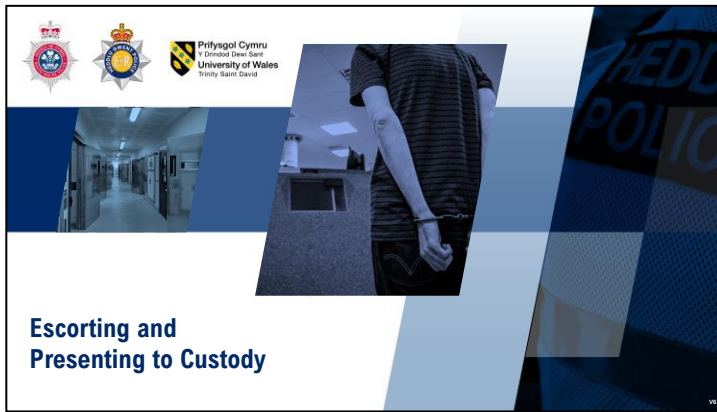
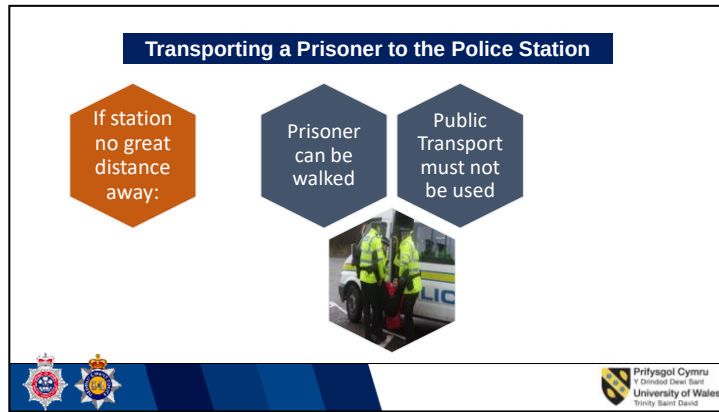




On successful completion of this module, learners will be able to:

1. Describe the seating plan in a police vehicle when escorting detained persons whilst promoting maximum security and safety.
2. Outline the principles of cross-contamination of evidence.
3. Explain what constitutes detention including the detention clock, designated stations, non-designated stations and dealing with voluntary attendees.
4. Explain how to transport violent and drunken prisoners and prisoner suffering with mental health.
5. Summarise the roles, rights and responsibilities at custody including information to be given to the detained person.
6. Describe searches of detained persons and seizing of items including strip and intimate searches.
7. Explain the role of an appropriate adult within the police custody process.



Trainer should familiarise themselves with DPP Custody Policy 2.1 which concerns the transportation of prisoners – direct students to the same document for further reading

Q. How are detained persons (DP) transported to police station custody suites?

Q. How is security and safety of the detained person (DP) and police officers maintained?

Q. 'Can you think of any situations when escorting a detained person on foot would be more appropriate than using a vehicle?'

Explain Seating plan in a police car / van. (Prisoner should be sat behind front passenger seat with escorting officer sat next to them behind driver) **Why?**

At this stage the trainer could draw on the whiteboard: suggested seating plan in a vehicle, or to have a vehicle available and demonstrate 'live' (time constraints may play a factor in this)



Q. Why are you searching the police vehicle? – evidence / weapons etc

Any equipment could be used by the prisoner as a weapon.

If a prisoner were handcuffed to a vehicle and the vehicle was involved in an accident the prisoner would be unable to get out.

It is also important to get the students to think about the various health and safety issues involved with escorting and presenting suspects.

Some suggestions for questions you could pose to focus the discussion:

- What do you think are the most important considerations for you as an officer when escorting a suspect to custody?
- Would these considerations change if your suspect was behaving in an aggressive manner?
- What if the suspect had a physical disability?
- What if the suspect had a mental disability?

Preventing Cross-Contamination

“Anyone who enters the scene both takes something of the scene with them and leaves something of themselves behind”






Preventing cross-contamination

Ask the class the following questions, providing them with the information where required:

- **What evidence do you think may need to be transported with a detained person?**
- **What personal property might need to be transported with a detained person?**
- **Can you think of any examples of how evidence might get lost during the escort of a prisoner?**
- **Can you think of any examples of how evidence can be contaminated during the escort of a prisoner? Same vehicle as victim was conveyed in.**
- **How might you prevent the loss, damage, destruction or contamination of evidence during the escort of your prisoner?**

This subject will be later covered in other subjects too

Advice within the custody environment : also consider people shaking hands with each other and then having hand swabs taken (cross contamination between solicitor and client)

Suspect leaning on the counter in their clothing and then clothing being seized from them (cross contamination on clothing?)

Prisoners of the Opposite Sex

Female prisoners must be accompanied by a female police officer if one is available. If not available, at least two male officers must act as escort. The same course of action applies to male prisoners and female officers



Taking a Suspect to the Police Station

The suspect **MUST** be taken to a **designated** police station as soon as **practicable** after arrest







Trainer should familiarise themselves with DPP Custody Policy 2.1 which concerns the transportation of prisoners – direct students to the same document for further reading

A person is detained when they:

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

Once detained, PACE Codes of Practice protect the basic rights of those in detention and give guidance on how a person must be treated.

Failure to adhere to the Codes means that it is more likely that evidence obtained while people are in custody will be inadmissible in court, also there could be civil claims against forces or bad publicity and potential disciplinary or criminal proceedings against officers.

A designated station is one which a chief officer of police has decided can provide suitable accommodation for the purpose of detaining arrested persons.

Sec 30(1) PACE 1984 & Code C of PACE Codes of Practice state that

A person who has been:

- arrested by a police officer for an offence, or
- taken into custody by a police officer after being arrested for an offence by a person other than a police officer (i.e. a 'hand-over'),

must be taken to a police station, as soon as practicable after the arrest.

The only exception is (Sec 30(10) if a delay could:

- Cause interference or harm to evidence, people or damage to property
(eg in the time it takes to travel to the police station for interview, an accomplice may destroy stolen property)

- Lead to alerting other people suspected of committing an offence but not yet arrested for it
(eg the suspect was due to meet other people involved in the offence and now that the suspect is not going to meet them because of being arrested, this may alert others)
- Hinder the recovery of property obtained in consequence of the commission of an offence
(eg the suspect was arrested at a port and the stolen vehicle was due to be loaded on a ferry which was about to leave)

Delay in transporting the suspect to a police station would be considered:

- where there is a need to make immediate enquiries e.g. to conduct a search after arrest
- when there is a need to wait for suitable transport e.g. due to a large number of people being arrested
- medical emergencies e.g. where the detainee is taken directly to hospital for urgent treatment

Where it appears to the officer that it may be necessary to detain them for more than six hours, they should be taken to a designated police station.

Any discussion of the alleged offence on the way to the police station should be avoided - this is because any questioning of a person regarding their involvement or suspected involvement in a criminal offence is considered to be an interview, and interviews must be carried out under caution in a suitable place (Code C, para 11.1A) However, if the suspect freely provides information then this should be treated as for significant statements and relevant comments.

Non-Designated Police Stations



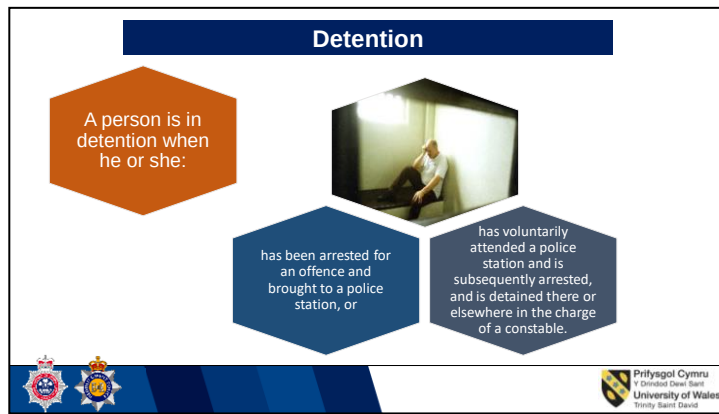
A constable may take an arrested person to any police station unless it appears that it may be necessary to keep the arrested person in police detention for more than six hours *if*:

- The constable is working in a locality covered by a police station which is not a designated police station

A constable may take an arrested person to any police station if -

- The constable has arrested him without the assistance of any other constable and none are available to assist him OR
- The constable has taken him into custody from a person other than a constable without the assistance of any other constable and none are available to assist him; AND
- It appears he will be unable to take the arrested person to a designated police station without the arrested person injuring himself, the constable or other person.

If the first police station to which an arrested person is taken after his arrest is not a designated police station, he shall be taken to a designated police station not more than six hours after his arrival at the first police station unless he is released previously.



ACPO Position Statement - Voluntary Interviews

The revised Code G clarifies the necessity to arrest versus necessity to interview debate which was often influenced by what action to take should the suspect leave the interview before its completion. In these circumstances the police are entitled to consider whether arrest is necessary to carry out or to complete the interview, this is a matter of judgement and will depend on whether the objectives of the interview have already been achieved – should a decision be made to arrest, officers are to comply with arrest conditions

Detention Clock

Once a person has been arrested for an offence he will usually be taken to a police station. At the police station a custody officer will determine whether there is sufficient evidence to charge the suspect with the offence.

Under [PACE 1984](#), if the custody officer decides that there is insufficient evidence to charge, the person must be released unless the officer has reasonable grounds for believing that detention without charge is necessary to secure or preserve evidence or to obtain evidence by questioning.

The maximum period of detention **without charge** is generally **24 hours from the relevant time**.

The definition of 'relevant time' is set out in [PACE 1984](#). It generally means the time an arrested person arrives at the first police station he is taken to.

The period of detention without charge may be extended for up to a period of 36 hours from the relevant time (the further 12 hours with a Superintendent's authority). The extension can only be granted if the requirements of [PACE 1984](#) are satisfied.

Detention **beyond 36 hours** is only permitted under [PACE 1984](#) where a magistrates' court issues **a warrant of further detention**.

The procedure and statutory requirements are governed by [PACE 1984](#).

If the court grants the application, the warrant can be issued up to a maximum of 36 hours. However, this is subject to an overall maximum period of detention without charge of **96 hours from the relevant time.**



Suspects will normally be taken to the police station in a police van.

A suspect 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.

*****Trainer to emphasise the below point in relation to an actual incident that occurred*****

*******In this incident the person was suspected to have drugs concealed inside their anus and they were conveyed to hospital as a medical emergency.**

On route to hospital they managed to move the handcuffs from the rear to the front and consumed the drugs that were concealed inside them.

This resulted in a drug overdose and the person ended up in intensive care before thankfully recovering.

It is essential that detained persons are constantly monitored with an officer in close proximity to intervene whilst being transported.

This is just one example where lack of close supervision has resulted in an adverse incident*****

Never put a person into a police vehicle if they haven't been searched

The **vehicle** should be **searched** in their presence and all **equipment removed** from the area in the vehicle that the prisoner will be placed. Any equipment could be used by the prisoner as a weapon.

A **risk assessment** will help to determine how many officers may be required for escort and the level of any restraint required.

Consideration should be made to:

- Information that suggests an individual may be violent or aggressive – have any weapons been used?
- Information that suggests an individual may be vulnerable, ill or at risk.

- Any PNC warning markers or local intelligence – is there a history of violence?
- On searching - the result of the search
- The vehicle being used to transport the suspect and the length of the journey to custody
- Whether the detainee has a disability

A detainee should be constantly monitored when they are:

- drunk and incapable, believed or know to have used or swallowed drugs, at risk of suicide or self-harm, susceptible to positional asphyxia
- (Consider the NDM - please bear in mind that it may be more appropriate for them to be conveyed to hospital by ambulance as a medical emergency rather than being conveyed to custody)

Any information about a persons use of medication or any underlying medical or mental ill health problems need to be identified and monitored and medical assistance called if it is not appropriate to transport the suspect.

A person who appears drunk, may be suffering a stroke, be diabetic or have mental ill health.

Female suspects should be accompanied by a female, if they are available. If there is not one available, at least two male officers should act as escort.

Activate Child locks on vehicle if applicable

*******Trainer to direct students to SCREEN handout to provide structure for Risk Assessment

Search all prisoners for objects, to prevent:

Injury to themselves or others.

Damage to property, police vehicles/buildings/equipment.

Evidence loss – if not seized can be hidden, swallowed or discarded.

Aid escape - weapons, handcuff keys etc.

Safekeeping – items of value are recovered to prevent loss, damage and minimise complaints.

Checks: ensure all checks are conducted. You must ascertain WHO you are dealing with (Niche/PNC/PND)

Risk Assess the DP following search and checks conducted: Consider as appropriate:

Restraints - Effective use of restraints (Hand cuffing, straps etc.). If the use of handcuffs is justified, use them.

Effective use of communication skills continually assessing the DP for any injury, medical/welfare concerns.

Detainees to be constantly monitored during transit and custody yard waiting periods.

Escort - ensure detainee is supervised at ALL Times

Establish detainee needs:

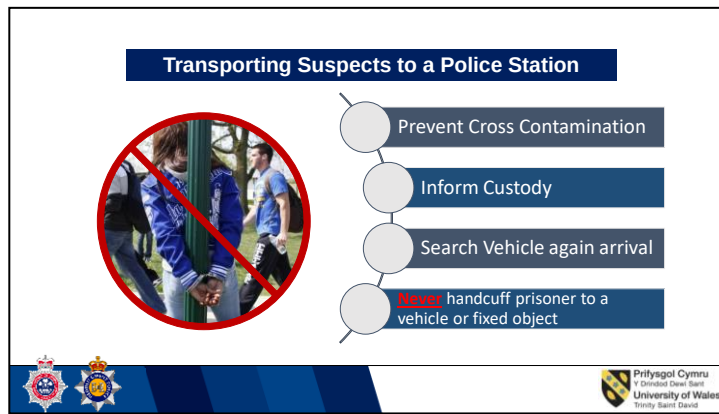
Medication – bring it with them.

Appropriate Adult / Translator.

Needs such as clothing – if seized you must arrange replacement.

Young children or dependents that need caring for.

Note and record (including BWV where appropriate) and evidence your actions and inform custody staff of all actions carried out



Officers need to be aware of the need to prevent **cross contamination** between officers, the suspect(s) and exhibit(s).

The suspect should not be transported in the same vehicle as that used for:

- other suspects in the same case – they may confer on how they can explain their presence at the scene of the crime or trace material may be transferred from one to the other and wrongly link one with a crime scene.
- victims or witnesses, any contact between them may result in trace material being transferred from one to the other.
- exhibits or
- other officers in the case

Officers need to inform the custody suite of

- the arrest,
- the expected time of arrival (ETA) and
- any information about the demeanour, e.g. whether detainee is suffering the effects of drink or drugs, or is aggressive or resistant.

Consideration also needs to be given to whether they speak and understand English.

On arrival at the station, the vehicle should be searched again in their presence of the suspect to make sure they haven't hidden anything such as drugs, weapons or evidence of the offence.

Arrested persons must **never** be handcuffed to a vehicle or fixed object

Any health and safety issues involved with escorting and presenting suspects need to be considered.

All decisions, actions, options and rationale made, including any relevant comments

made by them, whilst transporting suspects should be fully documented in accordance with current policy and legislation



Any use of handcuffs or any restraint during transport needs to be JPLANE.

Consider S117 PACE & S3 Criminal Law Act

A suspect 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.



When **assessing the level of consciousness** of a drunken prisoner, consider:

Response to questions - can they give appropriate answers to questions such as: What's your name? Where do you live? Where do think you are?

Response to commands - can they respond appropriately to commands such as: Open your eyes! Lift one arm, now the other arm!

Remember that an individual who appears drunk, may actually be suffering a stroke, be diabetic or have mental ill health. Consideration needs to be given to these underlying issues which could be causing their behaviour.

If any detainee fails to respond an appropriate health care professional or an ambulance must be called.

If a prisoner is unconscious they must be taken to hospital by ambulance.

The officer is responsible for the safe custody of the prisoner until they are handed over to the custody officer.

If they respond but are very drunk consider placing them in the recovery position on the floor of the police vehicle

If the custody officer authorises the detention of a drunk, the prisoner should be checked & roused at regular intervals.

Transporting Suspects to a Police Station

Section 136 Mental Health Act 1983 states:

'If a police officer finds a person in a public place who appears 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'.



Section 135 of the Act refers to a “place of safety” as any residential accommodation provided by a local social services authority, a hospital, 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 or a police station (**but a police station should not be the automatic option for a ‘place of safety’**).

If a person is detained under Section 136, they have the right to have somebody informed of their removal and whereabouts.

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.

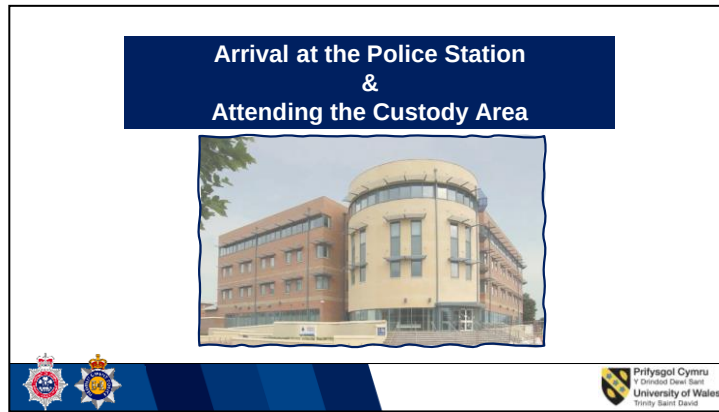
Where a person is removed to a hospital (or in exceptional circumstances a police station), immediate contact should be made with health and social services departments to ensure the person is examined with the minimum delay.

Juveniles (Under the age of 18) detained under the MHA never attend a custody suite, Juveniles only attend a designated place of safety

The new Sec 136A [1] Means that it is unlawful to use a custody suite as a place of safety for a person under the age of 18 under any circumstances.

The legal framework governing the admission to hospital and treatment of children is complex. Children of any age may be detained using section 136 of the Mental Health Act (MHA), and any person under 18 may be taken into police protection using **section 46 of the Children Act 1989. [This is the preferred option]**,

Information about the application of MHA powers to children and young people under the age of 18 is provided in Chapter 19 of the MHA Code of Practice for Wales



Upon arrival at a police station the arrested person will be taken directly to the custody area and will report to the custody officer to ensure that a custody record, usually a computer-based programme, is opened as soon as reasonably practicable.

A custody area is a **designated** area within a police station designed and adapted to process and detain arrested persons. These tend to now be located in large police stations and are known as Bridewells.



The Custody Officer will be at least the rank of **Sergeant** and is a key individual in protecting an **arrested person's right** to liberty .

Their main duty is to ensure that any person in police detention is treated in accordance with PACE 1984 and the Codes of Practice, and that such treatment is recorded on a custody record.

The Custody Officer may, in some cases, determine whether there is sufficient evidence to charge the suspect with the offence for which arrested and if the evidence is insufficient, to determine whether detention is necessary to obtain that evidence and to monitor the grounds for detention and release an arrested person if the grounds for detention cease to exist and no other grounds apply.

A recent revision to PACE means that custody officers will have to allow the custody records to be made available to the detainee, his/her solicitor, or the appropriate adult for inspection. It will allow them to challenge the lawfulness of arrests.

PACE says that the Custody Officer must remain **impartial and independent** from the investigation of a person in police detention.

The Police Reform Act 2002 allowed the 'civilianisation' of custody staff and allowed police forces to appoint 'detention officers', often called CDO's, mostly to allow police officers to return to the front line of policing.

These police staff are generally there to look after the welfare of detained persons.



The Custody Officer is responsible for making the decision to authorise a person's detention.

This decision will be based on the information given to them by the arresting officer.

The custody officer must be informed of:

- the relevant circumstances of the arrest – time of arrest, offence and reasons for arrest.
- why arrest was necessary
- time of arrest
- time of arrival at the station - '**relevant time**'
- use of any force or restraint used during arrest
- any knowledge of medical, religious or other needs

The time that the arrested person arrives at the police station is relevant because they can only be kept in custody for 24 hours after arrival. The arrival time is referred to as the '**relevant time**'.

This time needs to be entered in the PNB to provide continuity of evidence between time of arrest, arrival at the police station, and subsequent authorisation and detention by the custody officer.



If the custody officer decides to detain the arrested person they must record the grounds for detention in their presence and also inform them of the grounds.

If they are incapable of understanding, violent or in need of medical attention, the grounds must be given **as soon as practicable**.

The statutory rights of a person under arrest at a police station or other premises are:

- the right to have somebody informed of their arrest
- the right to free independent legal advice and consult with a solicitor, in person or by telephone.
- the right to consult the PACE Codes of Practice

These are continuing rights which may be exercised at any stage during the period in custody.

3.2 The detainee must also be given a written notice, which contains information:

(a) to allow them to exercise their rights by setting out:

(i) their rights under *paragraph 3.1, paragraph 3.12 and 3.12A*;

(ii) the arrangements for obtaining legal advice, see *section 6*;

(iii) their right to a copy of the custody record as in *paragraph 2.4A*;

2.4A When a detainee **leaves police detention** or is taken

before a court **they**, their legal representative or appropriate adult shall be given, on request, a copy of the custody record as soon as practicable. This entitlement lasts for 12 months after release.



Custody records must be completed for each suspect and will contain personal information about the person and will act as a diary of events for the whole time the person is in detention.

The record must be updated each time a decision is made about the suspect and the record must be timed and signed for accuracy.



You could ask the class the following questions, providing them with the information where required:

What consequences do you think failing to deal with a detained person in an ethical manner might have for:

- The detained person?
- You as an officer?
- Your force?
- The community?

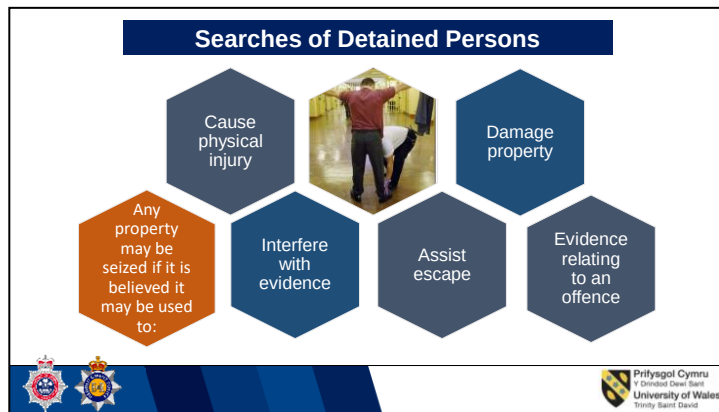
Student Centred Learning

Revision for students to look at PACE:

- *Right to have somebody informed of their arrest*
- *Right to free independent legal advice and consult with a solicitor*
- *Right to consult the codes of practice*

At this stage the trainer could role play: Continuing with the 'same arrest', chose a student to 'book' in their prisoner (trainer should play the role of the custody sergeant)

Debrief and then re-run with another officer, or / and continue with presentation



Section 54 of PACE provides a custody officer with a power to search, seize and retain any items which have been found during the search of detained persons.

The officer will ascertain & record everything that a person has with them when they are brought to the station after being arrested elsewhere or brought in on a warrant.

A custody officer may seize and retain any of the items found but clothes and personal effects may only be seized if the custody officer believes that the person may use them to

- cause physical injury to themselves or any other person
- damage property
- interfere with evidence
- assist them to escape or
- there are reasonable grounds for believing that they may be evidence relating to an offence.

Trainer should familiarise themselves with DPP Custody Policy 3.3 which concerns property retention in custody - direct students to the same document for further reading

<http://hailstone/cju/documents/Policies%20Procedures/custody%20policy%20August%2010v2.pdf>

Trainer to specifically ensure understanding of the following and provide examples where necessary:

Any items ascertained will be recorded on the custody record (s54 PACE) & the arrested person should be asked to sign list of such items. If declined then a note of such will be recorded

DPP Policy states:

3.3.1 - Responsibility for the safekeeping of any detainee's property seized whilst in detention will always be with the Custody Officer who will ensure it is securely sealed and stored in the respective property lockers.

3.3.2 - Details of the property and the security seal number will be entered onto the custody record.

3.3.10 - Should the detainee refuse to sign then the Custody Officer should seek a counter-signature from a witnessing officer.

All items taken from a person when they come into custody will be given back to them when they leave and signed for except any evidence of an offence would not be returned to the arrested person.

DPP Policy states:

3.3.3 - Any property subject of the enquiry which has been retained/seized as evidence shall be exhibited accordingly and details placed within the station Miscellaneous Property Book

3.3.11 - On the release of the detainee the property bag seal numbers will be checked with the number recorded on the custody record and when confirmed, removed by a member of the custody staff and witnessed by the detained person. Items of property will be checked individually against the property list and the detainee will be invited by the Custody Officer to sign receipt on the custody record property sheet.

Highlight the need for safety when searching prisoners and storing valuable & dangerous items; provide some examples of precautionary actions

Clothes and personal effects may only be seized if the custody officer

(a) believes that the person from whom they are seized may use them -

to cause physical injury to himself or any other person

to damage property

to interfere with evidence

to assist him to escape

(b) has reasonable grounds for believing that they may be evidence relating to an offence.

Strip and Intimate Searches



- Strip searches involve removal of more than the outer clothing
- Intimate searches consist of a physical examination of a person's body orifices other than the mouth




These have their own procedure and requirements prescribed in Annex A in the Codes of Practice – Trainer to task students to research this code

At this stage the trainer could role play: Chose a pair of students to conduct a search of the prisoner. Have the students identify personal property and what property/clothing might cause harm

Debrief and continue with presentation

Trainer Notes – Strip Search and Intimate Search

Strip search - Codes of Practice Code C Annex A

- ☐ 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 the officer reasonably considers they may have concealed such an article. **Strip searches should not routinely be carried out if you can't justify this.**
- ☐ Strip searches must be conducted by a police officer of the same sex as the person being searched.
- ☐ The search should be conducted in an area where the detainee cannot be seen by anyone who does not need to be present, nor by a member of the opposite sex, except 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 and if the search is of a juvenile or mentally disordered or mentally vulnerable person, one of these people must be the appropriate adult.
- ☐ Other than in urgent cases, the search of a juvenile may take place in the absence of the appropriate adult only 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. Then only if she states in the presence of her father/brother as the case may be, that she does not want him to be present, may a search be conducted in the absence of the appropriate adult. In such circumstances 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.
- ☐ 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 co-operation and

minimise embarrassment. People being searched should not normally be asked to remove all their clothing at once.

- ☐ 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.
- ☐ 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, which must be carried out as prescribed in Code C, Annex A, Part A.
- ☐ 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 - Codes of Practice Code C Annex A

- ☐ The intrusive nature of such searches means the actual and potential risks must never be underestimated.
- ☐ Body orifices other than the mouth may be searched only 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:
 - anything which they could and might use to cause physical injury to themselves or others at the station; or
 - a class A drug and;
 - an intimate search is the only means of removing those items; and
 - If the search is under point 2 above (a drug offence search), the detainee's appropriate consent has been given in writing.
- ☐ The reasons for an intimate **search being considered necessary must be explained to the person** before the search and if the search is to take place under 2) above the detainee must also be told:
 - that the authority to carry out the search has been given and
 - the officer's grounds for giving the authorisation
- ☐ Before a detainee is asked to give their appropriate consent to search at ii) above a police officer must warn them that if they refuse without good cause 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. This fact should be recorded 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, in which case a police officer 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.
- ☐ An intimate search at a police station of a juvenile or mentally disordered or 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 mentally 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.
- ☐ When an intimate search is carried out, in exceptional circumstances by a police officer 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. The search shall be conducted with proper regard to the sensitivity and vulnerability of the detainee.
- ☐ The custody officer shall, as soon as practicable, record:
 - which parts of the detainee's body were searched
 - who carried out the search
 - who was present
 - the reasons for the search including the reasons to believe the article could not otherwise be removed
 - the result
- ☐ If an intimate search was carried out by a police officer, the reason why it was impracticable for a registered medical practitioner or registered nurse to conduct it must be recorded.

Appropriate Adult

Juveniles and detainees who are mentally vulnerable are entitled to the support of an appropriate adult.






PACE, Code C gives the definition of appropriate adult.

Juveniles

A juvenile is anyone who appears to be **under the age of 18**, unless there is clear evidence that they are older.

Mentally vulnerable

If there is any suspicion that a person of any age may be mentally disordered or otherwise mentally vulnerable, in the absence of clear evidence to suggest otherwise, the person shall be treated as such.

‘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 as ‘any disorder or disability of mind’.

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 whether to take legal advice and being present during searches and interviews.

The role of the appropriate adult is to assist and advise the detained person; to ensure the welfare and rights of the detained person; to facilitate communication & observe whether any interview is being conducted properly and fairly

No person ‘at risk’ can be interviewed or asked to sign a written statement without an appropriate adult being present

The appropriate adult' means, in the case of a juvenile:

- the parent, guardian or, if the juvenile is in the care of a local authority or voluntary organisation, a person representing that authority or organisation;
- a social worker of a local authority;
- failing these, some other responsible adult aged 18 or over who is not a police officer or employed by the police

In the case of a person who is mentally disordered or otherwise mentally vulnerable, "the appropriate adult" means:

- a relative, guardian or some other person responsible for their care or custody;

- someone experienced in dealing with mentally disordered or mentally vulnerable people but who is not a police officer or employed by the police; or
- failing these, some other responsible adult aged 18 or over who is not a police officer or employed by the police



If the prisoner is wanted by another force, you will need to contact that force, and there could be a potential to transport the prisoner to that force.

There may be a warrant outstanding for the prisoner, this will mean that if the prisoner is arrested outside of court hours, and ordinarily they would be bailed, they will receive a technical bail, but also be remanded to be presented to court.

There could be outstanding crimes within our own force, the OIC will need to be informed, and if they are off duty, you will need to interview. The occurrence will be updated accordingly.

There is always a presumption that the suspect will be bailed, there are however times when this will not happen:

1. Offending history – mainly fail to appear convictions or PPO (Priority Persistent Offende) or PYO (Youth Offender)
2. Homicide convictions
3. Warrant (outside of court hours)

If the suspect is a foreign national, checks may need to be carried out with their police force of their country of origin.

The PSC will assist in this matter, as well as seek guidance from your Sergeant.

You may need make to make direct contact with the police in another country, and you can Google contact information (Telephone number/international telephone code). PSC will connect the international call for you.

