



PearTree

A guide to being an
Appropriate Adult during a
Police interview

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The Police cannot interview a detained person that they have identified as (vulnerable) without an appropriate adult, unless that person has committed a serious crime.

What is my role?

My role is to ensure that:

The vulnerable person understands what is happening and why.

The vulnerable person understands their rights and your role in protecting them.

They get legal advice, this is free.

The interview is conducted fairly and to help the vulnerable person and the Police to communicate so that the evidence given is reliable.

It is possible that you may be asked to testify in court as to the reliability of the evidence.

What should I do?

Before the Police interview:

Inspect the custody record which records the vulnerable persons time in custody and what has happened.

Check that they have been told why they are being detained.

Explain your role to them and what you can or cannot do.

Make sure that they have a solicitor to give them legal advice.

Make sure that they understand the difference between your role and that of their solicitor.

Make sure that they understand their rights and the procedure that will be followed.

If the vulnerable person is under the influence of drinks/drugs etc they should not be interviewed unless they are able to give responsible replies whilst being interviewed.

During the interview

Be present when caution is given.

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

The interview will be taped and you may take notes.

You are not there as an observer and have the right to intervene in the interest and welfare of the vulnerable person.

Ensure that the vulnerable person understands the questions and is able to give responsible replies.

After the interview

The custody officer will decide whether to charge the vulnerable person, or whether they will be released, or released on bail.

If a vulnerable person is detained the custody officer will risk assess that person to determine what levels of monitoring/ observations are necessary.

Risk assessments will include:

Has the detainee any illness/injury?

Does the detainee need to see a doctor?

Does the detainee take medication?

If so, what is the medication for?

Has the detainee any mental health problems?

Does the detainee show any signs of self harming?

Detained person's entitlement:

The detainee may receive visits and contact with outside persons at the custody officers discretion.

Unless certain conditions apply the detainee may make one phone call.

The detainee will receive adequate food and drink.

The detainee will receive access to a toilet and washing facilities.

The detainee will receive medical attention.

If clothing is taken from the detainee, they will receive replacement clothing that is clean and comfortable.

Detention period:

A person arrested for an arrestable offence can now be detained for up to 36 hours with the authorisation of a Superintendent. The Home Office guidance makes clear that the power to detain Juveniles beyond 24 hours should normally only be used in the case of serious arrestable offences. The power should be used sparingly and having regard to the special vulnerability of juveniles and the alternatives to police custody.

They may be required to return to the police station for further questioning in which case you will be needed again.

What shouldn't I do?

Speak on behalf of the vulnerable person.

Discuss the alleged offence with the vulnerable person.

Be compromised by receiving a confession of guilt from the vulnerable person.

Give legal advice.

What are my rights?

To inspect the custody records, which are kept by the custody officer.

To speak to the young person alone, if they wish to do so.

To intervene and if necessary stop the interview in the interest of the young person and their giving of reliable evidence.

To seek legal advice on behalf of the young person and ensure that a solicitor is present.

To see copies of 'The Notice To Detained Person And Notice Of Entitlement' which give the right of the detained person in custody.

Checklist

Have I inspected the custody record?

Yes/No

Have the rights of the young person been respected?

Yes/No

Have I explained my role and was it understood?

Yes/No

Did I hear them being cautioned and was it understood?

Yes/No

Have they got legal representation?

Yes/No

Was I happy with the way the interview was conducted?

Yes/No

Did the young person understand the questions?

Yes/No

Was I happy with the way that the fingerprints etc were taken?

Yes/No

Would I be happy to verify the evidence in court?

Yes/No

The appropriate adult means in case of:

(A) Juvenile

1. The parent, guardian or the juvenile is in local authority or voluntary organisation care, or is otherwise being looked after under the Children's Act 1989. A person representing that authority or organisation.
2. A social worker of a local authority social services department.
3. Failing these, some other responsible adult aged 18 or over who is not a police officer or employed by the police.

(B) Person who is mentally disordered or mentally vulnerable.

1. A relative, guardian or other person responsible for the care or custody.
2. Someone experienced in dealing with mentally disordered or mentally vulnerable people but who is not a police officer or employed by the police.

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

A person, including a parent or guardian should not be an appropriate adult if they are:

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

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

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

A detainee should always be given an opportunity, when an appropriate adult is called to a police station, to consult privately with a solicitor in the appropriate adult's absence if they want.

If the detainee is a juvenile mentally disordered or otherwise mentally vulnerable, the custody officer must as soon as possible inform the appropriate adult who in case of a juvenile may not be a person responsible for their welfare of:

- The grounds for their detention
- Their whereabouts

Ask the adult to come to the police station to see the detainee.

A juvenile or person who is mentally disordered or otherwise mentally vulnerable must NOT be interviewed regarding their involvement in a criminal offence or offences, or asked to provide or sign a written statement undertaken on record of an interview in the absence of the appropriate adult.

If an appropriate adult is present at an interview, they shall be informed:

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