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Personal and Public Safety:

Arrest, Detention and Custody

Version 2.6

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Authorised Professional Practice

These notes are aimed at learners completing their Initial training to meet the learning outcomes specified on the National Policing Curriculum. The primary source of content is the Authorised Professional Practice (APP) and the supporting evidence based research of “what works” in policing.

APP can be found at: <http://www.app.college.police.uk/>

1. Introduction

These notes are for Pre-Join, Police Officers, PCSOs and IL4SC Phase 1. You should consider how the content applies in relation to PCSO powers, 'any person' powers of arrest (Section 24A of Police and Criminal Evidence Act 1984) and local force policy.

This chapter looks at all stages of the arrest process. You will consider whether an arrest is the most appropriate response to an incident and look at alternatives such as voluntary attendance at the police station. You will learn how to use a caution when questioning someone about an offence and find out about the circumstances under which an arrest may be lawful and justified. You will look at the options for transporting a suspect to the custody suite and learn about the procedure which must be followed once an individual is in custody. Finally, the circumstances in which a detainee may be allowed on bail are explained.

2. The use of cautions prior to arrest or questioning

This section is for Pre-Join, Police Officers and IL4SCs only. Police officers have the necessary powers to apply this legislation where applicable. PCSOs will find having knowledge of this legislation useful due to your work with communities.

When you attend an incident, one of your priorities will be to establish what has happened. The information you gather – for example through information and intelligence provided by Command and Control, by individuals involved and/or by witnesses at the scene will help you assess how to respond to the event and what you will do next.

What is the purpose of a caution?

A caution is a form of prescribed words given to a suspected person before questioning them about an offence, either:

- when not under arrest, but suspected of an offence, or
- when arrested.

A caution must be used at any time when you believe that an individual is guilty of an offence and you think that the individual may say something related to that offence either voluntarily or because you intend to question them about the offence. If an individual starts to speak about the offence before you have had a chance to caution them, you must stop the individual politely and caution them first. Where several offences are identified during a conversation, there is no requirement to caution for each offence in sequence. In such a

situation it is sufficient to remind the person that they are still under caution before asking the relevant questions.

When is a caution not required?

You do not need to caution a person if you are asking questions which are not about the offence. Some examples of such questions are:

- to establish identity
- to establish ownership of a vehicle
- to obtain information that they are required to give by law, such as who was the driver of a car when it was involved in a road traffic collision
- to enable a proper and effective search
- to seek verification of a written record, such as when a suspect is shown a written record of their answers to police questions regarding an offence
- when examining a person in accordance with the Terrorism Act 2000 Schedule 7 and the Code of Practice for Examining Officers issued under that Act, Schedule 14, paragraph 6.

Examples:

You attend the scene of a house burglary. You might ask questions to the occupants to find out what has happened and what has been stolen or damaged in the burglary. You may also decide to ask questions to the neighbours to find out if anyone saw anything that might assist your enquiries.

At this stage you have an offence, the burglary, but you do not suspect any person that you are questioning of being the possible offender for that offence, so you do not need to caution any person under these circumstances prior to asking your questions.

You see a motor vehicle drive through a red traffic light without stopping. You stop the vehicle and speak to the driver. The driver has committed an offence by failing to conform to the traffic light. You would not need to caution the driver before asking questions about who they are or who owns the vehicle.

Citizens have a civic duty rather than a legal duty to help police officers. When a police officer is trying to discover whether, or by whom, an offence has been committed, they are entitled to question any person from whom they think useful information can be obtained, subject to certain restrictions. A person's declaration that they are unwilling to reply does not alter this entitlement to ask them questions.

The purpose of the questioning is to find out whether there are reasonable grounds to suspect an individual or a group of committing the offence. Grounds to suspect indicate that there is some objective basis for the suspicion that a particular individual has committed a particular offence. As a result of the questioning, some people are eliminated from the inquiry, but others may find themselves being reported or arrested on suspicion of committing the offence.

2.1 Questioning about an offence (not under arrest)

Whenever a person who is **not under arrest** is initially cautioned (or is reminded that they are under caution) because you intend to ask questions about the suspected offence(s), they must at the same time be told:

- they are not under arrest
- they are not obliged to remain with the officer (PACE Code C 10.2)
- they have the right to free and independent legal advice.

This applies to a situation where the suspect is being questioned at a police station or at the roadside when offences have been identified but, at that time, an arrest is not necessary.

Example:

A suspect for an offence with 'low value' criminal damage is interviewed at their home address. You interview the suspect and make contemporaneous notes of all questions asked and all responses.

A record should be made when a caution is given and this should be recorded in the officer's pocket book or in the interview record as appropriate and as soon as possible (PACE Code C 10.13). This will normally include the date, time, any persons present and any reply given by the suspect. In some cases, you may need to repeat the caution using different words, as the suspect has failed to understand it. If you have had to explain the caution to the suspect, then you should also record the explanation that you have given.

There are three types of caution which may be used.

2.2 Types of cautions

The 'when' caution

The 'when questioned' caution indicates an intention to ask questions about the offence. The 'when questioned' caution must be given where:

- a person is not under arrest but you have grounds to suspect that person of an offence, and you intend to ask that person questions which relate to their involvement, or suspected involvement in that offence, or
- you intend to ask that person more questions, where the answer to questions you previously asked actually provided you with the grounds to suspect that person of the offence, or
- when arrested.

"You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence." (PACE Code C 10.5)

In Welsh, this is translated as follows:

"Does dim rhaid i chi ddweud dim byd. Ond gall niweidio eich amddiffyniad os na fyddwch chi'n sôn, wrth gael eich holi, am rywbeth y byddwch chi'n dibynnu arno nes ymlaen yn y Llys. Gall unrhyw beth yr ydych yn ei ddweud gael ei roi fel tystiolaeth."

2.3 The 'now' caution

When a detained person is charged with, or informed that they may be prosecuted for an offence, they should be cautioned to make clear that this is their final opportunity to tell you anything else related to the offence, using the now caution:

"You do not have to say anything. But it may harm your defence if you do not mention now something which you later rely on in court. Anything you do say may be given in evidence." (Code C 16.2)

In Welsh, this is translated as follows:

“Does dim rhaid i chi ddweud dim byd. Ond gall niweidio eich amddiffyniad os na fyddwch chi’n sôn, yn awr, am rywbeth y byddwch chi’n dibynnu arno nes ymlaen yn y llys. Gall unrhyw beth yr ydych yn ei ddweud gael ei roi fel tystiolaeth”.

The ‘now’ caution comes at the conclusion of the process when the person is being told that they might be prosecuted for an offence. It tells the person what is happening and also means that the officer cannot ask any further questions about the offence, except under exceptional circumstances. CPS advises that the ‘now’ caution be used even when the person is not in detention within the meaning of the Codes of Practice.

If a person has not been cautioned prior to being asked questions about the offence, any answers or silences (which includes the failure to answer a question), which you have recorded in your pocket book, may later be ruled inadmissible by court. Valuable evidence may therefore be lost and a prosecution case could be jeopardised.

Example:

A motorist fails to stop at the red traffic light. You intend to ask the motorist why they failed to stop. If you intend to ask any questions relating to the offence you would first need to caution the driver and inform them that they are not under arrest, that they are not obliged to remain with you and they have the right to free legal advice, before asking any questions.

If, however, you advised the motorist that they could be prosecuted for their behaviour and failed to use the now caution, the driver could appear at court and say, “I intended to stop, but my brakes suddenly failed.” The court would not be able to draw any inference from the fact that the driver had failed to mention this fact at the time of the offence. It would be too late for the police to investigate the truth of the statement, refute its authenticity or investigate the possible offence relating to defective brakes. Although not a legal requirement, there are practical advantages in using the ‘now’ caution when informing anyone in similar circumstances that they may be prosecuted.

Drawing an inference from silence

In order to draw an inference from silence, the failure to mention a fact must have occurred before charge or on charge and must have occurred during questioning under caution. In the example above, the court would be able to infer from the fact that the motorist did not give

an explanation for failing to stop, as long as the “now” caution had first been given (Section 34 of the Criminal Justice and Public Order Act 1994).

The restricted caution

The restricted caution is used only in certain circumstances, i.e. when a detained person has asked for legal advice and is to be interviewed before they have been allowed to have that advice. It will also be used, in very specific circumstances, when a person is interviewed in connection with an offence, after being charged or informed they may be prosecuted for it.

The purpose of the restricted caution is to make it clear to a suspect that adverse inferences cannot be drawn at court and their defence will not be harmed because they do not choose to say anything.

“You do not have to say anything, but anything you do say may be given in evidence.”

Where the use of the Welsh language is appropriate, a constable may provide the caution directly in Welsh in the following terms:

“Does dim rhaid i chi ddweud dim byd, ond gall unrhyw beth yr ydych yn ei ddweud gael ei roi fel tystiolaeth.” (C16.4(a))

2.4 Changes in the caution

A caution may have to be restated if circumstances are such that the original caution given no longer applies.

Example:

A person is arrested for an offence and given the ‘**when questioned**’ caution. On arrival in the custody suite they ask for legal advice. However, a delay in interviewing might lead to serious loss of or damage to property and so the officer decides that an interview should start before legal advice is available. Consequently the detainee is re-cautioned using the ‘**restricted**’ caution. If the caution is given again, the officer must explain in plain language the reason for the new caution being given and its implications. Once legal advice is available, they should be re-cautioned in the terms of the ‘**when questioned**’ caution before any further questions are put to the detainee. The officer should again explain in plain language the reason for the new caution and its effect. When, despite being cautioned, a person fails to cooperate or to answer particular questions which may affect their immediate treatment, the

person should be informed of any relevant consequences and that those consequences are not affected by the caution.

2.5 Significant statements or silences

A 'significant' statement is one which appears capable of being used in evidence against the suspect, in particular. It could be:

- a direct admission of guilt, or
- failure or refusal to answer a question, or
- to answer it satisfactorily;

which might, allowing for the restriction on drawing adverse inferences from silence, give rise to an inference under the Criminal Justice and Public Order Act 1994 (PACE Code 11.4A).

Example:

You caution and arrest a person on suspicion of committing a burglary, they reply, "I'm sorry, I know I shouldn't have done it." On the way to the police station in the back of the police van, the suspected person says, "I thought I'd got away with it." Both of these comments are capable of being used in evidence against the suspected person and are significant statements.

It is important to note that a 'significant silence' can only arise after a person has been cautioned; a 'significant statement' can arise at any time.

2.6 Relevant comments

There will be instances where an unsolicited comment made by a suspected person falls outside the context of a 'significant statement', but may nevertheless still be relevant to the offence. For example, "It wasn't me, I had nothing to do with the theft" is a denial, and "Talk to Jo and Sam Speight, I was at their house when the burglary happened", is both a denial and a possible alibi. Both statements do not fall within the category of significant statements. However, they are both at least relevant to the inquiry and will need to be recorded in the same way that you will record significant statements and silences.

2.7 Recording a significant statement, silence or unsolicited comment

A written record should be made of any comments made by a suspected person, including unsolicited comments, which are outside the context of an interview but which might be relevant to the offence. Any such record must be timed and signed by the maker. Where practicable the person should be given the opportunity to read the record and to sign it as correct or to indicate the respects in which they consider it inaccurate. (Code C 11.13)

Any comments made by the suspected person, even if these occur after arrival at the police station and before a formal interview that may be 'significant' or 'unsolicited' in content should be recorded and can be introduced at the beginning of the interview.

3. Deciding when to make an arrest

3.1 The decision making process prior to arrest

Whilst there will be circumstances where an arrest will be the most suitable course of action, arrest is just one type of action which may be applied to a situation. Officers should always reflect on whether an arrest is the most appropriate solution. PSCOs have limited powers to arrest under Section 24A PACE. PCSOs will find having knowledge of this legislation useful due to your work with communities.

Prior to making an arrest you should consider:

- the situation of the victim
- the circumstances of the suspect
- whether the suspect has physical or mental ill health which requires medical attention
- the nature of the offence
- the needs of the investigative process.

In order to do this, you should assess all available information. This should include:

- Information about the event that is known or believed to have happened.
- Information about the individuals involved – including information about previous encounters with the police. This should include PNC and PND checks.

- Information provided by family members or witnesses. This should include information about a suspect or victim's physical or mental ill health.
- Information which denotes that a suspect has had a change of circumstance – this may indicate that an individual is at higher risk of causing harm to themselves or harm to another.
- Information linked to the location of the incident – the location may put you, the suspect, or members of the public at higher risk.

You should continue to dynamically risk assess the situation and the individuals involved prior to and following an arrest. You should also identify where an individual is in need of medical help.

Circumstances in which a suspect should be taken to hospital

The following information is taken from the “Protocol for the Management of Detainees who Require Hospital Treatment” 2011 which can be accessed via APP: Detention and Custody.

- You should send to hospital a person who you intend to arrest for a criminal offence or are transporting to a police station if they exhibit:
 - behaviour causing concern, such as acute behavioural disturbance
 - impaired or variation in conscious level
 - perceived serious injury, illness or other condition causing serious concern, or poisoning, including from alcohol, illicit or prescribed drugs or other substances.

In these cases, you should call for an ambulance using 999 or decide whether to use police transport to bring the suspect to hospital. You will need to give ambulance staff all relevant information about the suspect, including mental health, relevant behavioural issues or learning difficulties.

Any decision by ambulance staff to discharge the detainee from their care at the scene will be recorded by police and ambulance staff and a clinical record issued to police by ambulance staff by confidential means for the attention of the healthcare professional at the custody suite.

3.2 Examples where arrest may not be appropriate

Individuals who are arrested may suffer lasting damage – in terms of employment opportunities, relationships, travel and the psychological impact of restraint – so it is important to ask yourself whether an alternative to arrest might be more appropriate.

Examples:

A young couple are woken during the night by the sound of an intruder in their house downstairs. Whilst Mrs Jones calls the police, her husband goes downstairs to investigate. As he enters the kitchen, a man dressed in dark clothes rushes towards him, shouting. Mr Jones strikes the intruder with a baseball bat who then slumps to the floor.

Mr Jones feared for his safety and acted in self-defence. Where an individual genuinely believes that their safety or the safety of their family is at risk, and honestly and instinctively does what they thought necessary, the use of reasonable force would be justifiable; stabbing a burglar who is already unconscious would not, as this would not be deemed as acting in self-defence. (Section 76 Criminal Justice and Immigration Act 2008)

A parent phones the police to make a complaint about an alleged physical assault by a teacher on a child. When the police make enquiries, it appears that the child had been told to stay behind after class for poor behaviour and for making racist comments about another pupil. As the class left the room, the child tried to push her way through the other children and started shouting abuse at the teacher. The teacher intervened by pulling the girl to one side to stop her from leaving the room. The parent complains that this was unnecessary and that her daughter never intended to leave the room.

Teachers may use reasonable force to prevent their pupils from committing any offence, injuring people, damaging property or prejudicing the maintenance of good order and discipline.

The Imam at a local mosque is accused of misappropriating some funds belonging to the mosque and using the funds to acquire some small personal items. Tensions are already high in the community following a number of religiously motivated attacks on Muslims in the community and an immediate arrest of the individual is likely to further inflame community unrest, hostility and feelings of discrimination. Under these

circumstances, it would be preferable to invite the Imam to the police station to allow further investigations to take place.

Public trust can be affected badly if an arrest seems unreasonable or excessive given the circumstances of the situation or if it is perceived to be discriminatory. Being seen to make fair decisions and explaining them has been shown to increase the chances of a person cooperating with the police and obeying the law.

Any action taken by the police will be judged against the provisions contained in the Equality Act 2010 and the Human Rights Act 1998 to ensure that the police action is lawful, legitimate and necessary in a democratic society.

The public has a right to expect police officers to behave in a manner that protects each individual's basic rights within the law. Your authority to deprive a person of their liberty should be used with caution and impartiality.

Ask yourself at all times:

- Are my actions lawful?
- Are my actions necessary and justifiable?
- Are my actions proportionate?
- Are my actions non-discriminatory?

3.3 Use of warnings

Prior to arrest, every effort should be made, where practicable, to deal with the matter without the need for arrest. This means that you should be able to explain that your first course of action was to try and proceed without the need to arrest by:

- **Persuading**
- **Advising and even**
- **Warning**

the offender of the consequences of their actions first.

Any arrest for an offence where process for summons or other means of disposal could have been used could lead to the case being open to question and could even be found to be unlawful, making the officer liable to criminal or civil action and disciplinary procedures.

A warning may be sufficient to halt the behaviour or conversely, could support the need to arrest (for example, if the request is ignored). A warning may also help if the individual later tries to defend their action by stating that they were acting reasonably.

You will have to determine how to proceed after evaluating all the circumstances surrounding the particular incident and then choose the most appropriate course of action. Some of these powers can only be exercised by police officers.

Alternatives to arrest include the following:

- Do nothing
- Verbal warning
- Report for summons
- Youth cautions
- Conditional cautions
- Simple cautions
- Fixed penalty notice
- Penalty notices for disorder (PNDs)
- Youth referrals
- Community resolutions
- Restorative justice
- Voluntary attendance at the police station
- Directions to leave.

Some of these options will mean that a record is created on the Police National Computer (PNC) and the offence may need to be disclosed as part of an enhanced DBS check, or an option may leave the individual with a criminal record. You should therefore consider carefully the implications of a particular response for the individual. The national decision model may be applied to help identify an appropriate solution.

3.4 Looking for opportunities to divert people away from the criminal justice system

There may be times when a person has committed an offence but to arrest them or put them through the criminal justice system is not the most appropriate response.

Vulnerable people

Vulnerability can come in many different forms; age is the obvious one, but offenders can be vulnerable through mental ill health, limitations in mental capacity, alcohol, drug and substance misuse or in some cases a combination of these.

In trying to avoid custody for vulnerable people police officers are now being asked to take more appropriate action in response to their needs, rather than arrest.

In a recent Her Majesties Inspector of Constabulary (HMIC) Thematic report; “The Welfare of Vulnerable People in Police Custody” assessment of a person’s vulnerability should occur from the ‘first point of contact’.

In these cases, serious consideration should be given as to whether arrest or even processing them through the criminal justice system is the right response. A great deal however, depends on the offence committed and the available resources that could be used as an option.

For example, some forces have recently piloted joint interventions where police and health care professionals have worked together to cut the number of mentally unwell people taken to cells. Street triage schemes which see mental health nurses go out on patrol with police can cut the number of those detained under the mental health act by up to 50 per cent.

Alongside street triage, mental health nurses have also been placed in the police control centres during evenings and weekends in order to provide support directly to people in crisis and to advise police officers and control room staff on the most appropriate response.

In the case where a person is vulnerable, early identification is paramount and where appropriate, alternatives to arrest should be considered. It is also important that relevant information is communicated both within the police service and between police and other relevant agencies, to support good decision making.

3.5 When is an arrest lawful?

Arrest is a statutory power under section 24 of the Police and Criminal Evidence Act 1984 (PACE) and can be used for statutory or common law offences. Other powers of detention are used for circumstances not relating to arrests for an offence e.g. Section 136 Mental Health Act 1983 and the breach of bail under section 46A PACE 1984.

Section 24 of PACE states that a constable may arrest without warrant anyone:

- Who is about to commit an offence or in the act of committing an offence
- Whom he has **reasonable grounds** for suspecting is about to commit an offence or to be committing an offence
- Anyone whom the officer has **reasonable grounds** to suspect of being guilty of an offence which the officer has **reasonable grounds** for suspecting has been committed
- Anyone who is guilty of an offence which has been committed or anyone who the officer has **reasonable grounds** for suspecting to be guilty of that offence.

The lawful arrest of a person under Section 24 PACE requires two elements:

- A person's involvement or suspected involvement or attempted involvement in the commission of a criminal offence

and

- **Reasonable grounds** for believing that the person's arrest is necessary.

The grounds for an arrest must have an objective basis – so you should identify and consider the relevant facts and information which indicate a person's innocence as well as their guilt.

3.6 What constitutes “reasonable grounds?”

Reasonable grounds for suspicion

Reasonable grounds for suspicion will depend on the circumstances of the case, but there must be some objective basis for that suspicion based on facts, information, and/or intelligence. Your grounds must be based on objective facts that another person could evaluate. For example:

- An individual's behaviour, and

- The time or place where an individual is, and/or
- Any property they are carrying, and/or
- Information from witnesses or intelligence.

You must also consider facts and information which may indicate a person's innocence: paragraph 3.5 of the Code supporting the Criminal Procedure and Investigations Act 1996, states that officers should pursue all reasonable lines of inquiry, whether these point towards or away from the suspect. (See Revised PACE Code G Notes of Guidance 2B).

When deciding if you have reasonable grounds for suspicion, you may start with little information, accumulate more information, assess that information and come to a decision. You must go through this process when deciding whether to arrest or not. Sometimes you will need to do so quickly. The skill is in accurately identifying the point where you must make a decision.

Reasonable grounds for believing

The power to arrest is exercisable only if the police officer has reasonable grounds for believing that it is necessary to arrest the person: could you invite the individual to a voluntary interview, rather than arresting them? You are not required to be satisfied that there is no viable alternative to arrest, but you should consider in all cases that arrest is the practical, sensible and proportionate option in all the circumstances at the time the decision is made. This also applies if the person is in police detention after being arrested and you are considering whether arrest is also necessary for a further offence in which the individual is suspected of being involved.

Your grounds for believing that an arrest is necessary will depend on the circumstances of the case. However, your grounds to 'believe' something should be stronger than your grounds to 'suspect something' and it would need to be supported by stronger objective facts. PACE section 24 sets out 10 necessity criteria for arrest. In order for an arrest to be lawful, at least one of the "necessity criteria" listed below should apply.

3.7 The necessity criteria for arrest under section 24 of PACE

1. To ascertain or confirm the name of the person in question
2. To ascertain or confirm the address of the person in question
3. To prevent the person in question causing physical injury to himself or any other person

4. To prevent the person in question suffering physical injury
5. To prevent the person in question causing loss of or damage to property
6. To prevent the person in question committing an offence against public decency
7. To prevent the person in question causing an unlawful obstruction of the highway
8. To protect a child or other vulnerable person from the person in question
9. To allow the prompt and effective investigation of the offence or of the conduct of the person in question
10. To prevent any prosecution for the offence from being hindered by the disappearance of the person in question.

The table below provides further clarity on the necessity criteria to avoid unnecessary or unlawful arrest.

Ascertaining or confirming the name of a suspect	You should warn the individual that they will be arrested if they refuse to give you their name or their address or if you have a doubt that the information provided is true. PACE Code G, Guidance Note 2D provides specific guidance on warning a person in these circumstances. Where mobile fingerprinting is available and the suspect's name cannot be ascertained or is doubted, the officer should consider using the power under section 61(6A) of PACE (see Code D para 4.3(e)) to take and check the fingerprints of a suspect, as this may avoid the need to arrest solely to enable their name to be ascertained.
Ascertaining or confirming the address of a suspect	An address is satisfactory if: • the accused will be at the address long enough for it to be possible to serve a summons, or • some other specified person will accept service of the summons on their behalf.

	The address for the service of a summons does not have to be the person's home address.
Suffering physical injury	This might apply where the suspect's behaviour and actions are believed likely to provoke or have provoked others to want to assault the suspect. A suspect may also be arrested for their own protection.
Loss or damage to a property	This might apply where a suspect is a known persistent offender with a history of offending against property (theft and criminal damage) and it is thought that they might continue to offend if they are not arrested.
Offences against public decency	There must be a likelihood of members of the public having access to the place where the offence is being committed and the behaviour is likely to be repeated in that place or another public place at a time when the public are likely to encounter the suspect. You can only use this reason if members of the public going about their normal business cannot reasonably be expected to avoid the person in question.
Obstructions of the highway	This refers to unnecessary, dangerous or wilful obstruction of the highway where an arrest is necessary to remove that obstruction. An example could be a person peacefully sitting protesting about speeding traffic by sitting down in the middle of the road to ensure that traffic slowed down or stopped. It could include a situation where a vehicle is causing an obstruction and the driver refuses to move it. However, before making an arrest you should always ask yourself the question, 'does arresting this person actually prevent the condition?' If the answer is 'no' because, for example, the obstruction still remains, then arresting the person may not be the most suitable option.

Protection of a child or vulnerable person	This might apply when the health (physical or mental) or welfare of a child or vulnerable person is likely to be harmed or is at risk of being harmed, if the person is not arrested, in cases where it is not practicable and appropriate to make alternative arrangements to prevent the suspect from having any harmful or potentially harmful contact with the child or vulnerable person. Examples of this include where the suspect would be left in charge of a child who might then be exposed to harm or danger, for example in cases of drunkenness, minor assault or drug abuse. A vulnerable person could be: • a child • physically disabled • mentally disabled • blind or visually impaired • deaf • not able to read, or • not able to speak or has difficulty speaking because of a speech impediment. (Taken from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270303/arrest-guide.pdf)
Arrest is necessary to enable a prompt and effective investigation of the offence or conduct of the person in question	PACE Code G gives examples of the types of cases where arrest might be necessary immediately, for example, if there are grounds to believe that a person: • has made false statements • has made statements that cannot be readily verified • may steal or destroy evidence

	• may make contact with co-suspects or conspirators • may intimidate or threaten or make contact with witnesses • where it is necessary to obtain evidence by questioning. You may arrest in relation to an indictable offence if there is an operational need to: • enter and search any premises occupied or controlled by a person • search the person • prevent contact with others • take fingerprints, footwear impressions, samples or photographs of the suspect. You may arrest to ensure compliance with statutory drug testing requirements.
Preventing a prosecution being hindered by the disappearance of the person in question	This may arise if there are reasonable grounds for believing that if the person is not arrested, they will fail to attend court and street bail after arrest would be insufficient to deter the suspect from trying to evade prosecution.

Remember, that PACE Code G states that you should consider whether a suspect's voluntary attendance is a practical alternative to arrest.

3.8 Carrying out a lawful arrest

When making an arrest you should identify yourself and if asked, show your warrant card. If you are investigating an offence, all those who are present are free to leave unless they are placed under arrest. If a power of arrest applies to the circumstances and you decide that a suspect is not free to leave, you must immediately make that clear by arresting that person.

When a person is arrested they must be told as soon as practicable:

- that they are under arrest
- the grounds for the arrest (i.e. the offence for which they have been arrested)
- the reason(s) for the arrest being necessary.

Example:

I am arresting you for the offence of dropping litter as you have refused to give me your name making arrest necessary, because I am unable to report you for summons. You do not have to say anything but it may harm your defence if you do not mention, when questioned, something you later rely on in court. Anything you do say may be given in evidence.

In this case, the necessity criteria in relation to finding out the individual's name and address made the arrest necessary.

The person must be given the above information promptly and in simple non-technical language so that they can understand the essential legal and factual grounds for their arrest in accordance with the Human Rights Act 1998, Schedule 1, Article 5(2).

A person who is arrested, or further arrested, must also be cautioned unless it is impracticable to do so because of their condition or behaviour at the time; or they have already been cautioned immediately prior to arrest. (Code C 10.4)

Sometimes you may not be able to tell a person they are under arrest, the reason for their arrest or to caution them because they are violently struggling or are so under the influence of drink or drugs to understand. In these cases they should be informed as soon as practicable.

3.9 The timing of an arrest

Even if an arrest may be necessary for one or more of the arrest necessity criteria, you may still have a degree of choice over when to arrest. There will be a number of factors that could influence your decision, but you will need to create a balance between the operational requirements and those of the individual and or community. For example, you may need to consider the impact of delaying the arrest on the victim of a crime, or you may need to

consider the impact on the suspect and their community of arresting them at a particular time such as during prayer time.

3.10 Planned arrests

When a suspect has been identified, you will need to prepare an arrest plan which should include the timing of the arrest. You must consider:

Whether at the time of the arrest the suspect will pose a serious risk to the safety of the victim, witnesses or the general public, e.g. if they are at home in the early morning there will be less risk of harm to the public.

The likelihood that the suspect will commit further or more serious offences: you should, arrest before they do.

The likelihood that the suspect will destroy, conceal or falsify evidence to obstruct the investigation.

In developing an arrest strategy you will need to consider the:

- Circumstances of the offence
- Authority for search
- Nominated officer in charge of the arrest team
- Nominated officer in charge of the search team
- Other relevant staff involved in the arrest
- Communication methods
- Method of entry
- Items to be searched for
- Methods of recovery.

Speak to your supervisor if you are involved in a planned arrest.

3.11 The use of reasonable force

In some cases, you will not need to use force to detain someone. A more forceful approach may be required, if, for example, you suspect the person may become violent, try to escape or interfere with evidence.

Even the slightest degree of physical contact with another person can amount to an assault. However, when carrying out a lawful arrest, you are permitted to use force if required under Section 117 of PACE. This states that you may use reasonable force, if necessary, in the exercise of your power of arrest under the provisions of PACE. These powers are further clarified in Section 76 of the Criminal Justice and Immigration Act 2008: you must **genuinely** believe that the degree of force used is necessary given the circumstances of the case. This provision should ensure your own safety and the security of the detainee.

Your presence, including the way you approach the scene, your manner, appearance, professionalism, and your ability to communicate effectively (both verbally and non-verbally) is extremely important when determining whether reasonable force is necessary during an arrest. You will often find that you have far less trouble with a detainee if you treat them with consideration at all stages of the arrest.

You should use the National Decision Model to determine how best to respond to the suspect and risk assess the situation. Try to talk to the individual and assess whether there are reasons relating to an individual's culture, disability, mental ill health or physical illness which are causing an individual to behave in an unusual manner. If you have reasons to believe that an underlying medical condition or mental ill health may be causing the suspect to appear aggressive, you should avoid the use of force to restrain the individual and you may wish to seek medical advice. There have been a number of cases involving people with mental ill health who have been restrained and subsequently died. In some cases, your verbal manner may help calm an individual down so that force is not necessary.

Response options may be adopted to suit specific circumstances once you have assessed the situation and only when you are satisfied that the use of force is appropriate. These might include:

- primary control skills – use of empty hand skills (escort position, pressure points, arm locks, wristlocks, use of handcuffs and restraints using a baton)
- defensive tactics – blocks, strikes, takedowns with empty hands, batons or rigid handcuffs (takedowns only) or use of incapacitants, all followed by control techniques.

You must be prepared to account for, and justify the use of any force against a detainee by showing that your actions were lawful, proportionate and necessary in the circumstances. For example, the use of handcuffs may not always be a necessary or proportionate response. Once you have restrained a suspect, you should carry out a further risk assessment of the individual to establish the detainee's condition prior to transporting.

Refer to force policy on the use and recording of the use of force against detainees.

If you know a suspect has previous convictions, use the information to risk assess when, where and how many staff are needed to safely and effectively make the arrest. You should **not** mention previous convictions during the arrest procedure, as each individual deserves fair and unbiased investigation/treatment.

3.12 Requirement to record

You should record brief details about the day, time, place, full name, date of birth (if known), address, ethnic origin and the reason for the arrest. You must record the reasons for the arrest as explained to the suspect in your notes and any subsequent statement.

You should also record if force was used during the arrest and in detail what force was used. This includes the type and technique of any restraints used i.e. handcuffing techniques.

You should also record any comments made by the suspect which are relevant to the offence. These notes should be presented to the custody officer on arrival at the police station.

If you de-arrest a suspect, you should not re-arrest the suspect if they refuse to give details for your records. A de-arrested suspect may be reported for summons or issued with a fixed penalty notice depending on your own police force policy. You should ensure that you record that you have de-arrested the suspect.

3.13 Circumstances when a de-arrest may take place

If the arrest reason under which the accused person is arrested no longer applies, then the person should be released and dealt with by summons, fixed penalty notice if applicable, or warned regarding their future conduct.

Example:

You report a person for the offence of dropping litter. They refuse to give you their name and address, leading to the arrest being necessary to enable you to obtain both. En-route to the police station the offender changes their mind and provides their name and address. If you are satisfied that there are no grounds for keeping them under arrest, the person should then be de-arrested and released. You must record that this has happened.

This applies to:

- PCSOs detaining a person pending the arrival of a police officer or escorting a detained person to a designated police station.
- Police Officers when the grounds for detention under Section 30 (7) PACE 1984 cease.

You need to adhere to your force's guidelines with regards to where to drop off the detained person following de-arrest. It is important that their safety and welfare is considered.

3.14 Powers of arrest: Persons other than constables

This is sometimes known as a "citizen's arrest" and is covered by Section 24A PACE.

A person other than a constable can arrest anyone who is in the act of committing an indictable offence or anyone who they have reasonable grounds for suspecting to be committing an indictable offence.

Where an indictable offence has been committed, a person other than a constable may arrest without a warrant anyone who is guilty of the offence or anyone whom he has reasonable grounds for suspecting to be guilty of it.

This power is only exercisable if:

- it is necessary to arrest the person in question, and
- it appears to the person making the arrest that it is not reasonably practicable for a constable to make it instead – for example, because the police officer has been injured or is not available.

Civilian powers of arrest are more restricted than those of a constable.

The arrest will not be lawful if it cannot be established that an indictable offence was in fact committed.

Unlike a police constable, a civilian cannot arrest for an anticipated offence. The offence must actually be in the process of being attempted – preparatory steps are not sufficient.

The power of arrest is only permitted to prevent the suspect from doing one of the following:

- a. causing physical injury to themselves or any other person
- b. suffering physical injury
- c. causing loss of or damage to property, or

d. making off before a constable can assume responsibility for him or her.

However,

- Any force used to affect the arrest may be an assault and unlawful; and
- Any force used to resist the arrest may be lawful (see R v Self 95 Cr. App R. 42).

Members of the public (as well as police officers) may take action, including reasonable force, to prevent a breach of the peace, which would not necessarily involve exercising the formal powers of arrest.

When you assume responsibility for a person arrested by another person who is not a constable, you must comply with the PACE Codes of Practice and inform that person that they are under arrest, the grounds for the arrest, including the reason and the offence for which they have been arrested. It is best practice that you do so, even if the arresting person may have already communicated this information.

The person must be told as soon as practicable and in simple non-technical language that they can understand in accordance with the Human Rights Act 1989, Schedule 1, Article 5(2). This information should be recorded in your notes of arrest and any subsequent statement as well as informing the custody officer on arrival at the police station.

3.15 Powers of detention for Police Community Support Officers

There are a 'standard' set of powers for PCSOs. In addition to these, Chief Officers of all forces in England and Wales can designate PCSOs with certain other powers, according to the needs of that particular force.

Those who have been designated with the powers of detention can require the name and address of a person who they have reason to believe has committed a relevant offence, or who is acting in an antisocial manner. A PCSO can issue a fixed penalty notice for a number of disorder type offences.

If a person fails to provide a name and address, or gives a name and address which the PCSO believes to be false, the PCSO may detain that person for up to 30 minutes until the arrival of a constable. Alternatively, a person may choose, if asked by the PCSO, to accompany them to the police station.

3.16 PCSO power to use reasonable force

Under Schedule 4, Part 1 of the Police Reform Act 2002, PCSOs have the power to use reasonable force to detain a person when waiting for the arrival of a constable or when accompanying a detained person to a police station if they believe that the force was necessary to prevent the offender or to keep him under control.

It is a summary offence to fail to give a community support officer a name and address when required to do so, or to make off during detention.

3.17 Warrants

A warrant is a written document issued by a magistrate or a judge which instructs the person or persons to whom it is addressed to do a particular act as set out in the warrant.

A warrant does not necessarily indicate that an individual has committed an offence.

It is important that when executing a warrant, you take time to speak to the person first, ensure that you check all the information required and go on to explain the purpose of the warrant. You should be aware that they may well feel under stress and your behaviour can help to alleviate or worsen this.

Most police forces employ Civilian Enforcement Officers (CEO) and Approved Enforcement Agencies (AEA). These are referred to as authorised officers and part of their role is to fulfil routine functions such as serving of summonses or executing warrants.

As well as the police, authorised officers are empowered under Schedule 4A of the Magistrates' Court Act 1980 to serve summonses and execute warrants.

However, as a police officer you will also need to know the contents and purposes of warrants. Remember that the task of enforcing warrants may seem routine, but to the recipient it may involve distress, anxiety and embarrassment.

Most policing areas have a central or designated office from which all warrants are administered and warrants that you use will generally be addressed to all the police officers in your force area.

There are a number of different types of warrant. The main ones that concern the police are warrants for:

- commitment
- arrest

- European arrest.

It is important that if you believe a person is wanted on warrant, you ensure that the individual is still wanted, before executing your powers of arrest. This can be done by either checking them on the PNC or enquiring through the system your force operates for the administration of warrants.

You will usually deal with arrest warrants because:

- you have had grounds to stop and check a person, and subsequently PNC them
- you have received information, e.g. a divisional intelligence bulletin, to the effect that a person is wanted on warrant.

3.18 Commitment warrant

When a person is committed to custody by a court, a warrant is issued authorising the detention, usually in a prison. The warrant should specify where the person is to be detained, although they may be taken to a police station in the first instance to await transport to the place specified in the warrant.

3.19 Arrest warrant

Arrest warrants may be executed anywhere in the UK. For example, a warrant originated in Scotland or Northern Ireland may be executed anywhere in England. (Section 136(2) Criminal Justice and Public Order Act 1994). If the individual is in another country, a European Arrest Warrant must be issued.

A warrant to arrest a person may be issued for one of the following reasons.

- **Arrest for an offence.** Where certain offences have been committed or are alleged to have been committed, or the defendant's address is not sufficiently established for a summons to be served, an arrest warrant may be issued.
- **Failure to answer a summons.** A magistrate may issue a warrant for the arrest of a person who in certain circumstances has failed to appear at court in response to a summons.
- **Arrest for non-payment of a fine.** Where a person has failed to pay a fine following a conviction, a magistrate may issue an arrest warrant.

Authorised officers are also empowered to execute any of the above warrants. However, it is highly unlikely that they will encounter, or be expected to deal with, extradition warrants. For a full list of the warrants that authorised officers can deal with, refer to s.125A, 125B and 125BA; Schedule 4A of the Magistrates' Courts Act 1980.

3.20 Dealing with warrants for non-payment of fines

The following points should be taken into consideration when dealing with warrants for non-payment of fines.

- You should adhere strictly to your own force and divisional guidelines on the execution of non-payment of fines warrants, as the payment of monies is required to prevent further action, such as further court appearances or committal to prison.
- The amounts of money concerned can be substantial, and you should seek guidance from your supervisor before you execute such warrants.

Procedure when executing a warrant for non-payment of fine

- If the subject of a non-payment warrant provides payment for the outstanding balance of the warrant, they should not be arrested.
- Local procedures should be followed regarding issuing a receipt and lodging money.
- The warrant should be endorsed that the outstanding balance has been obtained and signed along with any receipt references.
- The warrant is then returned to the court via your administrative procedures.

3.21 Execution of arrest warrants

When executing any arrest warrant you should proceed as follows:

- Make sure that you read the warrant and understand it and confirm it has been signed by a Justice.
- Select an appropriate time to execute the warrant – consider, for example, the impact on other family members if the individual is arrested during a meal time.
- Check that you have identified the right person (and not a child or relative with the same name). It may also be useful to check photograph records and the PNC for any warning markers.

- Identify yourself, establish the identity of the accused, arrest and caution them.
- Explain, in ordinary language, the charge and the reason for the arrest. Then, show the relevant person the warrant, if you have it with you (but do not hand the document over) or tell the relevant person where the warrant is and what arrangements can be made to let the person inspect it.
- Endorse the back of the warrant.
- Make a record of the event in your pocket notebook.
- Return the warrant to the court according to your local instructions.

A warrant must not be used in order to arrest a suspect simply for the purpose of an interview.

3.22 Executing a warrant of arrest that has bail conditions

When executing a warrant of arrest that has bail conditions, you should follow the procedure above, except that after arrest, the person can be released, subject to a requirement to attend a specified Magistrates' Court at a specified time. You can inform the suspect when they attend the police station or at the place of arrest. After identifying yourself and having established the identity of the accused, you should tell the accused that they need to attend court at the time and place which is specified on the warrant.

Cancelling an arrest warrant once it has been executed.

If the person is shown on PNC as 'wanted on warrant', this should be cancelled on the PNC to show that the warrant has been executed and the requirements of the warrant have been discharged.

Be guided by your own force policy on how warrants shown on PNC are cancelled and also who is responsible for doing it.

3.23 European arrest warrants

European arrest warrants (EAW) are issued to facilitate extraditions (the return of a wanted person from a country where they are found, to the country where they are accused of, or have been convicted of, a criminal offence). The Extradition Act 2003 simplifies procedures between member states of the European Union.

When an EAW is issued, the subject's details will be inputted on to the PNC. Officers conducting person checks on the PNC may find that the subject of the check is wanted for extradition to another country. Officers must only arrest for extradition where there is a clear direction to do so on the PNC.

When a subject is located, it is strongly recommended that their arrest is pre-planned and includes:

- Pre-arrest risk assessment
- Details of any domestic investigations to which the subject is linked
- Full identification package including, where possible, photographs and fingerprints
- A search plan.

When making the arrest, it is imperative that the appropriate caution is used. This is not an arrest under PACE and so the arresting officer should state the following:

"You are under arrest under the Extradition Act 2003. You do not have to say anything. Anything you do say may be given in evidence."

The arresting officer must inform the person of why they are being arrested. It is not sufficient for the person just to be told that they are wanted on an EAW. It is also vital that the arresting officer establishes the identity of the person they have arrested by checking their name and date of birth. The arresting officer must record that these questions have been asked and the responses given in a statement. If a search is conducted, any documents linked to identity should be bagged separately from all other property.

The Extradition Act 2003 imposes a strict timeframe on the interval between arrest and presentation at court for the initial hearing. All extradition cases must be heard by an appropriate judge, all of whom are located at Westminster Magistrates' Court.

4. Detaining and escorting suspects

If you arrest people, or detain them for the purpose of exercising a power of search, you will be depriving them of their liberty. This may have serious consequences if you are not acting in accordance with the law.

4.1 When is a person in 'detention'?

A person is in detention when he or she:

- Has been arrested for an offence and brought to a police station, or
- Has voluntarily attended a police station and is subsequently arrested, and is detained there or elsewhere in the charge of a police officer.

4.2 Transporting detainees

In many forces, the transport of detainees is carried out by escort officers. A designated escort officer has powers to carry out certain functions that previously would have been carried out by police officers only. Schedule 4. Part 4 of the Police Reform Act 2002 outlines the powers of a designated escort officer.

You should check your force policy to ascertain what your responsibilities are in relation to escorting detainees. If you are not accompanying the detainee, you must ensure that you provide all the information which you have collected which might be relevant to the detainee's risk assessment and care plan once in custody. This should include:

- Time of and reason for the arrest
- Use of force
- Information which suggests that an individual may be vulnerable, ill or at risk
- Information which suggests an individual may be violent or aggressive
- Information about an individual's use of medication
- Significant statements and relevant comments
- Any changes noted to an individual's physical or mental well being
- Whether an individual is able to speak and understand English or not.

Detainees will normally be taken to the police station in a police van. If this is not available, other suitable police transport may be used. Public transport must not be used. You should assess what form of transport is most suitable for the suspect. This will be influenced by availability, whether the transport is planned or spontaneous and by the risks posed by the detainee. A detainee should not be left alone and unsupervised in a vehicle – an officer should be able to monitor the person and respond to any situation which might arise.

If the detainee is not violent and the police station is no great distance away, they may be taken there on foot, except when they are handcuffed.

If you are involved in transporting a detainee, you should carry out a risk assessment to determine the number of escorts required and the level of restraint. This should include:

- What were the actions of the person prior to police intervention?
- What were the actions after contact with the police?
- Are there any PNC warning markers?
- Is there local intelligence on the detainee?
- What allegations have been made by others about the detainee?
- What is the condition of the detainee?
- Does the detainee have a history of violence?
- What is the extent and result of any search of the detainee?
- Has the detainee used weapons?
- What is the assessment of escape risk?
- What is the length of the journey?
- What vehicles are available?
- Does the detainee have a disability?

Before you put a detainee in a vehicle, you must search it in their presence. This is to ensure that there is nothing there that they may use to escape or injure someone. It also avoids the risk of mistakenly connecting property with this detainee. You should ensure that that you have carried out a risk assessment prior to putting the detainee in the vehicle to ensure that you have identified if there are underlying medical or mental ill health problems which need addressing by medical staff or which you should monitor. It may be important to know, for example, that a detainee has asthma or a heart condition.

A detainee should be constantly monitored when transported where the detainee is:

- drunk and incapable
- believed or know to have consumed, swallowed or packed drugs

- violent or known to be violent
- believed or known to be at risk of suicide or self-harm
- has increased susceptibility to positional asphyxia.

If you believe it is not appropriate to transport the detainee, you should consider calling for medical assistance. If the detainee appears to be unconscious, you must call for an ambulance.

On arrival at the police station, you must again search the vehicle in their presence in case the person has left any property or evidence in the vehicle.

Detained persons often try to dispose of drugs or weapons and may try to do this in the police vehicle. You should therefore search the vehicle in their presence before putting them in it. This ensures that any drugs or weapons or other articles used in an offence that they subsequently dispose of in the vehicle which you find in a search on arrival at the police station can be connected to them and evidence provided that the article must have been disposed of by them. When transporting detainees you should consider issues of cross-contamination: if you are transporting more than one detainee, any contact between them may result in trace material being transferred from one to the other and possibly wrongly linking one with a crime scene. If the detainees have been involved in the same crime, transporting them together might enable them to confer on how they can explain their presence at the scene of the crime.

Every detainee must be supervised and monitored while in transit. High risk detainees will require more resources to monitor them. Special care must be taken of drunken detainees. If necessary, they should be placed on the floor of the vehicle in the 'recovery position' so that they do not inhale their own vomit. If they are unconscious, they must be taken to hospital by ambulance. Once the detainee arrives at the police station and is taken to the custody office, they become the responsibility of the custody sergeant. If the custody sergeant deems the drunken person as being too drunk to detain, then arrangements will be made to remove that person to hospital. This is the custody officer's duty and will be their decision, not the arresting officer's decision. Note that an individual who appears drunk, may actually be suffering a stroke, be diabetic or have mental ill health. You should consider if there are underlying issues which are causing their behaviour.

Female detainees must be accompanied by a female police officer, if they are available. If there is not one available, at least two male officers must act as escort. This also applies to male detainees and female officers. When transporting a detained person you must record

any relevant unsolicited comments made by them fully and accurately and fully document all decisions, actions, options and rationale in accordance with current policy and legislation.

Once you have arrested a person, you are responsible for their safe custody until they have been dealt with by the custody officer at the police station. You must deal with the detained person in an ethical manner at all times, recognising their needs with respect to equality, diversity and human rights. The custody officer has the chief responsibility for detained persons; however it is important that you are aware of the requirements of PACE and the associated Codes of Practice. Failure to adhere to the provisions of the law could result in the failure of prosecutions because evidence is excluded, there could be civil claims against forces, bad publicity and potential disciplinary or criminal proceedings against officers.

You must inform the Communications Centre that you have arrested a suspect, in order to establish which custody suite you need to go to. If you are dealing with more than one suspect, they will need to be transported separately and taken to different custody suites. You must inform the Communications Centre about the detainee's condition and whether the detainee has been violent as this will ensure that support is provided when you reach the custody suite.

4.3 The PACE Codes of Practice and detention

Once it has been decided to detain a person, the PACE Codes of Practice outline the manner in which they must be treated while in detention and the minimum standard of treatment that they should expect. These Codes are intended to protect the basic rights of those in detention. If these Codes are adhered to, it is more likely that evidence obtained while people are in custody will be admissible in court. The provisions of the 1984 Act give guidance in many areas including:

- Length of time in detention
- Information about the detained person's arrest
- Searching
- Taking of samples
- Interviewing of suspects
- Identification methods
- Charging
- Bail.

4.4 Locations where a detainee may be taken

A person under arrest should be taken to a 'designated police station' (see section 30 PACE 1984). This is a station which a chief officer of police has decided can provide suitable accommodation for the purpose of detaining arrested persons. One or more custody officers of at least the rank of sergeant must be appointed at each designated police station. The prime responsibility of this officer is to ensure compliance with the Police and Criminal Evidence Act and its Codes of Practice in relation to the detention and treatment of detainees.

A person under arrest may be taken to a non-designated police station if you are working in a locality not covered by a designated police station and it appears that it will not be necessary to keep the person in police detention for more than six hours. Such a person may also be taken to a non-designated police station, if you have no other police officer available to assist you and it is necessary to prevent injury to the person, yourself or anyone else.

In the circumstances outlined above, a police officer not involved in that investigation must perform the duties of the custody officer. If an officer involved in taking the detainee to that police station has to act as a custody officer, an inspector or above at a designated police station must be informed.

4.5 Places of safety

Section 136, Mental Health Act 1983 states that if a police officer finds in a place to which the public have access a person who appears to him to be suffering from mental disorder and to be in immediate need of care or control, the police officer may, if they think it necessary to do so in the interests of that person or for the protection of other persons, remove that person to a place of safety within the meaning of section 135.

A "place of safety" means residential accommodation provided by a local social services authority, a hospital as defined by this Act, a police station, an independent hospital or care home for mentally disordered persons or any other suitable place where the occupier is willing to receive the patient temporarily. A police station should not be the automatic option for a 'place of safety'. Forces have different policies on the use and availability of places of safety so you should check your force policy on their use.

If a person is detained under Section 136, they have the right to have somebody informed of their removal and whereabouts. In the case of a juvenile or a person experiencing mental ill

health, the appropriate adult must be informed, and asked to come to the police station to see the detainee – paragraph 3.15 PACE Code C.

A record of the person's time of arrival must be made immediately upon arrival, at the place of safety. A person removed to a place of safety from a public place may be detained for a period not exceeding 72 hours. This enables the patient to be interviewed by an approved mental health professional and examined by a registered medical practitioner for the purpose of making any necessary arrangements for treatment and care. As soon as the person is no longer detained, they must be informed.

Where a person is removed to a hospital (or in exceptional circumstances a police station), immediate contact should be made with health and social services departments to ensure the person is examined with the minimum delay.

4.6 Giving evidence to the custody officer

The custody officer has certain responsibilities in respect of detained persons and one of the decisions that must be made is whether to authorise a person's detention. The custody officer will need answers to the following questions:

- What time was the person arrested, for what offence(s) and the reason(s) for that person's arrest?
- Why was the arrest necessary?
- What time did they arrive at the station?
- Were they lawfully arrested?
- Why is further detention necessary? For example, should the person be bailed?
- Was any force or restraints used during the arrest and can these be justified?
- Is the arresting officer aware of any medical, religious or other needs that should be considered during detention?

4.7 The custody record

The custody record is used as a diary of events to record everything that occurs whilst the arrested person is in detention and is completed by the custody officer.

- Entries in the custody record must detail:

- the reason, date and time of the arrest
- personal details concerning identification of the person under arrest
- the name of the arresting officer
- the time the person arrived at the police station.

When an arrested person is brought before the custody officer you or someone designated on your behalf will relate the circumstances of the arrest and the custody officer can decide whether to authorise detention or not.

If the custody officer does not believe further detention is necessary, for example, if one of the necessity criteria has not been met, the detainee should be de-arrested and a note should be made in the custody record.

The codes of practice do not require the arresting officer to be present at the point at which an arrested person is brought before the custody officer. Some forces are therefore making greater use of designated detention officers, who can relay the circumstances of a person's arrest on an officer's behalf, thereby enabling officers to remain on patrol for longer periods without the need to travel to and from the police station. You should check your force policy on this.

The identity of officers or police staff need not be recorded or disclosed in the case of enquiries linked to the investigation of terrorism, or if you reasonably believe recording or disclosing your name might put you in danger. In these cases it is permitted to use your warrant or other identification numbers and the name of your police station. (Code C 2.6A and Note of Guidance 2A)

The person should be informed by the custody officer of the grounds for detention, an entry made on the custody record to this effect and a note made of any reply.

This information can be delayed if, at the time the written record is made, a person is:

- incapable of understanding what is being said
- violent or likely to become violent, or
- in urgent need of medical attention.

This information should however, be given as soon as practicable.

The custody record can be viewed by at any time by the detainee's solicitor or appropriate adult. They may consult a detainee's custody record as soon as practicable after their arrival

at the station and at any other time whilst the person is detained. Arrangements for this access must be agreed with the custody officer and may not unreasonably interfere with the custody officer's duties. (Code C 2.4)

Detention must also comply with any specific warrant or injunction conditions.

The custody officer must inform a person under arrest at a police station of the right to:

- have someone informed of their arrest
- consult privately with a solicitor free of charge (in person or by telephone)
- consult the Codes of Practice.

The person must be informed that these rights need not be exercised immediately. They are continuing rights which may be exercised at any stage during the period in custody. When the custody officer has completed these actions, the person should be given a notice setting out these rights and asked to sign the custody record.

4.8 Risk assessing a detainee

On presentation to the custody officer you must provide them with known information regarding any special conditions and associated risks that apply to the detained person as these will inform the risk assessment of the detainee. Such conditions or risks could include:

- Intoxication
- Health or medical issues including mental ill health
- A likelihood of deliberate self-harm
- The necessity of force in the arrest
- The need for segregation
- Requirements associated with the health, safety and welfare of all involved
- Information in relation to evidence or other property, for example drug paraphernalia
- Requirements for the security of all involved, for example if the person has been arrested on terrorism charges
- If the detainee appears to be unable to speak or understand English, or who has a hearing or speech impediment, an interpreter must be provided to give assistance.

The custody officer must decide and record in the custody record whether the detainee:

- is or might be in need of medical treatment or attention
- requires an appropriate adult, help to check documentation or an interpreter.

Juveniles

Under PACE, Code C, a juvenile is anyone who appears to be under the age of 18 – unless there is clear evidence that they are older (Paragraph 1.5 and 1.5A). Children in the youth justice system may have low educational attainment, communication and learning difficulties and mental ill health problems. Children may find the environment of the custody suite intimidating and frightening, so that they do not disclose information about special needs or other vulnerabilities. If you have collected information as part of your risk assessment or during the arrest process which indicates that a young person has special needs or is otherwise vulnerable, you must ensure that you tell the custody officer. Remember that detention, searches and other aspects of arrest may have a more negative effect on the wellbeing of young people.

Detainees who are mentally vulnerable

The following information is taken from PACE Code C. If you have any suspicion, or are told in good faith, that a person of any age may be mentally disordered or otherwise mentally vulnerable¹, in the absence of clear evidence to suggest otherwise, the person shall be treated as such for the purposes of PACE Code C.

‘Mentally vulnerable’ applies to any detainee who, because of their mental state or capacity, may not understand the significance of what is said, of questions or of their replies. ‘Mental disorder’ is defined in the Mental Health Act 1983, section 1(2) as ‘any disorder or disability of mind’. When the custody officer has any doubt about the mental state or capacity of a detainee, that detainee should be treated as mentally vulnerable and an appropriate adult called.

Juveniles and detainees who are mentally vulnerable are entitled to the support of an appropriate adult. The appropriate adult should be involved in aspects of the detainee’s care including being present when the detainee is cautioned, supporting any decision about

¹ The terms ‘mentally disordered’ and ‘mentally vulnerable’ are used correctly to reflect the wording in the Codes of Practice and legislation. In other circumstances, the term ‘mental ill health’ is preferred.

whether to take legal advice and being present during searches and interviews (other than in an emergency when limited questioning may be allowed).

4.9 Further arrest

There will be times when you arrest a suspect for one offence and then find out they have committed another one as well. In such cases you must inform them that they are also under arrest for the other offence as well (Section 31 PACE). This is to prevent a situation where the individual leaves the police station and is immediately rearrested for the other offence.

Example:

You arrest a shoplifter who you take back to the police station. There you find that they are wanted on warrant for criminal damage. You must, as soon as is practicable, arrest them for the criminal damage, even though they are still under arrest for the shoplifting.

You must always record such matters in the appropriate notebook and, if you are already in the police station, explain fully to the custody officer what you propose to do and obtain his or her consent before seeing the suspect if you are responsible for interviewing them.

4.10 Conducting searches: PACE Section 54

A custody officer is responsible for establishing what property a detainee has with them when they come to the police station, whether on:

- Remand into police custody on the authority of a court.
- Arrest or re-detention on answering to bail.
- Commitment to prison custody on the order or sentence of a court.
- Lodgement at a police station with a view to their production in court from prison custody.
- Transfer from detention at another station or hospital.
- Detention under the Mental Health Act 1983, Sect 135 or 136.

The custody officer is also responsible for establishing what the detainee may have in their property for an unlawful or harmful purpose while in custody and are responsible for the safekeeping of any property taken from the detainee who remains at the police station. However, there is no requirement that every item is recorded.

Under Section 54 of PACE, the custody officer may search the detainee or authorise that they are searched to the extent they consider necessary, provided a search of intimate parts of the body or involving the removal of more than outer clothing is only made in accordance with the provisions of Code C Annex A. As the arresting officer, in some cases, you may be required to carry out the search.

A search may only be carried out by an officer of the same sex as the detainee.

Personal clothing and personal effects may be retained by detained persons at their own risk unless the custody officer considers that they may be:

- Used to cause harm to themselves or others
- Interfere with evidence
- Damage property
- Effect an escape, or
- Needed as evidence.

They must tell the detainee why any items are being withheld.

Personal effects are those items a detainee may lawfully need, use or refer to in detention, e.g. a diary, but does not include cash and other items of value.

You may be called upon by the custody officer to carry out a search for any, or all, of the reasons mentioned. You should be aware of points of personal safety, such as plunging your hands into pockets before checking for possible sharp contents, or relying on the detained person to empty the contents without checking afterwards. You may be concerned about the risk of contracting the HIV virus. By taking simple safety precautions such as wearing surgical rubber gloves, looking in pockets and bags before inserting your hands, you can minimise the risk when conducting searches. Look for items of evidence that may be related to the offence for which the suspect has been arrested and for evidence which may link the detainee to other offences.

It is important that you maintain a rapport with the person and speak to them whilst conducting a search, but be careful that this conversation cannot be construed as an interview.

The custody officer decides whether a record should be made of the property a detained person has with them or had taken from them on arrest. The detainee should check and sign that the record of property is correct and any refusal to sign should be recorded.

Any record made is not required to be kept as part of the custody record, but the custody record should outline where such a record exists. Check with your force about their policy in relation to detainee property records.

When a person is released from detention, all property they had in their possession when they came into detention at the police station, must be returned unless the custody officer has reasonable grounds to believe that it is necessary to retain the property because it is:

- evidence of an offence
- in possession of the detainee unlawfully
- necessary to make further enquiries regarding the property.

Where property is retained the detainee should be told of the reason and a record made.

4.11 Intimate and strip searches

These are separate and distinct types of search, each have their own procedure and requirements which are set out in the Codes of Practice Code C Annex A. Searches should be conducted with proper regard to the sensitivity and vulnerability of the person being searched. Every reasonable effort should be made to secure cooperation and minimise embarrassment. Below are some of the key points.

Strip search

A strip search is a search involving the removal of more than outer clothing. Under the Code of Practice, outer clothing includes shoes and socks.

A strip search may only take place if it is considered necessary to remove an article which a detainee would not be allowed to keep, and you reasonably consider that the detainee may have concealed such an article. Strip searches should not routinely be carried out if there is not a reason to consider that articles are concealed.

When strip searches are conducted, the police officer or member of staff carrying out the search must be the same sex as the person being searched.

The search shall be conducted in an area where the detainee cannot be seen by anyone who does not need to be present, or by a member of the opposite sex, except by an appropriate adult, who has been specifically requested by the detainee.

Except in cases of urgency, where there is a risk of serious harm to the detainee or to others and the search involves exposure of intimate body parts, there must be at least two people

present other than the detainee. If the search is of a juvenile or of a mentally disordered or otherwise mentally vulnerable person, one of these people must be the appropriate adult.

Other than in urgent cases, the search of a juvenile may only take place in the absence of the appropriate adult if the juvenile signifies in the presence of the appropriate adult that they do not want the adult to be present. For example, a female juvenile may not want her father or elder brother, who is acting as the appropriate adult, to be present. If she states in the presence of her father/brother, that she does not want him to be present, a search may be conducted in the absence of the appropriate adult. The appropriate adult must agree to this and a record should be made of the juvenile's decision and be signed by the appropriate adult.

The presence of more than two people, other than an appropriate adult, is permitted in only the most exceptional circumstances.

People being searched should not normally be asked to remove all their clothing at once (Code C, Annex A, para 11(d)).

If necessary, to assist the search, the detainee may be asked to hold their arms in the air or to stand with their legs apart and bend forward so a visual examination of the genital and anal areas may be made, provided there is no physical contact with any body orifice (Code C, Annex A, para 11(e)).

Whilst conducting a strip search officers **MUST** avoid the touching or applying of bodily force to any orifice (other than mouth) or the immediate surroundings of any body orifice as this would constitute an "intimate search" for the purposes of PACE. Any intentional physical contact with the genitals (e.g. moving or lifting them) as opposed to a mere visual examination should also be considered an "intimate search".

If articles are found, the detainee should be asked to hand them over. If they are found in any body orifice other than the mouth, and the detainee refuses to hand them over, their removal would constitute an intimate search.

A record of a strip search must be made on the custody record and include the reason it was considered necessary, the persons present and the result of the search.

Intimate search

An intimate search consists of a physical examination of a person's body orifices other than the mouth. The potential and actual risks of this type of search should not be underestimated.

Body orifices other than the mouth may be searched only:

- a. If authorised by an officer of at least the rank of inspector or above who has reasonable grounds for believing that the person may have concealed on themselves (Code C, Annex A, para 2(a)).
 - i. Anything which they could and might use to cause physical injury to themselves or others at the station; or
 - ii. A class A drug which they intended to supply to another or to export.

and the officer has reasonable grounds for believing that an intimate search is the only means of removing those items; and

- a. If the search is under point (ii) above (a drug offence search), the detainee's appropriate consent has been given in writing.

If an intimate search is considered necessary, you must explain to the person before the search begins

- a. That the authority to carry out the search has been given and
- b. The officer's grounds for giving the authorisation (Code C Annex A, para 2A).

You should warn them that if they refuse without good reason, their refusal may harm their case if it comes to trial. If the detainee is not legally represented, they must also be reminded of their entitlement to have free legal advice. You should keep a record of providing this information and the detainee's response on the custody record.

An intimate search may only be carried out by a registered medical practitioner or registered nurse, unless an officer of at least the rank of inspector considers this is not practicable and the search is to take place to find anything the detainee could, and might use to cause physical injury to themselves or others at the station, in which case a police officer or other member of staff of the same sex as the detainee may carry out the search. A search by a police officer must only be considered as a last resort and when the authorising officer is satisfied the risks associated with allowing the item to remain with the detainee outweighs the risk associated with removing it (Code C, Annex A, para 3A).

An intimate search at a police station of a juvenile or mentally disordered or otherwise mentally vulnerable person 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. For example, a vulnerable person may ask for their spouse to be present.

In the case of a juvenile the search may take place in the absence of the appropriate adult only if the juvenile signifies in the presence of the appropriate adult they do not want the adult to be present during the search, and the adult agrees. A record should be made of the juvenile's decision and be signed by the appropriate adult (Code C, Annex A, para 5).

When an intimate search is carried out, a minimum of two people, other than the detainee, must be present. No person of the opposite sex who is not a medical practitioner or nurse shall be present, nor anyone whose presence is unnecessary. During an intimate search, a detainee can feel very vulnerable, so it must be conducted with sensitivity to this fact.

Details about the search must be put in the detainee's custody record as explained in PACE Code C Annex A.

4.12 Releasing a detainee

Where a person has been arrested and held in custody at a police station in connection with an offence, it is the responsibility of the custody officer to decide:

- if there is sufficient evidence at that stage to charge or report for summons
- if insufficient evidence to justify a charge at that stage but further enquiries may provide additional evidence
- if insufficient evidence to justify a charge and there is unlikely to be any other evidence obtained.

If the latter, that person must be released from custody without charge. Where the decision is to report for summons that person should be unconditionally released from custody.

If a pre-release risk assessment suggests that a detainee is very vulnerable and there is a real risk to that individual on release (including the risk of suicide), the custody officer responsible for the duty of care will need to make a decision on the best course of action for the detainee on release. It may be appropriate to offer advice and options to support their welfare on release, including:

- social care
- healthcare
- hostels/refuges
- charity support organisations.

This section is for **Police Officers** only. Police Officers have the necessary powers to apply this legislation where applicable. PCSOs will find having knowledge of this legislation useful due to your work with communities.

5. Use of bail

This section is for **Police Officers** only. Police Officers have the necessary powers to apply this legislation where applicable. PCSOs will find having knowledge of this legislation useful due to your work with communities.

When a suspect has been charged with an offence, they may be released on bail. This enables the suspect to go home until a court hearing. The Bail Act 1976 is the primary source of legislation in relation to bail in criminal proceedings granted by the police and courts. Other legislation also impacts upon bail, in particular the Police and Criminal Evidence Act 1984 and the Criminal Justice and Public Order Act 1994.

Police bail can either be granted by a custody officer at a police station, or by a constable elsewhere than at a police station (which is known as 'street bail' and is covered under PACE 1984, section 30A).

Section 1 of the Bail Act 1976 sets out the circumstances in which bail may be applied. These are where:

- a person is accused or convicted of an offence
- a person is under arrest for an offence or where a warrant (endorsed for bail) is being issued
- a person is undergoing extradition proceedings for an offence.

In some cases you may have arrested a suspect and interviewed them, but do not yet have sufficient evidence to recommend to the custody officer that they be charged. There may be a number of reasons for this, for example, you need to interview other witnesses, await the result of forensic examination or arrest other suspects. If this situation arises then the custody officer can grant police bail under Section 47(3) PACE 1984 to the suspect and the suspect will be required to return to the police station (rather than court) at a later date. Conditions may be attached to bail such as agreeing to live at a certain address or reporting to the police station at specific times.

The bail date is set by the custody officer and will give you, as the investigating officer, additional time to make any further enquiries necessary, or for the Crown Prosecution Service to reach a decision. The bail dates will be set as per your own force policy.

The bail date is entered onto a bail form and instructs the suspect to appear at a specified police station at a given time and date. When they appear, they can either be re-interviewed (as they haven't yet been charged), reported, or informed that no further action will be taken against them. It is important that you keep a record of the time and date and ensure that you attend.

When charged, they (or the appropriate adult) should be given a written notice which shows:

- The particulars of the offence (e.g. the precise offence).
- The name of the police officer in the case and the police station. (However, this does not apply if paragraph 2.6A of PACE Code C applies – where there is reasonable belief that disclosure might put them in danger and/or the enquiries are linked to the investigation of terrorism. In this case, warrant or id numbers and the name of the police station should be given).
- The reference number of the case.

A record must be made of anything the detained person says when charged.

Once charged with an offence, the custody officer must release the person on bail, unless the person comes within the conditions listed above. A custody officer may release unconditionally a person who has been informed they may be prosecuted, i.e. reported for summons.

Prior to release on bail, a bail enquiry should take place to check that the person has an appropriate place to stay.

Example:

A person is told they will be released on bail and are asked to provide the address where they will stay. When they say that they are homeless, the custody officer states that that the person will have to stay in custody. At this point, the person provides an address. The bail enquiry would check that the address was real, that it was an appropriate place to stay and that the person was permitted to stay at the location.

The custody officer is responsible for recording on the custody record any action taken in respect of the release of a person.

Once a detainee has been charged with an offence, they would normally be released from police detention either on bail or without bail. The reasons why bail can be refused are set out in PACE Section 38 and include:

- the name and address cannot be ascertained (or the custody officer has reasonable grounds for doubting whether a name or address provided is real) – unless it is possible to ascertain these by other means (e.g. fingerprints or photograph)
- there is a risk of the person absconding
- there could be an interference with the administration of justice: this is to protect witnesses and to enable other evidence to be obtained
- it could lead to the commission of further imprisonable offences
- there is a risk of causing physical injury to any other person or causing loss of or damage to property (non-imprisonable offences only)
- For the individual's own protection (e.g. where someone is suicidal, addicted to drugs or for their protection from others in cases of child abuse)
- the offence charged is murder.

Where the custody officer decides to refuse to grant bail after charge, they must record the refusal and the grounds for it on the custody record (Section 38(4) PACE). The accused person must also be informed of the decision and the grounds for refusal.

If a person is kept in detention after being charged with an offence he should be brought to the Magistrates' Court as soon as practicable.

This means that the person must be brought before the next available court. If no court is sitting on the next day following charge (other than Sundays, Christmas Day or Good Friday), the Custody Officer must inform the Designated Officer of the situation.

5.1 What is a 'surety'?

In some cases the court or custody officer may consider it necessary to require a person other than the detained person to guarantee the detained person's attendance at the appointed place and time.

Such a person is known as a '**surety**'. They make a binding written agreement with the court or custody officer to pay a sum of money, set by the court or custody officer, if the detained person fails to turn up. This agreement is called a '**recognizance**'.

The following should be considered when assessing the suitability of a surety:

- the surety's financial resources
- their character and any previous convictions
- their proximity (e.g. relationship, place of residence, etc.) to the detained person.

5.2 Meeting people on bail

Meeting with people who are on bail or who have been reported for criminal proceedings should be avoided as far as possible. Such a meeting could give rise to suggestions that something improper was taking place. If a meeting is necessary, for example in the course of an ongoing enquiry, you should consult a supervisory officer.

Sometimes meetings occur by chance, in which case you should record what happened in your pocket notebook and inform your supervisory officer.

Exceptions

- The above directions do not apply to persons reporting to a police station as a condition of their bail or for routine matters unconnected with the offence for which they are subject to bail, e.g. reporting a road traffic collision. Neither do they apply to persons who have been summoned for minor road traffic offences.

5.3 Arrest procedure for breach of bail

You may arrest a person on bail without a warrant if:

- you have reasonable grounds for believing that the person is not likely to surrender to custody, is likely to break any of the conditions of their bail, or has broken any of those conditions
- the person was released on bail with one or more sureties, and the surety notifies you in writing that the person is unlikely to surrender to custody, and so the surety wishes to no longer act as a surety. (Section 7 Bail Act 1976)

If you arrest someone after they have failed to appear in court at the time required, you should bring them before a justice of the peace as soon as practicable, and within 24 hours of the arrest. You should take the person to the court where they had been ordered to surrender to custody. There is no need to charge the person for breaching bail – this will be dealt with by the court.

If a person who has been released on bail in connection with extradition proceedings fails to surrender to the custody of a police officer and fails to surrender to custody at the time appointed, a warrant for their arrest may be issued by a magistrates' court.

6. Circulating information about a person wanted or suspected

This section is for Pre-Join, Police Officers and IL4SC Phase 1 only. Police Officers have the necessary powers to apply this legislation where applicable. PCSOs will find having knowledge of this legislation useful due to your work with communities.

6.1 Persons wanted

A person may be described as 'wanted' if, during the course of an investigation, sufficient information exists for them to be interviewed as a suspect in the investigation. This would then make them 'wanted' with regard to the incident.

6.2 Categories of 'wanted'

There are two categories of 'wanted'.

A person may be 'wanted', for interview for the offence being investigated.

Circumstances may exist for them to be arrested for the offence being investigated.

You are called to a domestic abuse incident at a house. When you arrive, the door is open and on the floor you see a woman lying curled up in a ball. You ask her what has happened and she explains that she and her partner had been arguing and when she told him she wanted to leave him, he punched her in the stomach. You call the Communications Centre to inform them that you need to interview the man on suspicion of assault. You provide the man's name, give a description of him based on a photograph in the house and describe the clothes he is wearing. This information is circulated locally and the man is brought in for questioning.

6.3 Circumstances justifying arrest of a person wanted

Arrest would be justified to prevent the person in question:

- a. causing physical injury to himself or any other person

- b. suffering physical injury
- c. causing loss of or damage to property
 - protect a child or other vulnerable person from the person in question
 - allow the prompt and effective investigation of the offence or of the conduct of the person in question
 - prevent any prosecution for the offence from being hindered by the disappearance of the person in question.

Note the omission of the conditions with regard to name and address, offences against public decency, and obstruction of the highway. When circulating the person, it is important to differentiate between:

- a person wanted for interview
- a person wanted for arrest. The reasons for arrest must also be specified.

If we have a description of a suspect, but no identity, then we would have to circulate the person as being 'suspected' (rather than 'wanted'), giving any description we had, along with the offence and grounds for arrest as previously seen. If there is insufficient evidence to arrest, but we need to speak to that person, then they would be circulated as 'whereabouts sought for interview.'

6.4 Circulating persons

There are several methods available to you to do this.

The most obvious method, in the immediate aftermath of an incident, is to circulate the details of the individual via your communications centre for immediate observations and actions by your colleagues. Even if you have full details of the person you want, you should still provide as full a description as possible, especially of clothing, if the incident is very recent. You must also, if requesting an arrest to be made, give the details of the offence and the reasons for the arrest being necessary.

If the initial circulation is fruitless, but the individual is known to live locally, it may be appropriate to circulate the individual locally for attention of all officers at briefings.

If that is unsuccessful, or the individual is known to live outside the local area, then you may try national circulation. The best and most accepted medium for this is via the Police National Computer.

7. Revision questions

- What options might you consider as alternatives to arresting someone?
- What information should you consider when risk assessing a suspect?
- What does a lawful arrest require under Section 24 PACE?
- What are the ten necessity criteria for arrest under Section 24 PACE?
- What information should you record when you make an arrest?
- Why is it important to search a vehicle before and after transporting a suspect?
- What information does the custody officer need to have about a suspect on arrival at the custody suite?
- What should you consider when a juvenile is detained?
- Under what circumstances might bail be granted?
- What should you do if you believe that an individual has broken their bail conditions?

8. Key legislation

- Section 24 and 24A of the Police and Criminal Evidence Act 1984
- Section 28 of the Police and Criminal Evidence Act 1984
- Section 30 of the Police and Criminal Evidence Act 1984
- Section 31 of the Police and Criminal Evidence Act 1984
- Section 32 of the Police and Criminal Evidence Act 1984
- Section 54 of the Police and Criminal Evidence Act 1984
- Section 117 of the Police and Criminal Evidence Act 1984
- Section 3 Criminal Law Act 1967
- Section 76 of the Criminal Justice and Immigration Act 2008
- Schedule 4, Part 1 of the Police Reform Act 2002

9. E-learning

In addition to this book the following e-learning is available via the College of Policing Managed Learning Environment (MLE):

PACE Code G Revision E-briefing.

This package provides information and guidance on the use of arrest powers and the necessity criteria in the light of changes made to PACE Code G in 2012.

The MLE is regularly updated with new learning programmes and materials.