After the Interview*

Where necessary, a detainee should be charged as soon as sufficient evidence has been obtained for a successful prosecution.

Any discussion post custody concerning bail, accommodation or transport of the detainee, should be discussed with the Custody Sergeant, who may decide what is required. It is the custody officer’s responsibility, and not the Appropriate Adults. When a decision regarding bail has been reached, the Appropriate Adult may, in the absence of a parent or guardian, be asked to witness the granting of bail and to sign to that effect.

The police have a duty to return the vulnerable person to a responsible adult, in the case of most juveniles; this should be the parent or guardian.

Appropriate Adults must not get involved in transporting detainees home. Issues around both accommodation and transport should be raised with the Social Services or Youth Offending Services or the custody sergeant.

7.9 *Further Callouts Whilst In Attendance at The Police Station*

If, whilst you are in attendance at a police station, the Custody Sergeant asks you to deal with a further detainee, you can do so, but the Custody Sergeant must contact the appropriate partner agency in order for them to ascertain if they wish you to proceed on their behalf (as highlighted in Section 7.2, table 1). If so, then a further AA0 form must be sent through as authorisation.

7.9 (a) *Taken into Consideration (TIC) and drive around*

The Commissioner’s Office appropriate scheme has now identified individual volunteers who are willing to assist police divisions with prison productions for juvenile offenders. They will assist with initial prison visit interviews as well as full productions and drive rounds.

N.B A copy of the procedure is in the induction training pack

7.10 *Security and Safety When Carrying Out the AA Role*

To ensure the safety and wellbeing of volunteer Appropriate Adults whilst they are carrying out their duties, the Volunteer Location Protocol has been implemented to ensure that volunteers arrive at their destination and return home again without incident. Further information and relevant telephone contacts can be found within the Volunteer Location Protocol.

Whilst at the police station and in the interests of security and the safety of Appropriate Adults, police staff should accompany them from the public enquiry counter to the custody area.
The Custody Sergeant, or another officer authorised by the Custody Sergeant, must ensure at the onset of a visit that Appropriate Adults are familiar with emergency alarms, routes and exits, and how accidents should be reported and recorded, in accordance with the appropriate risk assessment for any particular station. Further information relating to health and safety can be found in the OPCC for GM Volunteering Policy and the AA Risk Assessment.

7.10(a) **Witness at Court**

It is possible, though very unlikely, for appropriate adults to be asked to give statements by either the defence or the prosecution or to be called as witnesses in court. Further information and relevant contacts can be found within the AA & ICVs Witness at Court Cases that can be found within the induction pack.

7.11 **Access to Custody Record**

Appropriate Adults should be allowed access to the custody record of any detainee they are attending for at a police station. The custody record will show details pertaining to the detainee since their initial arrest. This record, and the risk assessment undertaken by the Custody Sergeant, will also assist the Appropriate Adult in completing their paperwork for each particular callout. (N.B Access to page 2 of the record is not normally granted).

7.12 **Medical Conditions**

Appropriate Adults will wish to pay particular attention to detained persons who are suffering from any form of illness, injury or disability. They should satisfy themselves that, if appropriate, a Healthcare Professional (HCP) has been called and establish from the Custody Officer what instructions for medical treatment have been given, and confirm by consulting the custody record that these instructions have been carried out. Appropriate Adults are not entitled to see medical records.

7.13 **Independent Custody Visitors**

Appropriate Adults may also act as Independent Custody Visitors, in accordance with the Commissioner’s Office Scheme. However, individuals must not switch between those roles during the course of a duty to the same police station.

If, in a private capacity, an appropriate adult acts in this capacity for family or friends, they must not then make a custody visit to the same individuals during that period of detention.

7.14 **Treatment Of Detainees**

Appropriate Adults must satisfy themselves that their statutory rights have been explained to detainees and they have been given the written notice of those rights. They should also be satisfied that detainees have received those rights and entitlements to which they are entitled under Code C of PACE Codes of Practice.

7.15 **Dealing With Issues Raised By Detainees**
Where a detainee makes a complaint or raises an issue about their general treatment or conditions at the police station, Appropriate Adults must (subject to the detainee’s consent) take this up as soon as possible with Custody Sergeant or Custody Inspector at the police station in order to seek a resolution. Issues should also be raised on an AA8 Issues and Concerns form and forwarded with the AA1 form to the Volunteer Manager within 48 hours of the duty. The Volunteer Manager will then raise the issue with the Custody Inspector for resolution.

7.16 Dealing With Complaints Of Misconduct

If a detainee makes a complaint of misconduct by a police officer, he or she must be advised to address it to the Custody Inspector or Duty Inspector. With the detainee’s consent, it may be relevant for Appropriate Adults to notify the Custody Inspector or Duty Inspector that the detainee wishes to make a complaint. In addition, Appropriate Adults may want to remind the detainee that they can seek legal advice in relation to the complaint or ask to see a doctor if an alleged assault is involved. However, such complaints must be dealt with through the formal procedures, which are laid down and there is no broader role for Appropriate Adults. They must not involve themselves in individual cases or make representations on a detainee’s behalf.

7.17 Detainees Who Have Been Subjected To CS Spray

Appropriate Adults may, in the course of their duties, encounter detainees who have been sprayed with CS spray during their arrest. Appropriate Adults may wish to assure themselves of the health and well-being of such persons; however, they should bear in mind the advice contained in Appendix 2 of these guidelines. If an Appropriate Adult believes that the detained person is suffering due to the after effects of CS spray, they should immediately bring this to the notice of the Custody Sergeant, who has responsibility for seeking medical assistance.

7.18 Persons Detained Under Section 136 Of The Mental Health Act 1983

Greater Manchester Police has a policy with regard to persons detained under section 136 of the Mental Health Act 1983. The Act states that persons who appear to be suffering from mental disorder and to be in immediate need of care or control can be held for up to 72 hours in a place of safety, one of which is a designated police station. The force policy is for those persons to be assessed by a doctor and an approved mental health professional as soon as possible after arrival at the place of safety. Every effort will be made for assessment to be carried out as expediently as possible. Appropriate Adults should not act in such cases and should refer them back to the approved mental health professional.

8. IMPARTIALITY AND CONFIDENTIALITY

8.1 Advice

Appropriate Adults must not involve themselves in individual cases to the extent of offering advice about whether or not detainees should make a statement or otherwise co-operate with police inquiries.
8.2 *Detainees Who Are Known To Appropriate Adults*

If an Appropriate Adult realises they know or are known by a detainee, they must declare this and consider whether to withdraw from the duty.

8.3 *Contacts with Persons outside the Police Station*

Appropriate Adults must not agree to make contact with any person outside the police station at the request of a detainee. Neither must they agree to pass on a message to any other detainee within the police station. Appropriate Adults must immediately notify the Custody Sergeant, of such a request. Such a request must be recorded on the AA0 and AAI report form under Section 13.

8.4 *Appropriate Adults Giving Evidence In Criminal Proceedings*

Appropriate Adults must remain impartial and must not seek to involve themselves in any way in the process of any investigation. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the Appropriate Adult must tell them that the relevant contents of the conversation may be disclosed in legal proceedings.

Appropriate Adults are under no obligation to give evidence or produce documents otherwise than in response to a court order, but would be obliged to respond to such an order.

8.5 *Confidentiality*

Appropriate Adults will acquire considerable personal information about persons in police custody. The great majority will not yet have appeared before a court, and many never will. Personal information relating to detainees must be protected against improper or unnecessary disclosure. Appropriate Adults will therefore be asked to give an undertaking not to release the identity of/or information capable of identifying any person in police custody (except where a visit has exceptionally been arranged in connection with the treatment of a particular person.). It is in the interests of the strict application of the principles of confidentiality, that Appropriate Adults do not name or otherwise identify persons in custody even in reports to or in discussion with fellow Appropriate Adults or the Commissioner’s Office.

8.6 *Breach Of Confidentiality*

Breach of this undertaking may make Appropriate Adults liable to civil proceedings by the detained person concerned. Appropriate Adults will also need to be aware that the unauthorised disclosure of the facts concerning police operations or the security of police stations may constitute an offence under section 5 of the Official Secrets Act 1989.

9. **APPROPRIATE ADULT REPORTS AND FOLLOW-UP ACTION**

9.1 *AA0 PACE referral form*

On completion of a duty, Appropriate Adults must complete Section 2 of the AA0 PACE referral form with all relevant information. If an Appropriate Adult is involved in the
interview process, they must only make comments pertaining to the welfare of the detainee during the interview, and not any specific case details.

On completion of the form, the Custody Sergeant must sign off the end of the duty under Section 12. The form should then be emailed off at the station to the relevant partner agency where necessary (see Section 7.2, Table 1), and then given to the Custody Sergeant in order, to be put with the relevant detainees custody record. The Completed AAI form will be placed in OPCC addressed envelope, in the GMP external mail for forwarding to the Commissioner’s Office within **48 hours** of the duty.

9.2 **Expenses**

The work is entirely voluntary, but travelling and out of pocket expenses will be payable to all Appropriate Adults when travelling on the Commissioner’s Office business. Only public transport fares or private car mileage at the agreed rate will be paid. **Appropriate Adults using their own motor vehicles to and from their duties must inform their insurers about their duties.** Expenses can also be claimed for attending training sessions, supervision and support meetings. Claims must be made on the appropriate forms within a three-month period of the month in which they were incurred. Please refer to the Volunteer Expenses Policy for further information.

9.3 **Checks on Vehicle Documents**

The Commissioner’s Office has an obligation to check on the following documents on an annual basis to ensure volunteers have the following:

- Insurance Certificate
- MOT certificate
- Driving License

These will be checked during supervision sessions.

You must inform your vehicle insurance company that you will be using your vehicle for volunteering purposes.

9.4 **Insurance**

The Commissioner’s Office has arranged appropriate insurance for all Appropriate Adults to protect them against violent or criminal assault during a custody visit to a police station.

9.5 **Guidelines**

A copy of these guidelines will be placed within the custody area of every designated police station within Greater Manchester, for the information of custody staff, and so that they may be referred to by Appropriate Adults and police officers alike. They are also contained on the Office of the Police and Crime Commissioner for Greater Manchester internet site.

10. **PUBLICITY GUIDELINES**
10.1 **Publicity**

It is generally desirable that the role and aims of the scheme should be promoted to the public. Appropriate Adults must, however, bear in mind that the purpose of publicity is to inform the public about the scheme and not to draw attention to individual cases or to themselves. Appropriate Adults should not discuss the cases of individuals with whom they come into contact with during visits to a police station and under no circumstances should individual contacts or specific events be discussed except in general, anonymous, terms which support any explanation of the purpose of the Appropriate Adult Scheme. Any invitation to speak to the press, or local groups or organisations about any aspect of the appropriate adult role must be referred to the Commissioner’s Office and should not be undertaken by individual Appropriate Adults except at the request of the Commissioner’s Office, who will in normal circumstances have consulted with the Chief Constable.

Appropriate Adults should remember that they are accountable to the Commissioner’s Office and not to the press or individual members of the public.

10.2 **Confidentiality**

The Commissioner’s Office gives Appropriate Adults names and telephone numbers in the strictest confidence, purely for convenience in making contact. Such details must not be disclosed to any other person.
Foreword

This protocol has been drafted to assist Police Officers, Social Workers and volunteer Appropriate Adults to develop a consensus about the proper deployment of appropriate adults in the Greater Manchester area. It is intended to address local custom and practice and to highlight recommended changes in policy or procedures. It has been written with reference to the current PACE Codes of Practice and where possible references have been quoted to direct readers to the more detailed guidance in the codes.

It is intended that the protocol should be applied to juveniles aged 17 and under and vulnerable adult’s i.e. mental health issues. Where they do not apply the particular sub group is specified.

Introduction

Police procedures prior to arrest and during detention are subject to the Police and Criminal Evidence Act 1984 (PACE) and governed by ‘The Codes of Practice’.

This document outlines general guidance relating to people who are performing the role of an Appropriate Adult. Full guidance is published within the Codes, a copy of which is available within every custody office. For issues free legal advice is available to all detainees.

In all there are 8 Codes:

**Code A: Stop and Search and recording of public encounters.**
The exercise by police officers of their statutory powers of stop and search and requirements for police officers and other police staff to record public encounters.

**Code B: Searching of premises and seizure of property.**
This Code governs the exercise of police powers in respect of the searching of premises and the seizure of property found by police officers on persons or premises.

**Code C: Detention, treatment and questioning.**
The purpose of this Code is to ensure that all persons suspected of being involved in crime, and others who are in police custody, are dealt with fairly and properly in accordance with the law.

**Code D: Identification.**
This Code concerns the principal methods used by police for identifying persons in connection with the investigation of offences and the keeping of accurate and reliable criminal records.
**Code E: Audio recording of interviews with suspects.**
This Code deals with the audio tape recording of interviews with persons suspected of certain types of criminal offences and governs the way in which tape recorded interviews are carried out.

**Code F Visual recording of interviews.**
This Code sets out the procedure by which police may consider carrying out a visual recording of an interview with a suspect.

As an Appropriate Adult your main involvement will be with activities that fall within Codes C, D, E and H.

**Code G Statutory Powers of arrest to Police Officers.**
Deals with powers of arrest under Section 24 the PACE 1984 as amended by Section 110 of the Serious Organised Crime and Police Act 2005.

**Code H Detention, treatment and questioning of suspects relating to terrorism in police custody by Police Officers.**

Juveniles/Vulnerable adults - 24 hour 7 days a week (or as per circumstances, to be determined by Appropriate Adult)

The Scheme will enhance the services provided by Social Services for Vulnerable Adults and the Youth Offending Teams for juveniles.

*The referral agency i.e. Social Services will decide whether or not to delegate the task to the Volunteer Agency.* The volunteers will be asked to attend custody suites for Rights and Entitlement, interview, charging, bail, MDT and VIPER of juveniles and ‘vulnerable’ adults when parents or carers are unable to attend.

*It is not intended that volunteers should be substitutes for relatives or carers who might reasonably be expected to attend the police station.*

Where the detained person is to be interviewed about a very serious offence or there is doubt about their competence to be interviewed (e.g. due to Mental Disorder) then the task will not be delegated to a volunteer.

**The Appropriate Adult**

Under the Police and Criminal Evidence Act (PACE) 1984, an Appropriate Adult is required if a person who has been arrested is:

a) a juvenile (aged 17 and under)
b) “mentally disordered or mentally vulnerable”

The PACE Codes of Practice states that an Appropriate Adult means:

In the case of a juvenile:
i) His/her parent or guardian or if the juvenile is in local authority or voluntary organisation care, or is otherwise being looked after under the Children Act 1989, a person representing that authority or organisation;

ii) A social worker of a local authority social services department;

iii) Failing these some other responsible adult aged 18 or over who is not a police officer or employed by the police."

The role of the appropriate adult
(Code C, Note 1B)  A person including a parent or guardian should not be an appropriate adult if they:

- Are;

  Suspected of involvement in the offence
  The victim
  A witness
  Involved in the investigation

- Received admissions prior to attending to act as the appropriate adult.

Note If a juvenile’s parent is estranged from the juvenile, they should not be asked to act as the appropriate adult if the juvenile expressly and specifically objects to their presence.

(Code C Note 1C) If a juvenile admits an offence to, or in the presence of, a social worker or member of a youth offending team other than during the time that person is acting as the juvenile’s appropriate adult, another appropriate adult should be appointed in the interest of fairness.

The role of the volunteer appropriate adults is confined to the period of detention of the juvenile and the custody area. They are specifically excluded from:-

1. Escorting a person outside the custody area.
2. Negotiating with parents or carers.
4. Arranging transfer in detention to Local Authority accommodation.
5. Determining the competence of mentally disordered persons to be interviewed.
6. Involving themselves in any task not delegated to them by the Duty Social Worker.
7. Giving Legal advice.
Codes of Practice

Code C

All persons in custody must be dealt with expeditiously and released as soon as the need for detention no longer applies. (1.1)

If anyone appears to be under 17 they shall be treated as a juvenile for the purposes of this Code in the absence of clear evidence that they are older. (1.5)

A detainee should always be given the opportunity when an appropriate adult is called to the police station, to consult privately with a solicitor in the appropriate adult’s absence if they want. (Note 1E) This is due to Appropriate Adults having no legal privilege.

Rights at the police station

A solicitor or appropriate adult must be permitted to consult a detainee’s custody record as soon as practicable after their arrival at the police station and at any other time whilst the person is detained. Arrangements for this access must be agreed with the custody officer and must not unreasonably interfere with the custody officer’s duties. (2.4)

When a person is brought to a police station under arrest or arrested at the station having gone there voluntarily, the custody officer must make sure the person is told clearly about the following continuing rights, which may be exercised at any stage during the period in custody: (3.1)

i) The right to have someone informed of their arrest
ii) The right to consult privately with a solicitor and that free independent legal advice is available
iii) The right to consult these Codes of Practice

These rights should be read in the presence of the appropriate adult.

The detainee must also be given (3.2):

• A written notice setting out:

  The above three rights;
  The arrangements for obtaining legal advice;
  The right to a copy of the custody record;
  The caution in the terms prescribed in section 10.

• An additional written notice briefly setting out their entitlements while in custody.

*The detainee shall be asked to sign the custody record to acknowledge receipt of these notices. Any refusal must be recorded on the custody record. (Note: in GMP the written notices at 3.2 are combined in one form within the 602F)*

If the detainee is a juvenile, the custody officer must if it is practicable ascertain the identity of a person responsible for their welfare. (3.13) that person may be.
• The parent or guardian;

• If the juvenile is in local authority or voluntary organisation care, or is otherwise being looked after under the Children Act 1989, a person appointed by that authority or organisation to have responsibility for the juvenile’s welfare;

• Any other person who for the time being has assumed responsibility for the juvenile’s welfare.

• Must be informed as soon as practicable that the juvenile has been arrested why they have been arrested and where they are being detained.

The detainee shall be advised that (3.18):

• The duties of the appropriate adult include giving advice and assistance
• They can consult privately with the appropriate adult at any time

If the detainee or appropriate adult on behalf of the detainee asks for a solicitor to be called to give legal advice the provisions of section 6 apply.

All detainees must be informed that they may at any time consult or communicate privately with a solicitor, whether in person, in writing, or by telephone and that free independent legal advice is available from the duty solicitor (6.1).

In the case of a juvenile or mentally vulnerable adult, an appropriate adult should consider whether legal advice from a solicitor is required. If the juvenile indicates that they do not want legal advice, the appropriate adult has the right to ask for a solicitor to attend if this would be in the best interests of the person. However, the detained person cannot be forced to see the solicitor if he is adamant that he does not wish to do so (6.5).

**Conditions of Detention**

Cells must be adequately heated, cleaned and ventilated. They must be subject to such dimming as is compatible with safety and security to allow people detained overnight to sleep. No additional restraints shall be used within a locked cell unless absolutely necessary and then only suitable handcuffs (8.2).

If it is necessary to remove a detainees clothing for the purposes of investigation replacement clothing of a reasonable standard of comfort and cleanliness shall be provided. A detainee shall not be interviewed unless adequate clothing has been offered (8.5).

At least two light meals and one main meal should be offered in any 24-hour period. Drinks should be provided at meal times and upon reasonable request. Meals provided shall offer a varied diet and meet any specific dietary needs or religious beliefs the detainee may have. The detainee may, at the custody officer’s discretion, have meals supplied by their family or friends at their expense (8.6).

A juvenile may not be placed in a police cell unless no other secure accommodation is available. A juvenile may not be placed in a cell with a detained adult (8.8).
The custody officer must make sure a detainee receives appropriate clinical attention as soon as reasonably practicable if the person (9.5);

a) Appears to be suffering from physical illness
b) Is injured, or
c) Appears to be suffering from a mental disorder
d) Appears to need clinical attention.

CODE C

Interviewing:

In general, commencing interviews of juveniles after midnight should be avoided. It is accepted however that circumstances may arise where it would be reasonable to interview as soon as possible. In all cases, the detained person’s right to a rest period - normally at night. (C. 12.2) - should be borne in mind – midnight – 7.00am.

The Appropriate Adult Volunteers will only attend interviews where a legal representative is present. If the detained person (juvenile or vulnerable adult) refuses the service of a solicitor (or legal advisor), this should be brought to the attention of the Duty Social Worker. (C. 3.13).

The Caution.

You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later may rely on in court. Anything you do say may be given in evidence.

When a caution must be given:

A person whom there are grounds to suspect of an offence, must be cautioned before any questions about an offence, or further questions if the answers provide the grounds for suspicion, are put to them if either the suspects answers or silence (i.e. failure or refusal to answer or answer satisfactorily) may be given in evidence to a court in a prosecution (10.1).

A person who is arrested, or further arrested, must be informed at the time, or as soon as practicable thereafter, that they are under arrest and the grounds for their arrest (10.1).

After any break in questioning under caution, the person being questioned must be made aware they remain under caution. If there is any doubt the relevant caution should be given again in full when the interview resumes (10.8).

If a juvenile or vulnerable adult is cautioned in the absence of the appropriate adult, the caution must be repeated in the adult’s presence (10.12).

An interview is the questioning of a person regarding their involvement in a criminal offence or offences which under para 10.1 must be carried out under caution. Whenever a person is interviewed they must be informed of the nature of the offence. (11.1a).
No interviewer may try to obtain answers or elicit a statement by oppression. No interviewer shall indicate except to answer a direct question, what action will be taken by the police if the person being questioned answers questions, makes a statement or refused to do either. If the person asks directly what action will be taken if they answer questions make a statement or refuse to do either, the interviewer may inform them what action the police propose to take provided that action is itself proper and warranted (11.5).

If an appropriate adult is present at an interview, they shall be informed (11.17);

- They are not expected to act simply as an observer; and
- The purpose of their presence is to;
  - Advise the person being interviewed;
  - Observe whether the interview is being conducted properly and fairly;
  - Facilitate communication with the person being interviewed.

Although juveniles and vulnerable adults are often capable of providing reliable evidence, they may without knowing or wishing to do so, be particularly prone to provide information that may be unreliable, misleading or self-incriminating. Special care should always be taken when questioning such a person and the appropriate adult should be involved if there is any doubt about a person’s age, mental state or capacity. Because of the risk of unreliable evidence it is also important to obtain corroboration of any facts admitted whenever possible (11C).

Reviews and extensions of detention

The review officer is responsible (PACE, section 40) for periodically determining if a person’s detention before or after charge continues to be necessary. This requirement continues throughout the detention period and except as in 15.9 (telephone review) the review officer must be present at the police station holding the detainee (15.1).

PACE, section 40A provides that the officer responsible under section 40 for reviewing the detention of a person who has not been charged, need not attend the police station holding the detainee and may carry out the review by telephone (15.9).

When a telephone review is carried out, a record shall be made of (15.14):

(a) the reason the review officer did not attend the station holding the detainee;
(b) the place the review officer was;
(c) the method representations, oral or written, were made to the review officer,

Under PACE, section 42, an officer of superintendent rank or above who is responsible for the station holding the detainee may give authority any time after the second review to extend the maximum period the person may be detained without charge by up to 12 hours. Further detention without charge may be authorised only by a magistrates’ court in accordance with PACE, sections 43 and 44.

15.2A Section 42(1) of PACE extends the maximum period of detention for arrestable offences from 24 hours to 36 hours. Detaining a juvenile or mentally vulnerable
person for longer than 24 hours will be dependent on the circumstances of the case and with regard to the person's:

- Special vulnerability;
- The legal obligation to provide an opportunity for representations to be made
- Prior to a decision about extending detention;

- The need to consult and consider the views of any appropriate adult; and
- Any alternatives to police custody.

Before deciding whether to authorise continued detention the officer responsible under paragraphs 15.1 or 15.2 shall give an opportunity to make representations about the detention to:

- The detainee, unless in the case of a review as in paragraph 15.1, the detainee is asleep;
- The detainee’s solicitor if available at the time; and
- The appropriate adult if available at the time.

Section 42(1) of PACE (15.2a) extends the maximum period of detention for arrestable offences from 24 hours to 36 hours.

**Charging**

When a detainee is charged they shall be given a written notice showing particulars of the offence. As far as possible the particulars of the charge shall be stated in simple terms but they shall show the precise offence in law with which the detainee is charged (16.3). The notice shall begin;

If the detainee is a juvenile, mentally disordered or otherwise mentally vulnerable the notice should be given to the appropriate adult.

The provisions of paragraphs 16.2 – 16.5 of the Code must be complied with in the appropriate adult’s presence if they are already at the police station. If they are not at the police station then these provisions must be complied with again in their presence when they arrive unless the detainee has been released (16.6).

**Guidance**

16C There is no power under PACE to detain a person and delay action under paragraphs 16.2 - 16.5 solely to await the arrival of the appropriate adult. After charge, bail cannot be refused, or release on bail delayed, simply because the appropriate adult is not available, unless the absence of that adult provides the custody officer with the necessary grounds to authorise detention after charge under PACE, section 38.

When a juvenile is charged with an offence and the custody officer authorises their continued detention after charge, the custody officer must try to make arrangements for the juvenile to be taken into the care of a local authority to be detained pending appearance in court unless the custody officer certifies it is impracticable to do so or in the case of a juvenile of at least 12 years old, no secure accommodation is
available and there is risk to the public of serious harm from that juvenile (16.7), in accordance with PACE section 38(6). See note 16D

A record shall be made of anything a detainee says when charged.

If it is not practicable to make arrangements for a juvenile’s transfer into local authority care as in para 16.7, the custody officer must record the reasons and complete a certificate to be produced in court with the juvenile. See note 16D.

Annex A – Intimate and strip searches

An intimate search consists of the physical examination of a person’s body orifices other than the mouth. The intrusive nature of such searches means the actual and potential risks associated with intimate searches must never be underestimated (1).

An intimate search at a police station of a juvenile or vulnerable adult may take place only in the presence of an appropriate adult of the same sex, unless the detainee specifically requests a particular adult of the opposite sex who is readily available. In the case of a juvenile the search may take place in the absence of an appropriate adult only if the juvenile signifies in the presence of the appropriate adult they do not want the adult present during the search and the adult agrees. A record shall be made of the juvenile's/vulnerable adult's decision and signed by the appropriate adult.

 Strip search

A strip search may take place only if it is considered necessary to remove an article, which a detainee would not be allowed to keep and the officer reasonably considers the detainee might have concealed such an article. Strip searches shall not be routinely carried out if there is no reason to consider that articles are concealed (10).

Code D

Code of Practice for the identification of persons by Police Officers.

This Code of Practice concerns the principal methods used by police to identify people in connection with the investigation of offences and the keeping of accurate and reliable criminal records (1.1).

Identification by witnesses arises, e.g., if the offender is seen committing the crime and a witness is given an opportunity to identify the suspect in a video identification, identification parade or similar procedure (1.2). The procedures are designed to:

- Test the witness' ability to identify the person they saw on a previous occasion
- Provide safeguards against mistaken identification.

Identification by fingerprints applies when a person’s fingerprints are taken to (1.3):

- Compare with fingerprints found at the scene of a crime
- Check and prove convictions
- Help to ascertain a person’s identity.
Identification by body samples and impressions includes taking samples such as blood or hair to generate a DNA profile for comparison with material obtained from the scene of a crime, or a victim (1.4).

Taking photographs of arrested people applies to recording and checking identity and locating and tracing persons who (1.5):

- Are wanted for offences
- Fail to answer their bail.

The provisions of the Police and Criminal Evidence Act 1984 (PACE) and this Code are designed to make sure fingerprints, samples, impressions and photographs are taken, used and retained, and identification procedures carried out, only when justified and necessary for preventing, detecting or investigating crime (1.7).

If any procedure in this Code requires a person’s consent, the consent of a:

- Mentally disordered or otherwise mentally vulnerable person is only valid if given in the presence of the appropriate adult
- Juvenile, is only valid if their parent’s or guardian’s consent is also obtained unless the juvenile is under 14, when their parent’s or guardian’s consent is sufficient in its own right. If the only obstacle to an identification procedure in section 3 is that a juvenile’s parent or guardian refuses consent or reasonable efforts to obtain it have failed, the identification officer may apply the provisions of paragraph 3.2. See Note 2A.

If a person is blind, seriously visually impaired or unable to read, the custody officer or identification officer shall make sure their solicitor, relative, appropriate adult or some other person likely to take an interest in them and not involved in the investigation is available to help check any documentation. When this Code requires written consent or signing, the person assisting may be asked to sign instead, if the detainee 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 (2.13) (see Note 2B and Code C paragraph 3.15).

If any procedure in this Code 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 they arrive. If the suspect appears deaf or there is doubt about their hearing or speaking ability or ability to understand English, and effective communication cannot be established, the information must be given or sought through an interpreter (2.14).

Any procedure in this Code involving the participation of a person (whether as a suspect or a witness) who is mentally disordered, otherwise mentally vulnerable or a juvenile, must take place in the presence of the appropriate adult. However, the adult must not be allowed to prompt any identification of a suspect by a witness (2.15).
Identification by fingerprints

Taking fingerprints in connection with a criminal investigation

Section 61 (PACE), provides powers to take fingerprints without consent from any person over the age of ten years (4.3):

Under section 61(3)(a) from a detainee at a police station if authorised by an officer of at least the rank of inspector who has reasonable grounds for suspecting that person is involved in a criminal offence and for believing their fingerprints will confirm or disprove involvement, or assist in establishing their identity (including showing that they are not a particular person), or both. However, authority may not be given solely to establish the person’s identity unless they have refused to identify themselves or the authorising officer has reasonable grounds to suspect the person is not who they claim to be.

Paragraph 4 Code D fully details the police’s power to take detainees fingerprints in other situations.

Reasonable force may be used, if necessary, to take a person’s fingerprints without their consent under the powers as in paras 4.3 and 4.4

Photographing detainees at police stations

Under PACE (section 64A), an officer may photograph a detainee at a police station (5.12):

- with their consent; or
- without their consent if it is;
  - (1) withheld; or
  - (2) not practicable to obtain their consent

Examples of when it would not be practical to obtain the person’s consent to a photograph being taken include: In the case of a juvenile if the parent or guardian cannot be contacted in sufficient time to allow the photograph to be taken.

Identification by body samples and impressions

Paragraph 6 refers to the taking of intimate and non-intimate samples

An ‘intimate sample’ means a dental impression or sample of blood, semen or any other tissue fluid, urine, or pubic hair, or a swab taken from a person’s body orifice other than the mouth. Paragraph 6.2 of the Codes outlines under what circumstances an intimate sample can be required and taken

A ‘non-intimate sample’ means:

- a sample of hair, other than pubic hair, which includes hair plucked with the root.
- a sample taken from a nail or from under a nail;
- a swab taken from any part of a person’s body including the mouth but
not any other body orifice.

- saliva;

This includes the taking of DNA mouth swabs, which is a regular occurrence in custody. A non-intimate sample may be taken from a person without the appropriate consent in the following circumstances:

- Under section 63(2A) where the person is in police detention as a consequence of his arrest for a recordable offence and he has not had a non-intimate sample of the same type and from the same part of the body taken in the course of the investigation of the offence by the police or he has had such a sample taken but it proved insufficient.

- Under section 63(3A), from a person charged with a recordable offence or informed they will be reported for such an offence: and that person has not had a non-intimate sample taken from them in the course of the investigation; or if they have had a sample taken, it proved unsuitable or insufficient for the same form of analysis. (6.6)

Code D also outlines procedures in relation to other identification procedures (video identification, identification parades etc.) This is a complex issue, which is fully outlined within Code D.
CS SPRAY - Advice to Appropriate Adults

1. The police service has advised that you do not enter the cells of contaminated detainees until such time as decontamination has been carried out.

2. You should be advised by the Custody Officer if a detainee has been in contact with CS spray and that there is a possibility of cross contamination. If you wear contact lenses, suffer from asthma or a heart condition, you may be more susceptible.

3. If you do become cross contaminated you should go to an outside area and await the process of natural ventilation.

4. If you feel unwell or are concerned regarding your well being you should seek medical advice.