
Guide to the 2019 revisions to

the Police and Criminal Evidence Act 1984 (PACE)

Codes of Practice C (Detention) and H (Detention- Terrorism)

What's in this booklet for me?

1. This booklet contains *extracts* from the 2019 Revised Codes of Practice C and H which come into effect on 21st August 2019. It is provided as a note-up reference to be read alongside the 2018 revisions.
2. The extracts comprise the full text and *Notes for Guidance* of the sections and Annexes in which the changes shown in grey highlighted text have been made. These are cross-referenced to the corresponding pages of the 2018 versions as shown in the ["Summary tables"](#).

Background to the changes

3. The changes set out in these extracts represent the final stage of the joint response by the Home Office and the National Police Chiefs' Council to a report from the Independent Custody Visiting Association (ICVA) which identified shortcomings in the treatment of menstruating females whilst detained at some police stations in England and Wales. The previous stage was to update College of Policing Authorised Professional Practice (APP) on Detention and Custody. The changes published on 6 August 2018 appear in the APP as follows:
 - <https://www.app.college.police.uk/app-content/detention-and-custody-2/control-restraint-and-searches/#conduct-of-searches>
 - <https://www.app.college.police.uk/app-content/detention-and-custody-2/control-restraint-and-searches/#property-removal-and-storage>
 - <https://www.app.college.police.uk/app-content/detention-and-custody-2/detainee-care/#toilet-and-sanitary-facilities->
 - <https://www.app.college.police.uk/app-content/detention-and-custody-2/detainee-care/equality-and-individual-needs/#female-detainees>
 - <https://www.app.college.police.uk/app-content/detention-and-custody-2/detainee-care/equality-and-individual-needs/#trans-individual-detainees>
 - <https://www.app.college.police.uk/app-content/detention-and-custody-2/buildings-and-facilities/cctv/#pixelation>

Code of Practice C (Detention)

4. The changes highlighted in the extracts comprise new and amended provisions which introduce a range of new requirements and safeguards to address the issues identified by ICVA in their September 2017 blog, Sanitary Custody, and related matters. In particular, the issues identified which the revisions address, are:
 - sufficient sanitary protection was not always available to female detainees;
 - female detainees were frequently left without the assistance of female officers or staff;
 - access to facilities for washing and changing were not adequate; and
 - the requirement for sufficient pixilation of CCTV to allow females to change sanitary protection was always observed.

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5. The main revisions concern safeguards for menstruating female detainees. Revisions have also been made concerning detainee dignity, health, hygiene and welfare more broadly. The changes comprise the following:
- (a) Each female detainee shall be asked if they require or are likely to require any menstrual products whilst they are in custody. They must be told that they will be provided free of charge and that replacement products are available.
 - (b) Custody officers must ask whether each detainee wishes to speak in private with a member of custody staff about any matter concerning their personal needs relating to health, hygiene and welfare; if the detainee wishes, this member of staff may be of the same sex. These changes provide an opportunity for female detainees to raise issues about their menstrual needs and also for all detainees to raise issues relating to other health and hygiene needs such as products that may be required for incontinence and colostomy. If detainees wish to take this opportunity to raise health and hygiene needs, necessary arrangements should be provided/made as soon as practicable.
 - (c) The notice given to detainees when they arrive at the police station that lists their entitlements is extended to include their entitlement to speak in private to a member of the custody staff about their personal needs relating to health, hygiene and welfare.
 - (d) The changes make explicit that the clothing and personal effects that detainees may retain, subject to a risk assessment, include menstrual and other health, hygiene and welfare products needed by the detainee. A decision to withhold any such products must be subject to a further specific risk assessment.
 - (e) Access to toilet and washing facilities must take account of the detainee's dignity. For example, in cells subject to CCTV monitoring, privacy in the toilet area should be ensured by any appropriate means and detainees should be made aware of this when they are placed in the cell.
 - (f) Strip searches and intimate searches of detainees must be conducted with proper regard to their dignity. This includes, in particular, the detainee's health, hygiene and welfare needs including menstruation.
 - (g) Annex L in Code C and Annex I in Code H are amended to take account of the changes concerning menstrual and any other health, hygiene and welfare products to ensure that the possible needs of transgender individuals in respect of these matters are not overlooked.

Code of Practice H (Detention- terrorism)

6. The changes to Code H mirror those in Code C.

15 August 2019

Summary tables

1. The tables below briefly summarise all the changes (excluding minor grammar and typographical corrections) with [links](#) to the relevant provisions and *Notes for Guidance* in the extracts from Codes C and H.
 2. Each table lists the revised provisions and *Notes for Guidance* that appear in the 2019 revised Codes together with a brief outline of the changes and the page number of the 2018 Codes to which the changes apply.
 3. Click on [underlined links](#) under 'paragraph' to view relevant revised text in the extracts.
 4. For ease of reference, the grey [highlighted](#) text indicates new and amended text.
 5. Select 'Document' to display Bookmarks and **← Back** and **→ Forward** navigation arrows.
- For access to, and comparison with, the 2018 revised Codes C and H which came into force on 31 July 2018, click on the links below:

<https://www.gov.uk/government/publications/pace-code-c-2018>

<https://www.gov.uk/government/publications/pace-code-h-2018>

Table-Code C [n] = page number of [2018 revised Code C](#).

[Click here](#) for the full Table of Contents for the extracts from Code C. *Note: for sections and Annexes that have not changed, headings only are shown.*

No.	Paragraph/ref	Summary of changes, reason/purpose
1.	Commencement	The revised Code will come into force as specified in the Order.
2.	C1.13(c) [9]	Extends the title and scope of Annex L (Establishing Gender Of Persons For The Purpose Of Searching) to include new paragraphs C9.3A and 9.3B .
3.	C3.2(b)(ii) [15]	Extends the entitlements in the Code that must be briefly set out in the Notice of Rights and Entitlements (and translations thereof) given to detainees and appropriate adults in accordance with C3.2, C3.12(c) and C3.15 to include the new requirements in C9.3A and 9.3B .
4.	C3.5(c)(iia) and (ca) [16] C3.5(d) [16]	New sub-paras (c)(iia) and (ca) extend the matters to be determined by the custody officer (or other staff as directed by the custody officer) when a detainee arrives at the police station to include the new requirements in C9.3A and 9.3B . The recording requirement in sub-paragraph (d) is extended to include decisions and actions relating to the above new matters.
5.	C3.20A [19]	For a detained girl under 18, makes the woman in whose care the girl is in accordance with section 31 CYPA 1933 responsible for implementing the requirement in C9.3A and 9.3B .
6.	C4.2 & C4.3A [25]	Applies the statutory restrictions in s.54 of PACE on removing clothing and personal effects to menstrual and other products and makes withholding subject to an additional specific risk assessment.
7.	C8.4 [35] & Note 8D [35]	Extended to include a requirement for toilet and washing facilities to take account of the dignity of the detainee.
8.	C8.5 [35]	Extended to include a requirement to have proper regard to the dignity, sensitivity and vulnerability of detainees when their clothing needs to be removed.
9.	C9.3A [36] & Note 9CB [38]	Introduces a new requirement to give all detainees an opportunity to speak in private to custody staff about personal needs. Supported by new Note 9CB
10.	C9.3B [36] & Note 9CC [38]	Introduces a new requirement for adult female detainees to be asked if they require or are likely to require any menstrual products while they are in custody. Supported by new Note 9CC referring to College of Policing APP.
11.	Annex A 6 [73]	Extended to include a requirement to have regard to the 'dignity' of the detainee when an intimate search is carried out.
12.	Annex A 11(d) [73]	Extended to include requirements to have regard to, and to maintain the detainee's dignity when a strip search is carried out.
13.	Annex L 4 [89] & Note L3A [90]	Extended to include: (a) a reference to maintaining the detainee's dignity when determining their gender for the purposes of searching; and (b) an exception to modify the search powers approach which acknowledges the needs of transgender individuals. Supported by new Note L3A .

Table Code H [n] = page number of 2018 [revised Code H](#).

[Click here](#) for the full Table of Contents for the extracts from Code H. *Note: for sections and Annexes that have not changed, headings only are shown.*

No.	Paragraph	Summary of changes, reason/purpose
1.	Commencement	The revised Code will come into force as specified in the Order.
2.	H1.17(c) [7]	Extends the title and scope of Annex I (Establishing Gender Of Persons For The Purpose of Searching) to include the new paragraphs H9.4A and H9.4B .
3.	H3.2(b)(ii) [13]	Extends the entitlements in the Code that must be briefly set out in the Notice of Rights and Entitlements (and translations thereof) given to detainees and appropriate adults in accordance with H3.2, H3.14(c) and C3.17 to include the new requirements in H9.4A and H9.4B.
4.	H3.5(c)(iia) and (ca) [14] H3.5(d) [14]	New sub-paras (c)(iia) and (ca) extend the matters to be determined by the custody officer (or other staff as directed by the custody officer) when a detainee arrives at the police station to include the new requirements in H9.4A and H9.4B . The recording requirement in sub-paragraph (d) is extended to include decisions and actions relating to the above new matters.
5.	H3.21A [14]	For a detained girl under 18, makes the woman in whose care the girl is in accordance with section 31 CYPA 1933 responsible for implementing the requirement in H9.4A and H9.4B .
6.	H4.2 & H4.3A [19]	Applies the statutory restrictions in s.54 of PACE on removing clothing and personal effects to menstrual and sanitary products and makes withholding subject to an additional specific risk assessment.
7.	H8.4 [29] & Note 8F [30]	Extended to include a requirement for toilet and washing facilities to take account of the dignity of the detainee.
8.	H8.5 [29]	Extended to include a requirement to have proper regard to the dignity, sensitivity and vulnerability of detainees when their clothing needs to be removed.
9.	H9.4A [31] & Note 9CB [33]	Introduces a new requirement to give all detainees an opportunity to speak in private to custody staff about personal needs. Supported by new Note 9CB
10.	H9.4B [31] & Note 9CC [33]	Introduces a new requirement for female detainees to be asked if they require or are likely to require any menstrual products while they are in custody. Supported by new Note 9CC referring to College of Policing APP.
11.	Annex A 7 [52]	Extended to include a requirement to have regard to the 'dignity' of the detainee when an intimate search is carried out.
12.	Annex A 12(d) [53]	Extended to include requirements to have regard to, and to maintain the detainee's dignity when a strip search is carried out.
13.	Annex I 4 [66] & Note 13A [67]	Extended to include: (a) a reference to maintaining the detainee's dignity when determining their gender for the purposes of searching; and (b) an exception to modify the search powers approach which acknowledges the needs of transgender individuals. Supported by new Note 13A

POLICE AND CRIMINAL EVIDENCE ACT 1984 (PACE)

CODE C

EXTRACT

CODE OF PRACTICE FOR THE DETENTION, TREATMENT AND QUESTIONING
OF PERSONS BY POLICE OFFICERS

Commencement - Transitional Arrangements

This Code applies to people in police detention after 00:00 on [21 August 2019](#), notwithstanding that their period of detention may have commenced before that time.

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1 General

- 1.0 The powers and procedures in this Code must be used fairly, responsibly, with respect for the people to whom they apply and without unlawful discrimination. Under the Equality Act 2010, section 149 (Public sector Equality Duty), police forces must, in carrying out their functions, have due regard to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct which is prohibited by that Act, to advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it, and to foster good relations between those persons. The Equality Act *also* makes it unlawful for police officers to discriminate against, harass or victimise any person on the grounds of the 'protected characteristics' of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation, marriage and civil partnership, pregnancy and maternity, when using their powers. See *Notes 1A* and [1AA](#).
- 1.1 All persons in custody must be dealt with expeditiously, and released as soon as the need for detention no longer applies.
- 1.1A A custody officer must perform the functions in this Code as soon as practicable. A custody officer will not be in breach of this Code if delay is justifiable and reasonable steps are taken to prevent unnecessary delay. The custody record shall show when a delay has occurred and the reason. See [Note 1H](#).
- 1.2 This Code of Practice must be readily available at all police stations for consultation by:
- police officers;
 - police staff;
 - detained persons;
 - members of the public.
- 1.3 The provisions of this Code:
- include the *Annexes*
 - do not include the *Notes for Guidance which* form guidance to police officers and others about its application and interpretation.
- 1.4 If at any time an officer has any reason to suspect that a person of any age may be vulnerable (see [paragraph 1.13\(d\)](#)), in the absence of clear evidence to dispel that suspicion, that person shall be treated as such for the purposes of this Code and to establish whether any such reason may exist in relation to a person suspected of committing an offence (see [paragraph 10.1](#) and [Note 10A](#)), the custody officer in the case of a detained person, or the officer investigating the offence in the case of a person who has not been arrested or detained, shall take, or cause to be taken, (see [paragraph 3.5](#) and [Note 3F](#)) the following action:
- (a) reasonable enquiries shall be made to ascertain what information is available that is relevant to any of the factors described in [paragraph 1.13\(d\)](#) as indicating that the person may be vulnerable might apply;
 - (b) a record shall be made describing whether any of those factors appear to apply and provide any reason to suspect that the person may be vulnerable or (as the case may be) may not be vulnerable; and
 - (c) the record mentioned in sub-paragraph (b) shall be made available to be taken into account by police officers, police staff and any others who, in accordance with the provisions of this or any other Code, are required or entitled to communicate with the person in question. This would include any solicitor, appropriate adult and health care professional and is particularly relevant to communication by telephone or by means of a live link (see [paragraphs 12.9A](#) (interviews), [13.12](#) (interpretation), and [15.3C](#), [15.11A](#), [15.11B](#), [15.11C](#) and [15.11D](#) (reviews and extension of detention)).
- See [Notes 1G](#), [1GA](#), [1GB](#) and [1GC](#).
- 1.5 Anyone who appears to be under 18, shall, in the absence of clear evidence that they are older, be treated as a juvenile for the purposes of this Code and any other Code. See [Note 1L](#).
- 1.5A *Not used.*

- 1.6 If a person appears to be blind, seriously visually impaired, deaf, unable to read or speak or has difficulty orally because of a speech impediment, they shall be treated as such for the purposes of this Code in the absence of clear evidence to the contrary.
- 1.7 'The appropriate adult' means, in the case of a:
- (a) juvenile:
- (i) 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 (see [Note 1B](#));
 - (ii) a social worker of a local authority (see [Note 1C](#));
 - (iii) failing these, some other responsible adult aged 18 or over who is *not*:
 - ~ a police officer;
 - ~ employed by the police;
 - ~ under the direction or control of the chief officer of a police force; or
 - ~ a person who provides services under contractual arrangements (but without being employed by the chief officer of a police force), to assist that force in relation to the discharge of its chief officer's functions,whether or not they are on duty at the time.
- See [Note 1F](#).
- (b) person who is vulnerable (see [paragraph 1.4](#) and [Note 1D](#)):
- (i) a relative, guardian or other person responsible for their care or custody;
 - (ii) someone experienced in dealing with vulnerable persons but who is *not*:
 - ~ a police officer;
 - ~ employed by the police;
 - ~ under the direction or control of the chief officer of a police force;
 - ~ a person who provides services under contractual arrangements (but without being employed by the chief officer of a police force), to assist that force in relation to the discharge of its chief officer's functions,whether or not they are on duty at the time;
 - (iii) failing these, some other responsible adult aged 18 or over who is other than a person described in the bullet points in *sub-paragraph (b)(ii)* above.
- See [Note 1F](#).
- 1.7A The role of the appropriate adult is to safeguard the rights, entitlements and welfare of juveniles and vulnerable persons (see [paragraphs 1.4](#) and [1.5](#)) to whom the provisions of this and any other Code of Practice apply. For this reason, the appropriate adult is expected, amongst other things, to:
- support, advise and assist them when, in accordance with this Code or any other Code of Practice, they are given or asked to provide information or participate in any procedure;
 - observe whether the police are acting properly and fairly to respect their rights and entitlements, and inform an officer of the rank of inspector or above if they consider that they are not;
 - assist them to communicate with the police whilst respecting their right to say nothing unless they want to as set out in the terms of the caution (see [paragraphs 10.5](#) and [10.6](#));
 - help them to understand their rights and ensure that those rights are protected and respected (see [paragraphs 3.15](#), [3.17](#), [6.5A](#) and [11.17](#)).
- 1.8 If this Code requires a person be given certain information, they do not have to be given it if at the time they are incapable of understanding what is said, are violent or may become violent or in urgent need of medical attention, but they must be given it as soon as practicable.
- 1.9 References to a custody officer include any police officer who, for the time being, is performing the functions of a custody officer.
- 1.9A When this Code requires the prior authority or agreement of an officer of at least inspector or superintendent rank, that authority may be given by a sergeant or chief inspector authorised

to perform the functions of the higher rank under the Police and Criminal Evidence Act 1984 (PACE), section 107.

1.10 Subject to *paragraph 1.12*, this Code applies to people in custody at police stations in England and Wales, whether or not they have been arrested, and to those removed to a police station as a place of safety under the Mental Health Act 1983, sections 135 and 136, as amended by the Policing and Crime Act 2017 (see [paragraph 3.16](#)). *Section 15* applies solely to people in police detention, e.g. those brought to a police station under arrest or arrested at a police station for an offence after going there voluntarily.

1.11 No part of this Code applies to a detained person:

(a) to whom PACE Code H applies because:

- they are detained following arrest under section 41 of the Terrorism Act 2000 (TACT) and not charged; or
- an authorisation has been given under section 22 of the Counter-Terrorism Act 2008 (CTACT) (post-charge questioning of terrorist suspects) to interview them.

(b) to whom the Code of Practice issued under paragraph 6 of Schedule 14 to TACT applies because they are detained for examination under Schedule 7 to TACT.

1.12 This Code does not apply to people in custody:

(i) arrested by officers under the Criminal Justice and Public Order Act 1994, section 136(2) on warrants issued in Scotland, or arrested or detained without warrant under section 137(2) by officers from a police force in Scotland. In these cases, police powers and duties and the person's rights and entitlements whilst at a police station in England or Wales are the same as those in Scotland;

(ii) arrested under the Immigration and Asylum Act 1999, section 142(3) in order to have their fingerprints taken;

(iii) whose detention has been authorised under Schedules 2 or 3 to the Immigration Act 1971 or section 62 of the Nationality, Immigration and Asylum Act 2002;

(iv) who are convicted or remanded prisoners held in police cells on behalf of the Prison Service under the Imprisonment (Temporary Provisions) Act 1980;

(v) Not used.

(vi) detained for searches under stop and search powers except as required by Code A.

The provisions on conditions of detention and treatment in *sections 8 and 9* must be considered as the minimum standards of treatment for such detainees.

1.13 In this Code:

(a) 'designated person' means a person other than a police officer, who has specified powers and duties conferred or imposed on them by designation under section 38 or 39 of the Police Reform Act 2002;

(b) reference to a police officer includes a designated person acting in the exercise or performance of the powers and duties conferred or imposed on them by their designation;

(c) [if there is doubt as to whether the person should be treated, or continue to be treated, as being male or female in the case of:](#)

(i) a search or other procedure to which this Code applies [which](#) may only be carried out or observed by a person of the [same](#) sex as the detainee; [or](#)

(ii) [any other procedure which requires action to be taken or information to be given that depends on whether the person is to be treated as being male or female;](#)

[then](#) the gender of the detainee and other parties [concerned](#) should be established and recorded in line with [Annex L](#) of this Code.

(d) 'vulnerable' applies to any person who, because of a mental health condition or mental disorder (see [Notes 1G and 1GB](#)):

- (i) may have difficulty understanding or communicating effectively about the full implications for them of any procedures and processes connected with:
- their arrest and detention; or (as the case may be)

- their voluntary attendance at a police station or their presence elsewhere (see [paragraph 3.21](#)), for the purpose of a voluntary interview; and
 - the exercise of their rights and entitlements.
- (ii) does not appear to understand the significance of what they are told, of questions they are asked or of their replies:
- (iii) appears to be particularly prone to:
- becoming confused and unclear about their position;
 - providing unreliable, misleading or incriminating information without knowing or wishing to do so;
 - accepting or acting on suggestions from others without consciously knowing or wishing to do so; or
 - readily agreeing to suggestions or proposals without any protest or question.
- (e) 'Live link' means:
- (i) for the purpose of [paragraph 12.9A](#); an arrangement by means of which the *interviewing officer* who is not present at the police station where the detainee is held, is able to see and hear, and to be seen and heard by, the detainee concerned, the detainee's solicitor, appropriate adult and interpreter (as applicable) and the officer who has custody of that detainee (see [Note 1N](#)).
- (ii) for the purpose of [paragraph 15.9A](#); an arrangement by means of which the *review officer* who is not present at the police station where the detainee is held, is able to see and hear, and to be seen and heard by, the detainee concerned and the detainee's solicitor, appropriate adult and interpreter (as applicable) (see [Note 1N](#)). The use of live link for decisions about detention under *section 45A of PACE* is subject to regulations made by the Secretary of State being in force.
- (iii) for the purpose of [paragraph 15.11A](#); an arrangement by means of which the *authorising officer* who is not present at the police station where the detainee is held, is able to see and hear, and to be seen and heard by, the detainee concerned and the detainee's solicitor, appropriate adult and interpreter (as applicable) (see [Note 1N](#)).
- (iv) for the purpose of [paragraph 15.11C](#); an arrangement by means of which the *detainee* when not present in the court where the hearing is being held, is able to see and hear, and to be seen and heard by, the court during the hearing (see [Note 1N](#)).

Note: Chief officers must be satisfied that live link used in their force area for the above purposes provides for accurate and secure communication between the detainee, the detainee's solicitor, appropriate adult and interpreter (as applicable). This includes ensuring that at any time during which the live link is being used: a person cannot see, hear or otherwise obtain access to any such communications unless so authorised or allowed by the custody officer or, in the case of an interview, the interviewer and that as applicable, the confidentiality of any private consultation between a suspect and their solicitor and appropriate adult is maintained.

1.14 Designated persons are entitled to use reasonable force as follows:

- (a) when exercising a power conferred on them which allows a police officer exercising that power to use reasonable force, a designated person has the same entitlement to use force; and
- (b) at other times when carrying out duties conferred or imposed on them that also entitle them to use reasonable force, for example:
- when at a police station carrying out the duty to keep detainees for whom they are responsible under control and to assist any police officer or designated person to keep any detainee under control and to prevent their escape;
 - when securing, or assisting any police officer or designated person in securing, the detention of a person at a police station;

- when escorting, or assisting any police officer or designated person in escorting, a detainee within a police station;
 - for the purpose of saving life or limb; or
 - preventing serious damage to property.
- 1.15 Nothing in this Code prevents the custody officer, or other police officer or designated person (see [paragraph 1.13\(a\)](#)) given custody of the detainee by the custody officer, from allowing another person (see (a) and (b) below) to carry out individual procedures or tasks at the police station if the law allows. However, the officer or designated person given custody remains responsible for making sure the procedures and tasks are carried out correctly in accordance with the Codes of Practice (see [paragraph 3.5](#) and [Note 3F](#)). The other person who is allowed to carry out the procedures or tasks must be someone who *at that time*, is:
- (a) under the direction and control of the chief officer of the force responsible for the police station in question; or
 - (b) providing services under contractual arrangements (but without being employed by the chief officer the police force), to assist a police force in relation to the discharge of its chief officer's functions.
- 1.16 Designated persons and others mentioned in *sub-paragraphs (a) and (b) of paragraph 1.15*, must have regard to any relevant provisions of the Codes of Practice.
- 1.17 In any provision of this or any other Code which allows or requires police officers or police staff to make a record in their report book, the reference to report book shall include any official report book or electronic recording device issued to them that enables the record in question to be made and dealt with in accordance with that provision. References in this and any other Code to written records, forms and signatures include electronic records and forms and electronic confirmation that identifies the person making the record or completing the form.
- Chief officers must be satisfied as to the integrity and security of the devices, records and forms to which this paragraph applies and that use of those devices, records and forms satisfies relevant data protection legislation.

Notes for Guidance

- 1A *Although certain sections of this Code apply specifically to people in custody at police stations, a person who attends a police station or other location voluntarily to assist with an investigation should be treated with no less consideration, e.g. offered or allowed refreshments at appropriate times, and enjoy an absolute right to obtain legal advice or communicate with anyone outside the police station or other location (see [paragraphs 3.21](#) and [3.22](#)).*
- 1AA *In paragraph 1.0, under the Equality Act 2010, section 149, the 'relevant protected characteristics' are age, disability, gender reassignment, pregnancy and maternity, race, religion/belief and sex and sexual orientation. For further detailed guidance and advice on the Equality Act, see: <https://www.gov.uk/guidance/equality-act-2010-guidance>.*
- 1B *A person, including a parent or guardian, should not be an appropriate adult if they:*
- are:
 - ~ *suspected of involvement in the offence;*
 - ~ *the victim;*
 - ~ *a witness;*
 - ~ *involved in the investigation.*
 - received admissions prior to attending to act as the appropriate adult.
- Note: If a juvenile's parent is estranged from the juvenile, they should not be asked to act as the appropriate adult if the juvenile expressly and specifically objects to their presence.*
- 1C *If a juvenile admits an offence to, or in the presence of, a social worker or member of a youth offending team other than during the time that person is acting as the juvenile's appropriate adult, another appropriate adult should be appointed in the interest of fairness.*

- 1D *In the case of someone who is vulnerable, it may be more satisfactory if the appropriate adult is someone experienced or trained in their care rather than a relative lacking such qualifications. But if the person prefers a relative to a better qualified stranger or objects to a particular person their wishes should, if practicable, be respected.*
- 1E *A detainee should always be given an opportunity, when an appropriate adult is called to the police station, to consult privately with a solicitor in the appropriate adult's absence if they want. An appropriate adult is not subject to legal privilege.*
- 1F *An appropriate adult who is not a parent or guardian in the case of a juvenile, or a relative, guardian or carer in the case of a vulnerable person, must be independent of the police as their role is to safeguard the person's rights and entitlements. Additionally, a solicitor or independent custody visitor who is present at the police station and acting in that capacity, may not be the appropriate adult.*
- 1G *A person may be vulnerable as a result of having a mental health condition or mental disorder. Similarly, simply because an individual does not have, or is not known to have, any such condition or disorder, does not mean that they are not vulnerable for the purposes of this Code. It is therefore important that the custody officer in the case of a detained person or the officer investigating the offence in the case of a person who has not been arrested or detained, as appropriate, considers on a case by case basis, whether any of the factors described in [paragraph 1.13\(d\)](#) might apply to the person in question. In doing so, the officer must take into account the particular circumstances of the individual and how the nature of the investigation might affect them and bear in mind that juveniles, by virtue of their age will always require an appropriate adult.*
- 1GA *For the purposes of [paragraph 1.4\(a\)](#), examples of relevant information that may be available include:*
- *the behaviour of the adult or juvenile;*
 - *the mental health and capacity of the adult or juvenile;*
 - *what the adult or juvenile says about themselves;*
 - *information from relatives and friends of the adult or juvenile;*
 - *information from police officers and staff and from police records;*
 - *information from health and social care (including liaison and diversion services) and other professionals who know, or have had previous contact with, the individual and may be able to contribute to assessing their need for help and support from an appropriate adult. This includes contacts and assessments arranged by the police or at the request of the individual or (as applicable) their appropriate adult or solicitor.*
- 1GB *The Mental Health Act 1983 Code of Practice at page 26 describes the range of clinically recognised conditions which can fall with the meaning of mental disorder for the purpose of [paragraph 1.13\(d\)](#). The Code is published here:
<https://www.gov.uk/government/publications/code-of-practice-mental-health-act-1983>.*
- 1GC *When a person is under the influence of drink and/or drugs, it is not intended that they are to be treated as vulnerable and requiring an appropriate adult for the purpose of [paragraph 1.4](#) unless other information indicates that any of the factors described in [paragraph 1.13\(d\)](#) may apply to that person. When the person has recovered from the effects of drink and/or drugs, they should be re-assessed in accordance with [paragraph 1.4](#). See [paragraph 15.4A](#) for application to live link.*
- 1H *[Paragraph 1.1A](#) is intended to cover delays which may occur in processing detainees e.g. if:*
- *a large number of suspects are brought into the station simultaneously to be placed in custody;*
 - *interview rooms are all being used;*
 - *there are difficulties contacting an appropriate adult, solicitor or interpreter.*
- 1I *The custody officer must remind the appropriate adult and detainee about the right to legal advice and record any reasons for waiving it in accordance with section 6.*
- 1J *Not used.*

- 1K *This Code does not affect the principle that all citizens have a duty to help police officers to prevent crime and discover offenders. This is a civic rather than a legal duty; but when police officers are trying to discover whether, or by whom, offences have been committed they are entitled to question any person from whom they think useful information can be obtained, subject to the restrictions imposed by this Code. A person's declaration that they are unwilling to reply does not alter this entitlement.*
- 1L *Paragraph 1.5 reflects the statutory definition of 'arrested juvenile' in section 37(15) of PACE. This section was amended by section 42 of the Criminal Justice and Courts Act 2015 with effect from 26 October 2015, and includes anyone who appears to be under the age of 18. This definition applies for the purposes of the detention and bail provisions in sections 34 to 51 of PACE. With effect from 3 April 2017, amendments made by the Policing and Crime Act 2017 require persons under the age of 18 to be treated as juveniles for the purposes of all other provisions of PACE and the Codes.*
- 1M *Not used.*
- 1N *For the purpose of the provisions of PACE that allow a live link to be used, any impairment of the detainee's eyesight or hearing is to be disregarded. This means that if a detainee's eyesight or hearing is impaired, the arrangements which would be needed to ensure effective communication if all parties were physically present in the same location, for example, using sign language, would apply to the live link arrangements.*

Section 2 – Custody records omitted for the purpose of this extract

3 Initial action

(A) Detained persons - normal procedure

- 3.1 When a person is brought to a police station under arrest or arrested at the station having gone there voluntarily, the custody officer must make sure the person is told clearly about:
- (a) the following continuing rights, which may be exercised at any stage during the period in custody:
 - (i) their right to consult privately with a solicitor and that free independent legal advice is available as in *section 6*;
 - (ii) their right to have someone informed of their arrest as in *section 5*;
 - (iii) their right to consult the Codes of Practice (see *Note 3D*); and
 - (iv) if applicable, their right to interpretation and translation (see [paragraph 3.12](#)) and their right to communicate with their High Commission, Embassy or Consulate (see [paragraph 3.12A](#)).
 - (b) their right to be informed about the offence and (as the case may be) any further offences for which they are arrested whilst in custody and why they have been arrested and detained in accordance with *paragraphs 2.4, 3.4(a) and 11.1A* of this Code and *paragraph 3.3* of Code G.
- 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*;
 - (iv) their right to remain silent as set out in the caution in the terms prescribed in *section 10*;
 - (v) their right to have access to materials and documents which are essential to effectively challenging the lawfulness of their arrest and detention for any offence and (as the case may be) any further offences for which they are arrested whilst in custody, in accordance with *paragraphs 3.4(b), 15.0, 15.7A(c) and 16.7A* of this Code;
 - (vi) the maximum period for which they may be kept in police detention without being charged, when detention must be reviewed and when release is required;
 - (vii) their right to medical assistance in accordance with *section 9* of this Code;

- (viii) their right, if they are prosecuted, to have access to the evidence in the case before their trial in accordance with the Criminal Procedure and Investigations Act 1996, the Attorney General’s Guidelines on Disclosure, the common law and the Criminal Procedure Rules; and
- (b) briefly setting out their other entitlements while in custody, by:
 - (i) mentioning:
 - ~ the provisions relating to the conduct of interviews;
 - ~ the circumstances in which an appropriate adult should be available to assist the detainee and their statutory rights to make representations whenever the need for their detention is reviewed;
 - (ii) listing the entitlements in this Code, concerning:
 - ~ reasonable standards of physical comfort;
 - ~ adequate food and drink;
 - ~ access to toilets and washing facilities, clothing, medical attention, and exercise when practicable;
 - ~ [personal needs relating to health, hygiene and welfare concerning the provision of menstrual and any other health, hygiene and welfare products needed by the detainee in question and speaking about these in private to a member of the custody staff \(see \[paragraphs 9.3A\]\(#\) and \[9.3B\]\(#\)\)](#).

See [Note 3A](#).

3.2A The detainee must be given an opportunity to read the notice and shall be asked to sign the custody record to acknowledge receipt of the notice. Any refusal to sign must be recorded on the custody record.

3.3 Not used.

3.3A An ‘easy read’ illustrated version should also be provided if available (see *Note 3A*).

- 3.4 (a) The custody officer shall:
- record the offence(s) that the detainee has been arrested for and the reason(s) for the arrest on the custody record. See *paragraph 10.3 and Code G paragraphs 2.2 and 4.3*;
 - note on the custody record any comment the detainee makes in relation to the arresting officer’s account but shall not invite comment. If the arresting officer is not physically present when the detainee is brought to a police station, the arresting officer’s account must be made available to the custody officer remotely or by a third party on the arresting officer’s behalf. If the custody officer authorises a person’s detention, subject to *paragraph 1.8*, that officer must record the grounds for detention in the detainee’s presence and at the same time, inform them of the grounds. The detainee must be informed of the grounds for their detention before they are questioned about any offence;
 - note any comment the detainee makes in respect of the decision to detain them but shall not invite comment;
 - not put specific questions to the detainee regarding their involvement in any offence, nor in respect of any comments they may make in response to the arresting officer’s account or the decision to place them in detention. Such an exchange is likely to constitute an interview as in *paragraph 11.1A* and require the associated safeguards in *section 11*.

Note: This *sub-paragraph* also applies to any further offences and grounds for detention which come to light whilst the person is detained.

See [paragraph 11.13](#) in respect of unsolicited comments.

- (b) Documents and materials which are essential to effectively challenging the lawfulness of the detainee’s arrest and detention must be made available to the detainee or their solicitor. Documents and materials will be “essential” for this purpose if they are capable of undermining the reasons and grounds which make the detainee’s arrest

and detention *necessary*. The decision about whether particular documents or materials must be made available for the purpose of this requirement therefore rests with the custody officer who determines whether detention is necessary, in consultation with the investigating officer who has the knowledge of the documents and materials in a particular case necessary to inform that decision. A note should be made in the detainee's custody record of the *fact* that documents or materials have been made available under this sub-paragraph and when. The investigating officer should make a separate note of what is made available and how it is made available in a particular case. This sub-paragraph also applies (with modifications) for the purposes of *sections 15 (Reviews and extensions of detention) and 16 (Charging detained persons)*. See *Note 3ZA* and *paragraphs 15.0 and 16.7A*.

- 3.5 The custody officer or other custody staff as directed by the custody officer shall:
- (a) ask the detainee whether at this time, they:
 - (i) would like legal advice, see [paragraph 6.5](#);
 - (ii) want someone informed of their detention, see *section 5*;
 - (b) ask the detainee to sign the custody record to confirm their decisions in respect of (a);
 - (c) determine whether the detainee:
 - (i) is, or might be, in need of medical treatment or attention, see *section 9*;
 - (ii) is a juvenile and/or vulnerable and therefore requires an appropriate adult (see [paragraphs 1.4, 1.5, and 3.15](#));
 - (iia) [wishes to speak in private with a member of the custody staff who may be of the same sex about any matter concerning their personal needs relating to health, hygiene and welfare \(see paragraph 9.3A\)](#);
 - (iii) requires:
 - help to check documentation (see *paragraph 3.20*);
 - an interpreter (see *paragraph 3.12 and Note 13B*).
 - (ca) [if the detainee is a female aged 18 or over, ask if they require or are likely to require any menstrual products whilst they are in custody \(see paragraph 9.3B\). For girls under 18, see paragraph 3.20A](#);
 - (d) record the decision [and actions taken as applicable](#) in respect of (c) [and \(ca\)](#).

Where any duties under this paragraph have been carried out by custody staff at the direction of the custody officer, the outcomes shall, as soon as practicable, be reported to the custody officer who retains overall responsibility for the detainee's care and treatment and ensuring that it complies with this Code. See [Note 3F](#).

- 3.6 When the needs mentioned in *paragraph 3.5(c)* are being determined, the custody officer is responsible for initiating an assessment to consider whether the detainee is likely to present specific risks to custody staff, any individual who may have contact with detainee (e.g. legal advisers, medical staff) or themselves. This risk assessment must include the taking of reasonable steps to establish the detainee's identity and to obtain information about the detainee that is relevant to their safe custody, security and welfare and risks to others. Such assessments should therefore always include a check on the Police National Computer (PNC), to be carried out as soon as practicable, to identify any risks that have been highlighted in relation to the detainee. Although such assessments are primarily the custody officer's responsibility, it may be necessary for them to consult and involve others, e.g. the arresting officer or an appropriate healthcare professional, see [paragraph 9.13](#). Other records held by or on behalf of the police and other UK law enforcement authorities that might provide information relevant to the detainee's safe custody, security and welfare and risk to others and to confirming their identity should also be checked. Reasons for delaying the initiation or completion of the assessment must be recorded.

- 3.7 Chief officers should ensure that arrangements for proper and effective risk assessments required by *paragraph 3.6* are implemented in respect of all detainees at police stations in their area.

- 3.8 Risk assessments must follow a structured process which clearly defines the categories of risk to be considered and the results must be incorporated in the detainee's custody record. The custody officer is responsible for making sure those responsible for the detainee's custody are appropriately briefed about the risks. If no specific risks are identified by the assessment, that should be noted in the custody record. See *Note 3E* and *paragraph 9.14*.
- 3.8A The content of any risk assessment and any analysis of the level of risk relating to the person's detention is not required to be shown or provided to the detainee or any person acting on behalf of the detainee. But information should not be withheld from any person acting on the detainee's behalf, for example, an appropriate adult, solicitor or interpreter, if to do so might put that person at risk.
- 3.9 The custody officer is responsible for implementing the response to any specific risk assessment, e.g.:
- reducing opportunities for self harm;
 - calling an appropriate healthcare professional;
 - increasing levels of monitoring or observation;
 - reducing the risk to those who come into contact with the detainee.

See *Note 3E*.

- 3.10 Risk assessment is an ongoing process and assessments must always be subject to review if circumstances change.
- 3.11 If video cameras are installed in the custody area, notices shall be prominently displayed showing cameras are in use. Any request to have video cameras switched off shall be refused.

(B) Detained persons - special groups

- 3.12 If the detainee appears to be someone who does not speak or understand English or who has a hearing or speech impediment, the custody officer must ensure:
- (a) that without delay, arrangements (see [paragraph 13.1ZA](#)) are made for the detainee to have the assistance of an interpreter in the action under *paragraphs 3.1 to 3.5*. If the person appears to have a hearing or speech impediment, the reference to 'interpreter' includes appropriate assistance necessary to comply with *paragraphs 3.1 to 3.5*. See [paragraph 13.1C](#) if the detainee is in Wales. See [section 13](#) and [Note 13B](#);
 - (b) that in addition to the continuing rights set out in *paragraph 3.1(a)(i) to (iv)*, the detainee is told clearly about their right to interpretation and translation;
 - (c) that the written notice given to the detainee in accordance with *paragraph 3.2* is in a language the detainee understands and includes the right to interpretation and translation together with information about the provisions in *section 13* and *Annex M*, which explain how the right applies (see *Note 3A*); and
 - (d) that if the translation of the notice is not available, the information in the notice is given through an interpreter and a written translation provided without undue delay.
- 3.12A If the detainee is a citizen of an independent Commonwealth country or a national of a foreign country, including the Republic of Ireland, the custody officer must ensure that in addition to the continuing rights set out in *paragraph 3.1(a)(i) to (iv)*, they are informed as soon as practicable about their rights of communication with their High Commission, Embassy or Consulate set out in [section 7](#). This right must be included in the written notice given to the detainee in accordance with *paragraph 3.2*.
- 3.13 If the detainee is a juvenile, the custody officer must, if it is practicable, ascertain the identity of a person responsible for their welfare. That person:
- may be:
 - ~ the parent or guardian;
 - ~ if the juvenile is in local authority or voluntary organisation care, or is otherwise being looked after under the Children Act 1989, a person appointed by that authority or organisation to have responsibility for the juvenile's welfare;

- ~ any other person who has, for the time being, assumed responsibility for the juvenile's welfare.
 - must be informed as soon as practicable that the juvenile has been arrested, why they have been arrested and where they are detained. This right is in addition to the juvenile's right in *section 5* not to be held incommunicado. See *Note 3C*.
- 3.14 If a juvenile is known to be subject to a court order under which a person or organisation is given any degree of statutory responsibility to supervise or otherwise monitor them, reasonable steps must also be taken to notify that person or organisation (the 'responsible officer'). The responsible officer will normally be a member of a Youth Offending Team, except for a curfew order which involves electronic monitoring when the contractor providing the monitoring will normally be the responsible officer.
- 3.15 If the detainee is a juvenile or a vulnerable person, the custody officer must, as soon as practicable, ensure that:
- the detainee is informed of the decision that an appropriate adult is required and the reason for that decision (see [paragraph 3.5\(c\)\(ii\)](#) and;
 - the detainee is advised:
 - ~ of the duties of the appropriate adult as described in [paragraph 1.7A](#); and
 - ~ that they can consult privately with the appropriate adult at any time.
 - the appropriate adult, who in the case of a juvenile may or may not be a person responsible for their welfare, as in *paragraph 3.13*, is informed of:
 - ~ the grounds for their detention;
 - ~ their whereabouts; and
 - the attendance of the appropriate adult at the police station to see the detainee is secured.
- 3.16 It is imperative that a person detained under the Mental Health Act 1983, section 135 or 136, be assessed as soon as possible within the permitted period of detention specified in that Act. A police station may only be used as a place of safety in accordance with [The Mental Health Act 1983 \(Places of Safety\) Regulations 2017](#). If that assessment is to take place at the police station, an approved mental health professional and a registered medical practitioner shall be called to the station as soon as possible to carry it out. See [Note 9D](#). The appropriate adult has no role in the assessment process and their presence is not required. Once the detainee has been assessed and suitable arrangements made for their treatment or care, they can no longer be detained under section 135 or 136. A detainee must be immediately discharged from detention if a registered medical practitioner, having examined them, concludes they are not mentally disordered within the meaning of the Act.
- 3.17 If the appropriate adult is:
- already at the police station, the provisions of *paragraphs 3.1 to 3.5* must be complied with in the appropriate adult's presence;
 - not at the station when these provisions are complied with, they must be complied with again in the presence of the appropriate adult when they arrive,
- and a copy of the notice given to the detainee in accordance with *paragraph 3.2*, shall also be given to the appropriate adult.
- 3.17A The custody officer must ensure that at the time the copy of the notice is given to the appropriate adult, or as soon as practicable thereafter, the appropriate adult is advised of the duties of the appropriate adult as described in [paragraph 1.7A](#).
- 3.18 *Not used.*
- 3.19 If the detainee, or appropriate adult on the detainee's behalf, asks for a solicitor to be called to give legal advice, the provisions of *section 6* apply (see [paragraph 6.5A](#) and [Note 3H](#)).
- 3.20 If the detainee is blind, seriously visually impaired or unable to read, the custody officer shall make sure their solicitor, relative, appropriate adult or some other person likely to take an interest in them and not involved in the investigation is available to help check any documentation. When this Code requires written consent or signing the person assisting

may be asked to sign instead, if the detainee prefers. This paragraph does not require an appropriate adult to be called solely to assist in checking and signing documentation for a person who is not a juvenile, or is not vulnerable (see [paragraph 3.15](#) and [Note 13C](#)).

- 3.20A The Children and Young Persons Act 1933, section 31, requires that arrangements must be made for ensuring that a girl under the age of 18, while detained in a police station, is under the care of a woman. [The custody officer must ensure that the woman under whose care the girl is, makes the enquiries and provides the information concerning personal needs relating to their health, hygiene and welfare described in paragraph 9.3A and menstrual products described in paragraph 9.3B.](#) See [Note 3G](#). [The section](#) also requires that arrangements must be made for preventing any person under 18, while being detained in a police station, from associating with an adult charged with any offence, unless that adult is a relative or the adult is jointly charged with the same offence as the person under 18.

(C) Detained persons - Documentation

- 3.20B The grounds for a person's detention shall be recorded, in the person's presence if practicable. See [paragraph 1.8](#).
- 3.20C Action taken under [paragraphs 3.12 to 3.20A](#) shall be recorded.

(D) Persons attending a police station or elsewhere voluntarily

- 3.21 Anybody attending a police station or other location (see [paragraph 3.22](#) and [Note 3I](#)) voluntarily to assist police with the investigation of an offence may leave at will unless arrested. See [Notes 1A](#) and [1K](#). The person may only be prevented from leaving at will if their arrest on suspicion of committing the offence is necessary in accordance with Code G. See [Code G Note 2G](#).

Action if arrest becomes necessary

- (a) If during a person's voluntary attendance at a police station or other location it is decided for any reason that their arrest is necessary, they must:
- be informed at once that they are under arrest and of the grounds and reasons as required by [Code G](#), and
 - be brought before the custody officer at the police station where they are arrested or (as the case may be) at the police station to which they are taken after being arrested elsewhere. The custody officer is then responsible for making sure that a custody record is opened and that they are notified of their rights in the same way as other detainees as required by this Code.

Information to be given when arranging a voluntary interview:

- (b) If the suspect's arrest is not necessary but they are cautioned as required in [section 10](#), the person who, after describing the nature and circumstances of the suspected offence, gives the caution must at the same time, inform them that they are not under arrest and that they are not obliged to remain at the station or other location (see [paragraph 3.22](#) and [Note 3I](#)). The rights, entitlements and safeguards that apply to the conduct and recording of interviews with suspects are not diminished simply because the interview is arranged on a voluntary basis. For the purpose of arranging a voluntary interview (see [Code G Note 2F](#)), the duty of the interviewer reflects that of the custody officer with regard to detained suspects. As a result:
- (i) the requirement in [paragraph 3.5\(c\)\(ii\)](#) to determine whether a detained suspect requires an appropriate adult, help to check documentation or an interpreter shall apply equally to a suspect who has not been arrested; and
 - (ii) the suspect must not be asked to give their informed consent to be interviewed until *after* they have been informed of the rights, entitlements and safeguards that apply to voluntary interviews. These are set out in [paragraph 3.21A](#) and the interviewer is responsible for ensuring that the suspect is so informed and for explaining these rights, entitlements and safeguards.

- 3.21A The interviewer must inform the suspect that the purpose of the voluntary interview is to question them to obtain evidence about their involvement or suspected involvement in the offence(s) described when they were cautioned and told that they were not under arrest. The

interviewer shall then inform the suspect that the following matters will apply if they agree to the voluntary interview proceeding:

- (a) Their right to information about the offence(s) in question by providing sufficient information to enable them to understand the nature of any such offence(s) and why they are suspected of committing it. This is in order to allow for the effective exercise of the rights of the defence as required by [paragraph 11.1A](#). It applies whether or not they ask for legal advice and includes any further offences that come to light and are pointed out during the voluntary interview and for which they are cautioned.
- (b) Their right to free (see [Note 3J](#)) legal advice by:
 - (i) explaining that they may obtain free and independent legal advice if they want it, and that this includes the right to speak with a solicitor on the telephone and to have the solicitor present during the interview;
 - (ii) asking if they want legal advice and recording their reply; and
 - (iii) if the person requests advice, securing its provision before the interview by contacting the Defence Solicitor Call Centre and explaining that the time and place of the interview will be arranged to enable them to obtain advice and that the interview will be delayed until they have received the advice unless, in accordance with [paragraph 6.6\(c\)](#) (Nominated solicitor not available and duty solicitor declined) or [paragraph 6.6\(d\)](#) (Change of mind), an officer of the rank of inspector or above agrees to the interview proceeding; or
 - (iv) if the person declines to exercise the right, asking them why and recording any reasons given (see [Note 6K](#)).

Note: When explaining the right to legal advice and the arrangements, the interviewer must take care not to indicate, except to answer a direct question, that the time taken to arrange and complete the voluntary interview might be reduced if:

- the suspect does not ask for legal advice or does not want a solicitor present when they are interviewed; or
- the suspect asks for legal advice or (as the case may be) asks for a solicitor to be present when they are interviewed, but changes their mind and agrees to be interviewed without waiting for a solicitor.

- (c) Their right, if in accordance with [paragraph 3.5\(c\)\(ii\)](#) the interviewer determines:
 - (i) that they are a juvenile or are vulnerable; or
 - (ii) that they need help to check documentation (see [paragraph 3.20](#)), to have the appropriate adult present or (as the case may be) to have the necessary help to check documentation; and that the interview will be delayed until the presence of the appropriate adult or the necessary help, is secured.
- (d) If they are a juvenile or vulnerable and do not want legal advice, their appropriate adult has the right to ask for a solicitor to attend if this would be in their best interests and the appropriate adult must be so informed. In this case, action to secure the provision of advice if so requested by their appropriate adult will be taken without delay in the same way as if requested by the person (see [sub-paragraph \(b\)\(iii\)](#)). However, they cannot be forced to see the solicitor if they are adamant that they do not wish to do so (see [paragraphs 3.19](#) and [6.5A](#)).
- (e) Their right to an interpreter, if in accordance with, [paragraphs 3.5\(c\)\(ii\)](#) and [3.12](#), the interviewer determines that they require an interpreter and that if they require an interpreter, making the necessary arrangements in accordance with [paragraph 13.1ZA](#) and that the interview will be delayed to make the arrangements.
- (f) That interview will be arranged for a time and location (see [paragraph 3.22](#) and [Note 3J](#)) that enables:
 - (i) the suspect's rights described above to be fully respected; and
 - (ii) the whole of the interview to be recorded using an authorised recording device in accordance with [Code E](#) (Code of Practice on Audio recording of interviews with suspects) or (as the case may be) Code F (Code of Practice on visual recording with sound of interviews with suspects); and

- (g) That their agreement to take part in the interview also signifies their agreement for that interview to be audio-recorded or (as the case may be) visually recorded with sound.

3.21B The provision by the interviewer of factual information described in *paragraph 3.21A* and, if asked by the suspect, further such information, does not constitute an interview for the purpose of this Code and *when that information is provided*:

- (a) the interviewer must remind the suspect about the caution as required in *section 10* but must not *invite* comment about the offence or put specific questions to the suspect regarding their involvement in any offence, nor in respect of any comments they may make when given the information. Such an exchange is itself likely to constitute an interview as in *paragraph 11.1A* and require the associated interview safeguards in *section 11*.
- (b) Any comment the suspect makes when the information is given which might be relevant to the offence, must be recorded and dealt with in accordance with [paragraph 11.13](#).
- (c) The suspect must be given a notice summarising the matters described in *paragraph 3.21A* and which includes the arrangements for obtaining legal advice. If a specific notice is not available, the notice given to detained suspects with references to detention-specific requirements and information redacted, may be used.
- (d) For juvenile and vulnerable suspects (see [paragraphs 1.4](#) and [1.5](#)):
- (i) the information must be provided or (as the case may be) provided again, together with the notice, in the presence of the appropriate adult;
 - (ii) if cautioned in the absence of the appropriate adult, the caution must be repeated in the appropriate adult's presence (see [paragraph 10.12](#));
 - (iii) the suspect must be informed of the decision that an appropriate is required and the reason (see [paragraph 3.5\(c\)\(ii\)](#));
 - (iv) the suspect *and* the appropriate adult shall be advised:
 - that the duties of the appropriate adult include giving advice and assistance in accordance with [paragraphs 1.7A](#) and [11.17](#); and
 - that they can consult privately at any time.
 - (v) their informed agreement to be interviewed voluntarily must be sought and given in the *presence* of the appropriate adult and for a juvenile, the agreement of a parent or guardian of the juvenile is also required.

3.22 If the other location mentioned in [paragraph 3.21](#) is any place or premises for which the interviewer requires the informed consent of the suspect and/or occupier (if different) to remain, for example, the suspect's home (see [Note 3f](#)), then the references that the person is 'not obliged to remain' and that they 'may leave at will' mean that the suspect and/or occupier (if different) may also withdraw their consent and require the interviewer to leave.

Commencement of voluntary interview – general

3.22A Before asking the suspect any questions about their involvement in the offence they are suspected of committing, the interviewing officer must ask them to confirm that they agree to the interview proceeding. This confirmation shall be recorded in the interview record made in accordance with [section 11](#) of this Code (written record) or Code E or Code F.

Documentation

3.22B Action taken under *paragraphs 3.21A* to *3.21B* shall be recorded. The record shall include the date time and place the action was taken, who was present and anything said to or by the suspect and to or by those present.

3.23 *Not used.*

3.24 *Not used.*

(E) Persons answering street bail

3.25 When a person is answering street bail, the custody officer should link any documentation held in relation to arrest with the custody record. Any further action shall be recorded on the custody record in accordance with *paragraphs 3.20B* and *3.20C* above.

(F) Requirements for suspects to be informed of certain rights

- 3.26 The provisions of this section identify the information which must be given to suspects who have been cautioned in accordance with *section 10 of this Code* according to whether or not they have been arrested and detained. It includes information required by [EU Directive 2012/13](#) on the right to information in criminal proceedings. If a complaint is made by or on behalf of such a suspect that the information and (as the case may be) access to records and documents has not been provided as required, the matter shall be reported to an inspector to deal with as a complaint for the purposes of *paragraph 9.2*, or *paragraph 12.9* if the challenge is made during an interview. This would include, for example:
- (a) in the case of a detained suspect:
 - not informing them of their rights (see *paragraph 3.1*);
 - not giving them a copy of the Notice (see *paragraph 3.2(a)*);
 - not providing an opportunity to read the notice (see *paragraph 3.2A*);
 - not providing the required information (see *paragraphs 3.2(a)*, *3.12(b)* and, *3.12A*);
 - not allowing access to the custody record (see *paragraph 2.4*);
 - not providing a translation of the Notice (see *paragraph 3.12(c)* and *(d)*); and
 - (b) in the case of a suspect who is not detained:
 - not informing them of their rights or providing the required information (see *paragraphs 3.21(b)* to *3.21B*).

Notes for Guidance

3ZA For the purposes of [paragraphs 3.4\(b\)](#) and [15.0](#):

- (a) *Investigating officers are responsible for bringing to the attention of the officer who is responsible for authorising the suspect's detention or (as the case may be) continued detention (before or after charge), any documents and materials in their possession or control which appear to undermine the need to keep the suspect in custody. In accordance with Part IV of PACE, this officer will be either the custody officer, the officer reviewing the need for detention before or after charge (PACE, section 40), or the officer considering the need to extend detention without charge from 24 to 36 hours (PACE, section 42) who is then responsible for determining, which, if any, of those documents and materials are capable of undermining the need to detain the suspect and must therefore be made available to the suspect or their solicitor.*
- (b) *the way in which documents and materials are 'made available', is a matter for the investigating officer to determine on a case by case basis and having regard to the nature and volume of the documents and materials involved. For example, they may be made available by supplying a copy or allowing supervised access to view. However, for view only access, it will be necessary to demonstrate that sufficient time is allowed for the suspect and solicitor to view and consider the documents and materials in question.*

3A For access to currently available notices, including 'easy-read' versions, see <https://www.gov.uk/guidance/notice-of-rights-and-entitlements-a-persons-rights-in-police-detention>.

3B Not used.

3C *If the juvenile is in local authority or voluntary organisation care but living with their parents or other adults responsible for their welfare, although there is no legal obligation to inform them, they should normally be contacted, as well as the authority or organisation unless they are suspected of involvement in the offence concerned. Even if the juvenile is not living with their parents, consideration should be given to informing them.*

3D *The right to consult the Codes of Practice does not entitle the person concerned to delay unreasonably any necessary investigative or administrative action whilst they do so. Examples of action which need not be delayed unreasonably include:*

- *procedures requiring the provision of breath, blood or urine specimens under the Road Traffic Act 1988 or the Transport and Works Act 1992;*
- *searching detainees at the police station;*

- *taking fingerprints, footwear impressions or non-intimate samples without consent for evidential purposes.*
- 3E *The Detention and Custody Authorised Professional Practice (APP) produced by the College of Policing (see <http://www.app.college.police.uk>) provides more detailed guidance on risk assessments and identifies key risk areas which should always be considered. See [Home Office Circular 34/2007](#) (Safety of solicitors and probationary representatives at police stations)<https://www.gov.uk/government/publications/safety-of-solicitors-and-probationary-representatives-at-police-stations>.*
- 3F *A custody officer or other officer who, in accordance with this Code, allows or directs the carrying out of any task or action relating to a detainee's care, treatment, rights and entitlements to another officer or any other person, must be satisfied that the officer or person concerned is suitable, trained and competent to carry out the task or action in question.*
- 3G *Guidance for police officers and police staff on the operational application of section 31 of the Children and Young Persons Act 1933 has been published by the College of Policing and is available at:*
<https://www.app.college.police.uk/app-content/detention-and-custody-2/detainee-care/children-and-young-persons/#girls>.
- 3H *The purpose of the provisions at [paragraphs 3.19](#) and [6.5A](#) is to protect the rights of juvenile and vulnerable persons who may not understand the significance of what is said to them. They should always be given an opportunity, when an appropriate adult is called to the police station, to consult privately with a solicitor in the absence of the appropriate adult if they want.*
- 3I *An interviewer who is not sure, or has any doubt, about whether a place or location elsewhere than a police station is suitable for carrying out a voluntary interview, particularly in the case of a juvenile or vulnerable person, should consult an officer of the rank of sergeant or above for advice. Detailed guidance for police officers and staff concerning the conduct and recording of voluntary interviews is being developed by the College of Policing. It follows a review of operational issues arising when voluntary interviews need to be arranged. The aim is to ensure the effective implementation of the safeguards in [paragraphs 3.21](#) to 3.22B particularly concerning the rights of suspects, the location for the interview and supervision.*
- 3J *For voluntary interviews conducted by non-police investigators, the provision of legal advice is set out by the Legal Aid Agency at paragraph 9.54 of the 2017 Standard Crime Contract Specification. This is published at <https://www.gov.uk/government/publications/standard-crime-contract-2017> and the rules mean that a non-police interviewer who does not have their own statutory power of arrest would have to inform the suspect that they have a right to seek legal advice if they wish, but payment would be a matter for them to arrange with the solicitor.*

4 Detainee's property

(A) Action

4.1 The custody officer is responsible for:

- (a) ascertaining what property a detainee:
- (i) has with them when they come to the police station, whether on:
 - arrest or re-detention on answering to bail;
 - commitment to prison custody on the order or sentence of a court;
 - lodgement at the 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, section 135 or 136;
 - remand into police custody on the authority of a court.
 - (ii) might have acquired for an unlawful or harmful purpose while in custody;
- (b) the safekeeping of any property taken from a detainee which remains at the police station.

The custody officer may search the detainee or authorise their being 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 as in *Annex A*. A search may only be carried out by an officer of the same sex as the detainee. See *Note 4A* and *Annex L*.

4.2 **Subject to paragraph 4.3A**, detainees may retain clothing and personal effects at their own risk unless the custody officer considers they may use them to cause harm to themselves or others, interfere with evidence, damage property, effect an escape or they are needed as evidence. In this event the custody officer may withhold such articles as they consider necessary and must tell the detainee why.

4.3 Personal effects are those items a detainee may lawfully need, use or refer to while in detention but do not include cash and other items of value.

4.3A For the purposes of *paragraph 4.2*, the reference to clothing and personal effects shall be treated as including menstrual and any other health, hygiene and welfare products needed by the detainee in question (see *paragraphs 9.3A* and *9.3B*) and a decision to withhold any such products must be subject to a further specific risk assessment.

(B) Documentation

4.4 It is a matter for the custody officer to determine whether a record should be made of the property a detained person has with him or had taken from him on arrest. Any record made is not required to be kept as part of the custody record but the custody record should be noted as to where such a record exists and that record shall be treated as being part of the custody record for the purpose of this and any other Code of Practice (see *paragraphs 2.4*, *2.4A* and *2.5*). Whenever a record is made the detainee shall be allowed to check and sign the record of property as correct. Any refusal to sign shall be recorded.

4.5 If a detainee is not allowed to keep any article of clothing or personal effects, the reason must be recorded.

Notes for Guidance

4A *PACE, Section 54(1) and paragraph 4.1 require a detainee to be searched when it is clear the custody officer will have continuing duties in relation to that detainee or when that detainee's behaviour or offence makes an inventory appropriate. They do not require every detainee to be searched, e.g. if it is clear a person will only be detained for a short period and is not to be placed in a cell, the custody officer may decide not to search them. In such a case the custody record will be endorsed 'not searched', paragraph 4.4 will not apply, and the detainee will be invited to sign the entry. If the detainee refuses, the custody officer will be obliged to ascertain what property they have in accordance with paragraph 4.1.*

- 4B Paragraph 4.4 does not require the custody officer to record on the custody record property in the detainee's possession on arrest if, by virtue of its nature, quantity or size, it is not practicable to remove it to the police station.
- 4C Paragraph 4.4 does not require items of clothing worn by the person to be recorded unless withheld by the custody officer as in paragraph 4.2.

Section 5 - Right not to be held incommunicado omitted for the purpose of this extract

Section 6 - Right to legal advice omitted for the purpose of this extract

Section 7 - Citizens of independent Commonwealth countries or foreign nationals omitted for the purpose of this extract

8 Conditions of detention

(A) Action

- 8.1 So far as it is practicable, not more than one detainee should be detained in each cell. See *Note 8C*.
- 8.2 Cells in use must be adequately heated, cleaned and ventilated. They must be adequately lit, subject to such dimming as is compatible with safety and security to allow people detained overnight to sleep. No additional restraints shall be used within a locked cell unless absolutely necessary and then only restraint equipment, approved for use in that force by the chief officer, which is reasonable and necessary in the circumstances having regard to the detainee's demeanour and with a view to ensuring their safety and the safety of others. If a detainee is deaf or a vulnerable person, particular care must be taken when deciding whether to use any form of approved restraints.
- 8.3 Blankets, mattresses, pillows and other bedding supplied shall be of a reasonable standard and in a clean and sanitary condition. See *Note 8A*.
- 8.4 Access to toilet and washing facilities must be provided. [This must take account of the dignity of the detainee. See *Note 8D*.](#)
- 8.5 If it is necessary to remove a detainee's clothes for the purposes of investigation, for hygiene, health reasons or cleaning, [removal shall be conducted with proper regard to the dignity, sensitivity and vulnerability of the detainee and](#) replacement clothing of a reasonable standard of comfort and cleanliness shall be provided. A detainee may not be interviewed unless adequate clothing has been offered.
- 8.6 At least two light meals and one main meal should be offered in any 24-hour period. See *Note 8B*. Drinks should be provided at meal times and upon reasonable request between meals. Whenever necessary, advice shall be sought from the appropriate healthcare professional, see [Note 9A](#), on medical and dietary matters. As far as practicable, meals provided shall offer a varied diet and meet any specific dietary needs or religious beliefs the detainee may have. The detainee may, at the custody officer's discretion, have meals supplied by their family or friends at their expense. See *Note 8A*.
- 8.7 Brief outdoor exercise shall be offered daily if practicable.
- 8.8 A juvenile shall not be placed in a police cell unless no other secure accommodation is available and the custody officer considers it is not practicable to supervise them if they are not placed in a cell or that a cell provides more comfortable accommodation than other secure accommodation in the station. A juvenile may not be placed in a cell with a detained adult.

(B) Documentation

- 8.9 A record must be kept of replacement clothing and meals offered.
- 8.10 If a juvenile is placed in a cell, the reason must be recorded.
- 8.11 The use of any restraints on a detainee whilst in a cell, the reasons for it and, if appropriate, the arrangements for enhanced supervision of the detainee whilst so restrained, shall be recorded. See *paragraph 3.9*.

Notes for Guidance

- 8A *The provisions in paragraph 8.3 and 8.6 respectively are of particular importance in the case of a person likely to be detained for an extended period. In deciding whether to allow meals to be supplied by family or friends, the custody officer is entitled to take account of the risk of items being concealed in any food or package and the officer's duties and responsibilities under food handling legislation.*
- 8B *Meals should, so far as practicable, be offered at recognised meal times, or at other times that take account of when the detainee last had a meal.*
- 8C *The Detention and Custody Authorised Professional Practice (APP) produced by the College of Policing (see <http://www.app.college.police.uk>) provides more detailed guidance on matters concerning detainee healthcare and treatment and associated forensic issues which should be read in conjunction with sections 8 and 9 of this Code.*

8D *In cells subject to CCTV monitoring, privacy in the toilet area should be ensured by any appropriate means and detainees should be made aware of this when they are placed in the cell. If a detainee or appropriate adult on their behalf, expresses doubts about the effectiveness of the means used, reasonable steps should be taken to allay those doubts, for example, by explaining or demonstrating the means used.*

9 Care and treatment of detained persons

(A) General

- 9.1 Nothing in this section prevents the police from calling an appropriate healthcare professional to examine a detainee for the purposes of obtaining evidence relating to any offence in which the detainee is suspected of being involved. See *Notes 9A and 8C*.
- 9.2 If a complaint is made by, or on behalf of, a detainee about their treatment since their arrest, or it comes to notice that a detainee may have been treated improperly, a report must be made as soon as practicable to an officer of inspector rank or above not connected with the investigation. If the matter concerns a possible assault or the possibility of the unnecessary or unreasonable use of force, an appropriate healthcare professional must also be called as soon as practicable.
- 9.3 Subject to *paragraph 9.6* in the case of a person to whom [The Mental Health Act 1983 \(Places of Safety\) Regulations 2017](#) apply, detainees should be visited at least every hour. If no reasonably foreseeable risk was identified in a risk assessment, see *paragraphs 3.6 to 3.10*, there is no need to wake a sleeping detainee. Those suspected of being under the influence of drink or drugs or both or of having swallowed drugs, see *Note 9CA*, or whose level of consciousness causes concern must, subject to any clinical directions given by the appropriate healthcare professional, see [paragraph 9.13](#):
- be visited and roused at least every half hour;
 - have their condition assessed as in [Annex H](#);
 - and clinical treatment arranged if appropriate.

See *Notes 9B, 9C and 9H*

9.3A *As soon as practicable after arrival at the police station, each detainee must be given an opportunity to speak in private with a member of the custody staff who if they wish, may be of the same sex as the detainee (see [paragraph 1.13\(c\)](#)), about any matter concerning the detainee's personal needs relating to their health, hygiene and welfare that might affect or concern them whilst in custody. If the detainee wishes to take this opportunity, the necessary arrangements shall be made as soon as practicable. In the case of a juvenile or vulnerable person, the appropriate adult must be involved in accordance with [paragraph 3.17](#) and in the case of a girl under 18, see [paragraph 3.20A](#). (See *Note 9CB*).*

9.3B *Each female detainee aged 18 or over shall be asked in private if possible and at the earliest opportunity, if they require or are likely to require any menstrual products whilst they are in custody. They must also be told that they will be provided free of charge and that replacement products are available. At the custody officer's discretion, detainees may have menstrual products supplied by their family or friends at their expense (see *Note 9CC*). For girls under 18, see [paragraph 3.20A](#).*

- 9.4 When arrangements are made to secure clinical attention for a detainee, the custody officer must make sure all relevant information which might assist in the treatment of the detainee's condition is made available to the responsible healthcare professional. This applies whether or not the healthcare professional asks for such information. Any officer or police staff with relevant information must inform the custody officer as soon as practicable.
- (B) Clinical treatment and attention**
- 9.5 The custody officer must make sure a detainee receives appropriate clinical attention as soon as reasonably practicable if the person:
- (a) appears to be suffering from physical illness; or
 - (b) is injured; or
 - (c) appears to be suffering from a mental disorder; or
 - (d) appears to need clinical attention.
- 9.5A This applies even if the detainee makes no request for clinical attention and whether or not they have already received clinical attention elsewhere. If the need for attention appears urgent, e.g. when indicated as in [Annex H](#), the nearest available healthcare professional or an ambulance must be called immediately.
- 9.5B The custody officer must also consider the need for clinical attention as set out in [Note 9C](#) in relation to those suffering the effects of alcohol or drugs.
- 9.6 *Paragraph 9.5* is not meant to prevent or delay the transfer to a hospital if necessary of a person detained under the Mental Health Act 1983, sections 135 and 136, as amended by the Policing and Crime Act 2017. See [Note 9D](#). When an assessment under that Act is to take place at a police station (see [paragraph 3.16](#)) the custody officer must also ensure that in accordance with [The Mental Health Act 1983 \(Places of Safety\) Regulations 2017](#), a health professional is present and available to the person throughout the period they are detained at the police station and that at the welfare of the detainee is checked by the health professional at least once every thirty minutes and any appropriate action for the care and treatment of the detainee taken.
- 9.7 If it appears to the custody officer, or they are told, that a person brought to a station under arrest may be suffering from an infectious disease or condition, the custody officer must take reasonable steps to safeguard the health of the detainee and others at the station. In deciding what action to take, advice must be sought from an appropriate healthcare professional. See [Note 9E](#). The custody officer has discretion to isolate the person and their property until clinical directions have been obtained.
- 9.8 If a detainee requests a clinical examination, an appropriate healthcare professional must be called as soon as practicable to assess the detainee's clinical needs. If a safe and appropriate care plan cannot be provided, the appropriate healthcare professional's advice must be sought. The detainee may also be examined by a medical practitioner of their choice at their expense.
- 9.9 If a detainee is required to take or apply any medication in compliance with clinical directions prescribed before their detention, the custody officer must consult the appropriate healthcare professional before the use of the medication. Subject to the restrictions in [paragraph 9.10](#), the custody officer is responsible for the safekeeping of any medication and for making sure the detainee is given the opportunity to take or apply prescribed or approved medication. Any such consultation and its outcome shall be noted in the custody record.
- 9.10 No police officer may administer or supervise the self-administration of medically prescribed controlled drugs of the types and forms listed in the Misuse of Drugs Regulations 2001, Schedule 2 or 3. A detainee may only self-administer such drugs under the personal supervision of the registered medical practitioner authorising their use or other appropriate healthcare professional. The custody officer may supervise the self-administration of, or authorise other custody staff to supervise the self-administration of, drugs listed in Schedule 4 or 5 if the officer has consulted the appropriate healthcare professional authorising their use and both are satisfied self-administration will not expose the detainee, police officers or anyone else to the risk of harm or injury.

- 9.11 When appropriate healthcare professionals administer drugs or authorise the use of other medications, supervise their self-administration or consult with the custody officer about allowing self-administration of drugs listed in Schedule 4 or 5, it must be within current medicines legislation and the scope of practice as determined by their relevant statutory regulatory body.
- 9.12 If a detainee has in their possession, or claims to need, medication relating to a heart condition, diabetes, epilepsy or a condition of comparable potential seriousness then, even though *paragraph 9.5* may not apply, the advice of the appropriate healthcare professional must be obtained.
- 9.13 Whenever the appropriate healthcare professional is called in accordance with this section to examine or treat a detainee, the custody officer shall ask for their opinion about:
- any risks or problems which police need to take into account when making decisions about the detainee's continued detention;
 - when to carry out an interview if applicable; and
 - the need for safeguards.
- 9.14 When clinical directions are given by the appropriate healthcare professional, whether orally or in writing, and the custody officer has any doubts or is in any way uncertain about any aspect of the directions, the custody officer shall ask for clarification. It is particularly important that directions concerning the frequency of visits are clear, precise and capable of being implemented. See *Note 9F*.

(C) Documentation

- 9.15 A record must be made in the custody record of:
- (a) the arrangements made for an examination by an appropriate healthcare professional under *paragraph 9.2* and of any complaint reported under that paragraph together with any relevant remarks by the custody officer;
 - (b) any arrangements made in accordance with *paragraph 9.5*;
 - (c) any request for a clinical examination under *paragraph 9.8* and any arrangements made in response;
 - (d) the injury, ailment, condition or other reason which made it necessary to make the arrangements in (a) to (c); See *Note 9G*.
 - (e) any clinical directions and advice, including any further clarifications, given to police by a healthcare professional concerning the care and treatment of the detainee in connection with any of the arrangements made in (a) to (c); See *Notes 9E* and *9F*.
 - (f) if applicable, the responses received when attempting to rouse a person using the procedure in *Annex H*. See *Note 9H*.
- 9.16 If a healthcare professional does not record their clinical findings in the custody record, the record must show where they are recorded. See *Note 9G*. However, information which is necessary to custody staff to ensure the effective ongoing care and well being of the detainee must be recorded openly in the custody record, see *paragraph 3.8* and *Annex G, paragraph 7*.
- 9.17 Subject to the requirements of *Section 4*, the custody record shall include:
- a record of all medication a detainee has in their possession on arrival at the police station;
 - a note of any such medication they claim to need but do not have with them.

Notes for Guidance

- 9A A 'healthcare professional' means a clinically qualified person working within the scope of practice as determined by their relevant statutory regulatory body. Whether a healthcare professional is 'appropriate' depends on the circumstances of the duties they carry out at the time.
- 9B Whenever possible, detained juveniles and vulnerable persons should be visited more frequently.

- 9C *A detainee who appears drunk or behaves abnormally may be suffering from illness, the effects of drugs or may have sustained injury, particularly a head injury which is not apparent. A detainee needing or dependent on certain drugs, including alcohol, may experience harmful effects within a short time of being deprived of their supply. In these circumstances, when there is any doubt, police should always act urgently to call an appropriate healthcare professional or an ambulance. Paragraph 9.5 does not apply to minor ailments or injuries which do not need attention. However, all such ailments or injuries must be recorded in the custody record and any doubt must be resolved in favour of calling the appropriate healthcare professional.*
- 9CA *[Paragraph 9.3](#) would apply to a person in police custody by order of a magistrates' court under the Criminal Justice Act 1988, section 152 (as amended by the Drugs Act 2005, section 8) to facilitate the recovery of evidence after being charged with drug possession or drug trafficking and suspected of having swallowed drugs. In the case of the healthcare needs of a person who has swallowed drugs, the custody officer, subject to any clinical directions, should consider the necessity for rousing every half hour. This does not negate the need for regular visiting of the suspect in the cell.*
- 9CB *Matters concerning personal needs to which [paragraph 9.3A](#) applies include any requirement for menstrual products, incontinence products and colostomy appliances, where these needs have not previously been identified (see [paragraph 3.5\(c\)](#)). It also enables adult women to speak in private to a female officer about their requirements for menstrual products if they decline to respond to the more direct enquiry envisaged under [paragraph 9.3B](#). This contact should be facilitated at any time, where possible.*
- 9CC *Detailed guidance for police officers and staff concerning menstruating female detainees in police custody is included in the College of Policing Authorised Professional Practice (APP).*
- 9D *Except as allowed for under The Mental Health Act 1983 (Places of Safety) Regulations 2017, a police station must not be used as a place of safety for persons detained under section 135 or 136 of that Act. Chapter 16 of the Mental Health Act 1983 Code of Practice (as revised), provides more detailed guidance about arranging assessments under the Mental Health Act and transferring detainees from police stations to other places of safety. Additional guidance in relation to amendments made to the Mental Health Act in 2017 are published at <https://www.gov.uk/government/publications/mental-health-act-1983-implementing-changes-to-police-powers>.*
- 9E *It is important to respect a person's right to privacy and information about their health must be kept confidential and only disclosed with their consent or in accordance with clinical advice when it is necessary to protect the detainee's health or that of others who come into contact with them.*
- 9F *The custody officer should always seek to clarify directions that the detainee requires constant observation or supervision and should ask the appropriate healthcare professional to explain precisely what action needs to be taken to implement such directions.*
- 9G *Paragraphs 9.15 and 9.16 do not require any information about the cause of any injury, ailment or condition to be recorded on the custody record if it appears capable of providing evidence of an offence.*
- 9H *The purpose of recording a person's responses when attempting to rouse them using the procedure in Annex H is to enable any change in the individual's consciousness level to be noted and clinical treatment arranged if appropriate.*

Section 10 - Cautions omitted for the purpose of this extract.

Section 11 - Interviews – general omitted for the purpose of this extract.

Section 12 - Interviews in police stations omitted for the purpose of this extract.

Section 13 – Interpreters omitted for the purpose of this extract.

Section 14 - Questioning - special restrictions omitted for the purpose of this extract.

Section 15 - Reviews and extensions of detention omitted for the purpose of this extract.

Section 16 - Charging detained persons omitted for the purpose of this extract.

Section 17 - Testing persons for the presence of specified Class A drugs omitted for the purpose of this extract.

ANNEX A INTIMATE AND STRIP SEARCHES

A Intimate search

1. An intimate search consists of the physical examination of a person's body orifices other than the mouth. The intrusive nature of such searches means the actual and potential risks associated with intimate searches must never be underestimated.
 - (a) **Action**
2. Body orifices other than the mouth may be searched only:
 - (a) if authorised by an officer of inspector rank or above who has reasonable grounds for believing that the person may have concealed on themselves:
 - (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
 - (b) if the search is under *paragraph 2(a)(ii)* (a drug offence search), the detainee's appropriate consent has been given in writing.
- 2A. Before the search begins, a police officer or designated detention officer, must tell the detainee:-
 - (a) that the authority to carry out the search has been given;
 - (b) the grounds for giving the authorisation and for believing that the article cannot be removed without an intimate search.
- 2B. Before a detainee is asked to give appropriate consent to a search under *paragraph 2(a)(ii)* (a drug offence search) they must be warned that if they refuse without good cause their refusal may harm their case if it comes to trial, see *Note A6*. This warning may be given by a police officer or member of police staff. In the case of a juvenile or a vulnerable person, the seeking and giving of consent must take place in the presence of the appropriate adult. A juvenile's consent is only valid if their parent's or guardian's consent is also obtained unless the juvenile is under 14, when their parent's or guardian's consent is sufficient in its own right. A detainee who is not legally represented must be reminded of their entitlement to have free legal advice, see *Code C, paragraph 6.5*, and the reminder noted in the custody record.
3. An intimate search may only be carried out by a registered medical practitioner or registered nurse, unless an officer of at least inspector rank considers this is not practicable and the search is to take place under *paragraph 2(a)(i)*, in which case a police officer may carry out the search. See *Notes A1 to A5*.
- 3A. Any proposal for a search under *paragraph 2(a)(i)* to be carried out by someone other than a registered medical practitioner or registered nurse 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 outweigh the risks associated with removing it. See *Notes A1 to A5*.
4. An intimate search under:
 - *paragraph 2(a)(i)* may take place only at a hospital, surgery, other medical premises or police station;
 - *paragraph 2(a)(ii)* may take place only at a hospital, surgery or other medical premises and must be carried out by a registered medical practitioner or a registered nurse.
5. An intimate search at a police station of a juvenile or vulnerable person may take place only in the presence of an appropriate adult of the same sex (see *Annex L*), unless the detainee specifically requests a particular appropriate adult of the opposite sex who is readily available. 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 appropriate adult present during the search and the appropriate adult agrees. A record shall be made of the juvenile's decision and signed by the appropriate adult.
6. When an intimate search under *paragraph 2(a)(i)* is carried out by a police officer, the officer must be of the same sex as the detainee (see *Annex L*). A minimum of two people, other than

the detainee, must be present during the search. Subject to *paragraph 5*, no person of the opposite sex who is not a medical practitioner or nurse shall be present, nor shall anyone whose presence is unnecessary. The search shall be conducted with proper regard to the **dignity, sensitivity and vulnerability of the detainee including in particular, their health, hygiene and welfare needs to which *paragraphs 9.3A and 9.3B* apply.**

(b) Documentation

7. In the case of an intimate search, the following shall be recorded as soon as practicable in the detainee's custody record:
- (a) for searches under paragraphs 2(a)(i) and (ii);
- the authorisation to carry out the search;
 - the grounds for giving the authorisation;
 - the grounds for believing the article could not be removed without an intimate search;
 - which parts of the detainee's body were searched;
 - who carried out the search;
 - who was present;
 - the result.
- (b) for searches under paragraph 2(a)(ii):
- the giving of the warning required by *paragraph 2B*;
 - the fact that the appropriate consent was given or (as the case may be) refused, and if refused, the reason given for the refusal (if any).
8. If an intimate search is 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.

B Strip search

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

(a) Action

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

The conduct of strip searches

11. When strip searches are conducted:
- (a) a police officer carrying out a strip search must be the same sex as the detainee (see *Annex L*);
- (b) the search shall take place 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 (see *Annex L*) except an appropriate adult who has been specifically requested by the detainee;
- (c) except in cases of urgency, where there is risk of serious harm to the detainee or to others, whenever a strip 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 vulnerable person, one of the people must be the appropriate adult. Except in urgent cases as above, a 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 appropriate adult to be present during the search and the appropriate adult agrees. A record shall be made of the juvenile's decision and signed by the appropriate adult. The presence of more than two people, other than an appropriate adult, shall be permitted only in the most exceptional circumstances;
- (d) the search shall be conducted with proper regard to the **dignity, sensitivity and vulnerability of the detainee in these circumstances, including in particular, their health, hygiene and welfare needs to which *paragraphs 9.3A and 9.3B* apply.** Every reasonable effort shall be made to secure the detainee's co-operation, **maintain their dignity** and minimise embarrassment. Detainees who are searched shall not normally be required to

remove all their clothes at the same time, e.g. a person should be allowed to remove clothing above the waist and redress before removing further clothing;

- (e) if necessary to assist the search, the detainee may be required to hold their arms in the air or to stand with their legs apart and bend forward so a visual examination may be made of the genital and anal areas provided no physical contact is made with any body orifice;
- (f) if articles are found, the detainee shall be asked to hand them over. If articles are found within 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 in *Part A*;
- (g) a strip search shall be conducted as quickly as possible, and the detainee allowed to dress as soon as the procedure is complete.

(b) Documentation

12. A record shall be made on the custody record of a strip search including the reason it was considered necessary, those present and any result.

Notes for Guidance

- A1 *Before authorising any intimate search, the authorising officer must make every reasonable effort to persuade the detainee to hand the article over without a search. If the detainee agrees, a registered medical practitioner or registered nurse should whenever possible be asked to assess the risks involved and, if necessary, attend to assist the detainee.*
- A2 *If the detainee does not agree to hand the article over without a search, the authorising officer must carefully review all the relevant factors before authorising an intimate search. In particular, the officer must consider whether the grounds for believing an article may be concealed are reasonable.*
- A3 *If authority is given for a search under paragraph 2(a)(i), a registered medical practitioner or registered nurse shall be consulted whenever possible. The presumption should be that the search will be conducted by the registered medical practitioner or registered nurse and the authorising officer must make every reasonable effort to persuade the detainee to allow the medical practitioner or nurse to conduct the search.*
- A4 *A constable should only be authorised to carry out a search as a last resort and when all other approaches have failed. In these circumstances, the authorising officer must be satisfied the detainee might use the article for one or more of the purposes in paragraph 2(a)(i) and the physical injury likely to be caused is sufficiently severe to justify authorising a constable to carry out the search.*
- A5 *If an officer has any doubts whether to authorise an intimate search by a constable, the officer should seek advice from an officer of superintendent rank or above.*
- A6 *In warning a detainee who is asked to consent to an intimate drug offence search, as in paragraph 2B, the following form of words may be used:*
- “You do not have to allow yourself to be searched, but I must warn you that if you refuse without good cause, your refusal may harm your case if it comes to trial.”*
- Where the use of the Welsh Language is appropriate, the following form of words may be used:*
- “Nid oes rhaid i chi roi caniatâd i gael eich archwilio, ond mae'n rhaid i mi eich rhybuddio os gwrthodwch heb reswm da, y gallai eich penderfyniad i wrthod wneud niwed i'ch achos pe bai'n dod gerbron llys.”*

ANNEX B - DELAY IN NOTIFICATION OF ARREST AND WHEREABOUTS OR ALLOWING ACCESS TO LEGAL ADVICE omitted for the purpose of this extract

ANNEX C- RESTRICTION ON DRAWING ADVERSE INFERENCES FROM SILENCE AND TERMS OF THE CAUTION WHEN THE RESTRICTION APPLIES omitted for the purpose of this extract

ANNEX D- WRITTEN STATEMENTS UNDER CAUTION omitted for the purpose of this extract

ANNEX E - SUMMARY OF PROVISIONS RELATING TO VULNERABLE PERSONS omitted for the purpose of this extract

ANNEX F *Not used*

ANNEX G - FITNESS TO BE INTERVIEWED omitted for the purpose of this extract

ANNEX H - DETAINED PERSON: OBSERVATION LIST omitted for the purpose of this extract

ANNEX I *Not used*

ANNEX J *Not used*

ANNEX K- X-RAYS AND ULTRASOUND SCANS omitted for the purpose of this extract

ANNEX L ESTABLISHING GENDER OF PERSONS FOR THE PURPOSE OF SEARCHING AND CERTAIN OTHER PROCEDURES

1. Certain provisions of this and other PACE Codes explicitly state that searches and other procedures may only be carried out by, or in the presence of, persons of the same sex as the person subject to the search or other procedure **or require action to be taken or information to be given which depends on whether the detainee is treated as being male or female**. See *Note L1*.
2. All **such** searches, procedures **and requirements** must be carried out with courtesy, consideration and respect for the person concerned. Police officers should show particular sensitivity when dealing with transgender individuals (including transsexual persons) and transvestite persons (see *Notes L2, L3 and L4*).
 - (a) Consideration**
3. In law, the gender (and accordingly the sex) of an individual is their gender as registered at birth unless they have been issued with a Gender Recognition Certificate (GRC) under the Gender Recognition Act 2004 (GRA), in which case the person's gender is their acquired gender. This means that if the acquired gender is the male gender, the person's sex becomes that of a man and, if it is the female gender, the person's sex becomes that of a woman and they must be treated as their acquired gender.
4. When establishing whether the person concerned should be treated as being male or female for the purposes of these searches, procedures **and requirements**, the following approach which is designed to **maintain their dignity**, minimise embarrassment and secure **their** co-operation should be followed:
 - (a) The person must not be asked whether they have a GRC (see paragraph 8);
 - (b) If there is no doubt as to whether the person concerned should be treated as being male or female, they should be dealt with as being of that sex.
 - (c) If at any time (including during the search or carrying out the procedure **or requirement**) there is doubt as to whether the person should be treated, or continue to be treated, as being male or female:
 - (i) the person should be asked what gender they consider themselves to be. If they express a preference to be dealt with as a particular gender, they should be asked to indicate and confirm their preference by signing the custody record or, if a custody record has not been opened, the search record or the officer's notebook. Subject to (ii) below, the person should be treated according to their preference **except with regard to the requirements to provide that person with information concerning menstrual products and their personal needs relating to health, hygiene and welfare described in paragraph 3.20A (if aged under 18) and paragraphs 9.3A and 9.3B (if**

aged 18 or over). In these cases, a person whose confirmed preference is to be dealt with as being male should be asked in private whether they wish to speak in private with a member of the custody staff of a gender of their choosing about the provision of menstrual products and their personal needs, notwithstanding their confirmed preference (see [Note L3A](#));

- (ii) if there are grounds to doubt that the preference in (i) accurately reflects the person's predominant lifestyle, for example, if they ask to be treated as a woman but documents and other information make it clear that they live predominantly as a man, or vice versa, they should be treated according to what appears to be their predominant lifestyle and not their stated preference;
- (iii) If the person is unwilling to express a preference as in (i) above, efforts should be made to determine their predominant lifestyle and they should be treated as such. For example, if they appear to live predominantly as a woman, they should be treated as being female; [except with regard to the requirements to provide that person with information concerning menstrual products and their personal needs relating to health, hygiene and welfare described in \[paragraph 3.20A\]\(#\) \(if aged under 18\) and \[paragraphs 9.3A\]\(#\) and \[9.3B\]\(#\) \(if aged 18 or over\)](#). In these cases, a person whose predominant lifestyle has been determined to be male should be asked in private whether they wish to speak in private with a member of the custody staff of a gender of their choosing about the provision of menstrual products and their personal needs, notwithstanding their determined predominant lifestyle (see [Note L3A](#)); or
- (iv) if none of the above apply, the person should be dealt with according to what reasonably appears to have been their sex as registered at birth.

5. Once a decision has been made about which gender an individual is to be treated as, each officer responsible for the search, procedure [or requirement](#) should where possible be advised before the search or procedure starts of any doubts as to the person's gender and the person informed that the doubts have been disclosed. This is important so as to maintain the dignity of the person and any officers concerned.

(b) Documentation

6. The person's gender as established under [paragraph 4\(c\)\(i\) to \(iv\)](#) above must be recorded in the person's custody record or, if a custody record has not been opened, on the search record or in the officer's notebook.
7. Where the person elects which gender they consider themselves to be under [paragraph 4\(b\)\(i\)](#) but, following [4\(b\)\(ii\)](#) is not treated in accordance with their preference, the reason must be recorded in the search record, in the officer's notebook or, if applicable, in the person's custody record.

(c) Disclosure of information

8. Section 22 of the GRA defines any information relating to a person's application for a GRC or to a successful applicant's gender before it became their acquired gender as 'protected information'. Nothing in this Annex is to be read as authorising or permitting any police officer or any police staff who has acquired such information when acting in their official capacity to disclose that information to any other person in contravention of the GRA. Disclosure includes making a record of 'protected information' which is read by others.

Notes for Guidance

L1 Provisions to which paragraph 1 applies include:

- In Code C; [paragraphs 3.20A](#), 4.1 and Annex A paragraphs 5, 6, and 11 (searches, strip and intimate searches of detainees under sections 54 and 55 of PACE) [and 9.3B](#);
- In Code A; [paragraphs 2.8 and 3.6](#) and [Note 4](#);
- In Code D; [paragraph 5.5](#) and [Note 5F](#) (searches, examinations and photographing of detainees under section 54A of PACE) and [paragraph 6.9](#) (taking samples);

- In Code H; paragraphs 3.21A, 4.1 and Annex A paragraphs 6, 7 and 12 (searches, strip and intimate searches under sections 54 and 55 of PACE of persons arrested under section 41 of the Terrorism Act 2000) and 9.4B.

L2 While there is no agreed definition of transgender (or trans), it is generally used as an umbrella term to describe people whose gender identity (self-identification as being a woman, man, neither or both) differs from the sex they were registered as at birth. The term includes, but is not limited to, transsexual people.

L3 Transsexual means a person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of gender reassignment, which is a protected characteristic under the Equality Act 2010 (see paragraph 1.0), by changing physiological or other attributes of their sex. This includes aspects of gender such as dress and title. It would apply to a woman making the transition to being a man and a man making the transition to being a woman, as well as to a person who has only just started out on the process of gender reassignment and to a person who has completed the process. Both would share the characteristic of gender reassignment with each having the characteristics of one sex, but with certain characteristics of the other sex.

L3A The reason for the exception is to modify the same sex/gender approach for searching to acknowledge the possible needs of transgender individuals in respect of menstrual products and other personal needs relating to health, hygiene and welfare and ensure that they are not overlooked.

L4 Transvestite means a person of one gender who dresses in the clothes of a person of the opposite gender. However, a transvestite does not live permanently in the gender opposite to their birth sex.

L5 Chief officers are responsible for providing corresponding operational guidance and instructions for the deployment of transgender officers and staff under their direction and control to duties which involve carrying out, or being present at, any of the searches and procedures described in paragraph 1. The guidance and instructions must comply with the Equality Act 2010 and should therefore complement the approach in this Annex.

ANNEX M - DOCUMENTS AND RECORDS TO BE TRANSLATED omitted for the purpose of this extract

ANNEX N - LIVE-LINK INTERPRETATION (PARA. 13.12) omitted for the purpose of this extract

POLICE & CRIMINAL EVIDENCE ACT 1984

CODE H

EXTRACT

CODE OF PRACTICE IN CONNECTION WITH:

THE DETENTION, TREATMENT AND QUESTIONING BY POLICE OFFICERS
OF PERSONS IN POLICE DETENTION UNDER SECTION 41 OF,
AND SCHEDULE 8 TO, THE TERRORISM ACT 2000

THE TREATMENT AND QUESTIONING BY POLICE OFFICERS OF
DETAINED PERSONS IN RESPECT OF WHOM AN AUTHORISATION
TO QUESTION AFTER CHARGE HAS BEEN GIVEN UNDER

SECTION 22 OF THE COUNTER-TERRORISM ACT 2008

THE TREATMENT AND QUESTIONING BY POLICE OFFICERS OF DETAINED PERSONS IN
RESPECT OF WHOM AN AUTHORISATION TO QUESTION AFTER CHARGE HAS BEEN
GIVEN UNDER SECTION 22 OF THE COUNTER-TERRORISM ACT 2008

Commencement - Transitional Arrangements

This Code applies to people detained under the terrorism provisions after 00:00 on 21 August 2019, notwithstanding that their period of detention may have commenced before that time.

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1 General

- 1.0 The powers and procedures in this Code must be used fairly, responsibly, with respect for the people to whom they apply and without unlawful discrimination. Under the Equality Act 2010, section 149 (Public sector Equality Duty), police forces must, in carrying out their functions, have due regard to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct which is prohibited by that Act, to advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it, and to foster good relations between those persons. The Equality Act also makes it unlawful for police officers to discriminate against, harass or victimise any person on the grounds of the 'protected characteristics' of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation, marriage and civil partnership, pregnancy and maternity, when using their powers. See *Notes 1A* and [1AA](#).
- 1.1 This Code of Practice applies to, and *only* to:
- persons in police detention after being arrested under section 41 of the Terrorism Act 2000 (TACT) and detained under section 41 of, or Schedule 8 to that Act and *not charged*, and
 - detained persons in respect of whom an authorisation has been given under section 22 of the Counter-Terrorism Act 2008 (post-charge questioning of terrorist suspects) to interview them in which case, section 15 of this Code will apply.
- 1.2 The provisions in PACE Code C apply when a person:
- is in custody *otherwise* than as a result of being arrested under section 41 of TACT or detained for examination under Schedule 7 to TACT (see *paragraph 1.4*);
 - is charged with an offence, or
 - is being questioned about any offence after being charged with that offence *without* an authorisation being given under section 22 of the Counter-Terrorism Act 2008.
- See *Note 1N*.
- 1.3 In this Code references to an offence and to a person's involvement or suspected involvement in an offence where the person has not been charged with an offence, include being concerned, or suspected of being concerned, in the commission, preparation or instigation of acts of terrorism.
- 1.4 The Code of Practice issued under paragraph 6 of Schedule 14 to TACT applies to persons detained for examination under Schedule 7 to TACT. See *Note 1N*.
- 1.5 All persons in custody must be dealt with expeditiously, and released as soon as the need for detention no longer applies.
- 1.6 There is no provision for bail under TACT before or after charge. See *Note 1N*.
- 1.7 An officer must perform the assigned duties in this Code as soon as practicable. An officer will not be in breach of this Code if delay is justifiable and reasonable steps are taken to prevent unnecessary delay. The custody record shall show when a delay has occurred and the reason. See *Note 1H*.
- 1.8 This Code of Practice must be readily available at all police stations for consultation by:
- police officers;
 - police staff;
 - detained persons;
 - members of the public.
- 1.9 The provisions of this Code:
- include the *Annexes*;
 - do not include the *Notes for Guidance*.
- 1.10 If at any time an officer has any reason to suspect that a person of any age may be vulnerable (see [paragraph 1.17\(d\)](#)) in the absence of clear evidence to dispel that suspicion, that person shall be treated as such for the purposes of this Code and to establish whether any such reason may exist in relation to a person suspected of committing an offence (see [paragraph](#)

[10.1](#) and [Note 10A](#)), the custody officer in the case of a detained person, or the officer investigating the offence in the case of a person who has not been arrested or detained, shall take, or cause to be taken, (see [paragraph 3.5](#) and [Note 3f](#)) the following action:

- (a) reasonable enquiries shall be made to ascertain what information is available that is relevant to any of the factors described in [paragraph 1.17\(d\)](#) as indicating that the person may be vulnerable might apply;
- (b) a record shall be made describing whether any of those factors appear to apply and provide any reason to suspect that the person may be vulnerable or (as the case may be) may not be vulnerable; and
- (c) the record mentioned in sub-paragraph (b) shall be made available to be taken into account by police officers, police staff and any others who, in accordance with the provisions of this or any other Code, are required or entitled to communicate with the person in question. This would include any solicitor, appropriate adult and health care professional and is particularly relevant to communication for the purpose of interviewing and questioning after charge (see [sections 11, 12](#) and [15](#)), live link interpretation (see [paragraph 13.12](#)) and reviews and extensions of detention (see [section 14](#)).

See [Notes 1G, 1GA, 1GB](#) and [1GC](#).

- 1.11 Anyone who appears to be under 18 shall, in the absence of clear evidence that they are older, be treated as a juvenile for the purposes of this Code.
- 1.11A *Not used*.
- 1.12 If a person appears to be blind, seriously visually impaired, deaf, unable to read or speak or has difficulty orally because of a speech impediment, they shall be treated as such for the purposes of this Code in the absence of clear evidence to the contrary.
- 1.13 'The appropriate adult' means, in the case of a:
 - (a) juvenile:
 - (i) 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 (see [Note 1B](#));
 - (ii) a social worker of a local authority (see [Note 1C](#));
 - (iii) failing these, some other responsible adult aged 18 or over who is *not*:
 - ~ a police officer;
 - ~ employed by the police;
 - ~ under the direction or control of the chief officer of a police force;
 - ~ a person who provides services under contractual arrangements (but without being employed by the chief officer of a police force), to assist that force in relation to the discharge of its chief officer's functions,whether or not they are on duty at the time.
See [Note 1F](#).
 - (b) a person who is vulnerable: See [paragraph 1.10](#) and [Note 1D](#)
 - (i) a relative, guardian or other person responsible for their care or custody;
 - (ii) someone experienced in dealing with vulnerable persons but who is *not*:
 - ~ a police officer;
 - ~ employed by the police;
 - ~ under the direction or control of the chief officer of a police force;
 - ~ a person who provides services under contractual arrangements (but without being employed by the chief officer of a police force), to assist that force in relation to the discharge of its chief officer's functions,

whether or not they are on duty at the time;

- (iii) failing these, some other responsible adult aged 18 or over who is other than a person described in the bullet points in sub-paragraph (b)(ii) above.

See [Note 1F](#).

1.13A The role of the appropriate adult is to safeguard the rights, entitlements and welfare of juveniles and vulnerable persons (see [paragraphs 1.10](#) and [1.11](#) to whom the provisions of this and any other Code of Practice apply. For this reason, the appropriate adult is expected, amongst other things, to:

- support, advise and assist them when, in accordance with this Code or any other Code of Practice, they are given or asked to provide information or participate in any procedure;
- observe whether the police are acting properly and fairly to respect their rights and entitlements, and inform an officer of the rank of inspector or above if they consider that they are not;
- assist them to communicate with the police whilst respecting their right to say nothing unless they want to as set out in the terms of the caution see [paragraphs 10.5](#) and [10.5](#));
- help them understand their rights and ensure that those rights are protected and respected (see [paragraphs 3.17](#), [3.18](#), [6.6](#), and [11.10](#)).

1.14 If this Code requires a person be given certain information, they do not have to be given it if at the time they are incapable of understanding what is said, are violent or may become violent or in urgent need of medical attention, but they must be given it as soon as practicable.

1.15 References to a custody officer include any police officer who for the time being, is performing the functions of a custody officer.

1.16 When this Code requires the prior authority or agreement of an officer of at least inspector or superintendent rank, that authority may be given by a sergeant or chief inspector authorised by section 107 of PACE to perform the functions of the higher rank under TACT.

1.17 In this Code:

- (a) 'designated person' means a person other than a police officer, who has specified powers and duties conferred or imposed on them by designation under section 38 or 39 of the Police Reform Act 2002;
- (b) reference to a police officer includes a designated person acting in the exercise or performance of the powers and duties conferred or imposed on them by their designation.
- (c) [if there is doubt as to whether the person should be treated, or continue to be treated, as being male or female in the case of:](#)
- (i) a search or other procedure to which this Code applies [which](#) may only be carried out or observed by a person of the [same](#) sex as the detainee; [or](#)
- (ii) [any other procedure which requires action to be taken or information to be given that depends on whether the person is to be treated as being male or female;](#)
- [then](#) the gender of the detainee and other parties [concerned](#) should be established and recorded in line with [Annex I](#) of this Code.
- (d) 'vulnerable' applies to any person who, because of their mental health condition or mental disorder (see [Notes 1G](#) and [1GB](#)):
- (i) may have difficulty understanding or communicating effectively about the full implications for them of any procedures and processes connected with:
- their arrest and detention at a police station or elsewhere;
 - the exercise of their rights and entitlements.
- (ii) does not appear to understand the significance of what they are told, of questions they are asked or of their replies.
- (iii) appears to be particularly prone to:
- becoming confused and unclear about their position;

- providing unreliable, misleading or incriminating information without knowing or wishing to do so;
- accepting or acting on suggestions from others without consciously knowing or wishing to do so; or
- readily agreeing to suggestions or proposals without any protest or question.

1.18 Designated persons are entitled to use reasonable force as follows:

- (a) when exercising a power conferred on them which allows a police officer exercising that power to use reasonable force, a designated person has the same entitlement to use force; and
- (b) at other times when carrying out duties conferred or imposed on them that also entitle them to use reasonable force, for example:
 - when at a police station carrying out the duty to keep detainees for whom they are responsible under control and to assist any other police officer or designated person to keep any detainee under control and to prevent their escape.
 - when securing, or assisting any other police officer or designated person in securing, the detention of a person at a police station.
 - when escorting, or assisting any other police officer or designated person in escorting, a detainee within a police station.
 - for the purpose of saving life or limb; or
 - preventing serious damage to property.

1.19 Nothing in this Code prevents the custody officer, or other police officer or designated person (see [paragraph 1.17\(a\)](#)) given custody of the detainee by the custody officer, from allowing another person (see (a) and (b) below) to carry out individual procedures or tasks at the police station if the law allows. However, the officer or designated person given custody remains responsible for making sure the procedures and tasks are carried out correctly in accordance with the Codes of Practice (see [paragraph 3.5](#) and [Note 3](#)). The other person who is allowed to carry out the procedures or tasks must be someone who *at that time*, is:

- (a) under the direction and control of the chief officer of the force responsible for the police station in question; or
- (b) providing services under contractual arrangements (but without being employed by the chief officer the police force), to assist a police force in relation to the discharge of its chief officer's functions.

1.20 Designated persons and others mentioned in sub-paragraphs (a) and (b) of *paragraph 1.19* must have regard to any relevant provisions of this Code.

1.21 In any provision of this or any other Code of Practice which allows or requires police officers or police staff to make a record in their report book, the references to report book shall include any official report book or electronic recording device issued to them that enables the record in question to be made and dealt with in accordance with that provision. References in this and any other Code to written records, forms and signatures include electronic records and forms and electronic confirmation that identifies the person making the record or completing the form.

Chief officers must be satisfied as to the integrity and security of the devices, records and forms to which this paragraph applies and that use of those devices, records and forms satisfies relevant data protection legislation.

Notes for Guidance

1A *This Code applies specifically to people detained under terrorism legislation. See PACE Code C (Detention) for detailed provisions and guidance that apply to persons who attend police stations and other locations voluntarily to assist with an investigation.*

1AA *In paragraph 1.0, under the Equality Act 2010, section 149, the 'relevant protected characteristics' are age, disability, gender reassignment, pregnancy and maternity, race, religion/belief and sex and sexual orientation. For further detailed guidance and advice on the Equality Act, see: <https://www.gov.uk/guidance/equality-act-2010-guidance>.*

- 1B A person, including a parent or guardian, should not be an appropriate adult if they:
- are:
 - ~ suspected of involvement in the offence or involvement in the commission, preparation or instigation of acts of terrorism;
 - ~ the victim;
 - ~ a witness;
 - ~ involved in the investigation.
 - received admissions prior to attending to act as the appropriate adult.
- Note: If a juvenile's parent is estranged from the juvenile, they should not be asked to act as the appropriate adult if the juvenile expressly and specifically objects to their presence.
- 1C If a juvenile admits an offence to, or in the presence of, a social worker or member of a youth offending team other than during the time that person is acting as the juvenile's appropriate adult, another appropriate adult should be appointed in the interest of fairness.
- 1D In the case of someone who is vulnerable, it may be more satisfactory if the appropriate adult is someone experienced or trained in their care rather than a relative lacking such qualifications. But if the person prefers a relative to a better qualified stranger or objects to a particular person their wishes should, if practicable, be respected.
- 1E A detainee should always be given an opportunity, when an appropriate adult is called to the police station, to consult privately with a solicitor in the appropriate adult's absence if they want. An appropriate adult is not subject to legal privilege.
- 1F An appropriate adult who is not a parent or guardian in the case of a juvenile, or a relative, guardian or carer in the case of a vulnerable person, must be independent of the police as their role is to safeguard the rights and entitlements of a detained person. Additionally, a solicitor or independent custody visitor who is present at the police station and acting in that capacity may not be the appropriate adult.
- 1G An adult may be vulnerable as a result of a having a mental health condition or mental disorder. Similarly, simply because an individual does not have, or is not known to have, any such condition or disorder, does not mean that they are not vulnerable for the purposes of this Code. It is therefore important that the custody officer in the case of a detained person considers, on a case by case basis whether any of the factors described in [paragraph 1.17\(d\)](#) might apply to the person in question. In doing so, the officer must take into account the particular circumstances of the individual and how the nature of the investigation might affect them and bear in mind that juveniles, by virtue of their age will always require an appropriate adult.
- 1GA For the purposes of [paragraph 1.10\(a\)](#), examples of relevant information that may be available include:
- the behaviour of the adult or juvenile;
 - the mental health and capacity of the adult or juvenile;
 - what the adult or juvenile says about themselves;
 - information from relatives and friends of the adult or juvenile;
 - information from police officers and staff and from police records;
 - information from health and social care (including liaison and diversion services) and other professionals who know, or have had previous contact with, the individual and may be able to contribute to assessing their need for help and support from an appropriate adult. This includes contacts and assessments arranged by the police or at the request of the individual or (as applicable) their appropriate adult or solicitor.
- 1GB The Mental Health Act 1983 Code of Practice at page 26 describes the range of clinically recognised conditions which can fall with the meaning of mental disorder for the purpose of [paragraph 1.17\(d\)](#). The Code is published here:
<https://www.gov.uk/government/publications/code-of-practice-mental-health-act-1983>.
- 1GC When a person is under the influence of drink and/or drugs, it is not intended that they are to be treated as vulnerable and requiring an appropriate adult for the purpose of unless other

information indicates that any of the factors described in [paragraph 1.17\(d\)](#) may apply to that person. When the person has recovered from the effects of drink and/or drugs, they should be re-assessed in accordance with [paragraph 1.10](#).

- 1H [Paragraph 1.7](#) is intended to cover delays which may occur in processing detainees e.g. if:
- a large number of suspects are brought into the station simultaneously to be placed in custody;
 - interview rooms are all being used;
 - there are difficulties contacting an appropriate adult, solicitor or interpreter.
- 1I The custody officer must remind the appropriate adult and detainee about the right to legal advice and record any reasons for waiving it in accordance with section 6.
- 1J Not used
- 1K This Code does not affect the principle that all citizens have a duty to help police officers to prevent crime and discover offenders. This is a civic rather than a legal duty; but when police officers are trying to discover whether, or by whom, offences have been committed, they are entitled to question any person from whom they think useful information can be obtained, subject to the restrictions imposed by this Code. A person's declaration that they are unwilling to reply does not alter this entitlement.
- 1L If a person is moved from a police station to receive medical treatment, or for any other reason, the period of detention is still calculated from the time of arrest under section 41 of TACT (or, if a person was being detained under TACT Schedule 7 when arrested, from the time at which the examination under Schedule 7 began).
- 1M Under Paragraph 1 of Schedule 8 to TACT, all police stations are designated for detention of persons arrested under section 41 of TACT. Paragraph 4 of Schedule 8 requires that the constable who arrests a person under section 41 takes them as soon as practicable to the police station which the officer considers is "most appropriate".
- 1N The powers under Part IV of PACE to detain and release on bail (before or after charge) a person arrested under section 24 of PACE for any offence (see PACE Code G (Arrest)) do not apply to persons whilst they are detained under the terrorism powers following their arrest/detention under section 41 of, or Schedule 7 to, TACT. If when the grounds for detention under these powers cease the person is arrested under section 24 of PACE for a specific offence, the detention and bail provisions of PACE will apply and must be considered from the time of that arrest.
- 1O Not used.
- 1P Not used.

Section 2 – Custody records omitted for the purpose of this extract

3 Initial action

(a) Detained persons - normal procedure

- 3.1 When a person to whom paragraph 2.1 applies is at a police station, the custody officer must make sure the person is told clearly about:
- (a) the following continuing rights which may be exercised at any stage during the period in custody:
- (i) their right to consult privately with a solicitor and that free independent legal advice is available as in *section 6*;
 - (ii) their right to have someone informed of their arrest as in *section 5*;
 - (iii) their right to consult this Code of Practice (see *Note 3D*);
 - (iv) their right to medical help as in *section 9*;
 - (v) their right to remain silent as set out in the caution (see *section 10*); and
 - (vi) if applicable, their right to interpretation and translation (see *paragraph 3.14*) and the right to communication with their High Commission, Embassy or Consulate (see *paragraph 3.14A*).

- (b) their right to be informed about why they have been arrested and detained on suspicion of being involved in the commission, preparation or instigation of acts of terrorism in accordance with *paragraphs 2.5, 3.4 and 11.1A* of this Code.

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 (subject to *paragraphs 3.14 and 3.14A*);
 - (ii) the arrangements for obtaining legal advice, see *section 6*;
 - (iii) their right to a copy of the custody record as in *paragraph 2.6*;
 - (iv) the caution in the terms prescribed in *section 10*;
 - (v) their rights to:
 - information about the reasons and grounds for their arrest and detention and (as the case may be) any further grounds and reasons that come to light whilst they are in custody;
 - to have access to records and documents which are essential to effectively challenging the lawfulness of their arrest and detention;as required in accordance with *paragraphs 2.4, 2.4A, 2.5, 3.4, 11.1, 14.0 and 15.7A(c)* of this Code and *paragraph 3.3 of Code G*;
 - (vi) the maximum period for which they may be kept in police detention without being charged, when detention must be reviewed and when release is required.
 - (vii) their right to communicate with their High Commission Embassy or Consulate in accordance with *section 7* of this Code, see *paragraph 3.14A*;
 - (xiii) their right to medical assistance in accordance with *section 9* of this Code
 - (xi) their right, if they are prosecuted, to have access to the evidence in the case in accordance with the Criminal Procedure and Investigations Act 1996, the Attorney General’s Guidelines on Disclosure and the common law and the Criminal Procedure Rules; and
- (b) briefly setting out their entitlements while in custody, by:
- (i) mentioning:
 - ~ the provisions relating to the conduct of interviews;
 - ~ the circumstances in which an appropriate adult should be available to assist the detainee and their statutory rights to make representations whenever the need for their detention is reviewed.
 - (ii) listing the entitlements in this Code, concerning
 - ~ reasonable standards of physical comfort;
 - ~ adequate food and drink;
 - ~ access to toilets and washing facilities, clothing, medical attention, and exercise when practicable;
 - ~ [personal needs relating to health, hygiene and welfare concerning the provision of menstrual and any other health, hygiene and welfare products needed by the detainee in question and speaking about these in private to a member of the custody staff \(see *paragraphs 9.4A* and *9.4B*\).](#)

See *Note 3A*.

3.2A The detainee must be given an opportunity to read the notice and shall be asked to sign the custody record to acknowledge receipt of the notices. Any refusal must be recorded on the custody record.

3.3 *Not used.*

3.3A An audio version of the notice and an ‘easy read’ illustrated version should also be provided if they are available (see *Note 3A*).

- 3.4 (a) The custody officer shall:
- record that the person was arrested under section 41 of TACT and the reason(s) for the arrest on the custody record. See *paragraph 10.2 and Note 3G*
 - note on the custody record any comment the detainee makes in relation to the arresting officer's account but shall not invite comment. If the arresting officer is not physically present when the detainee is brought to a police station, the arresting officer's account must be made available to the custody officer remotely or by a third party on the arresting officer's behalf;
 - note any comment the detainee makes in respect of the decision to detain them but shall not invite comment;
 - not put specific questions to the detainee regarding their involvement in any offence (see [paragraph 1.3](#)), nor in respect of any comments they may make in response to the arresting officer's account or the decision to place them in detention. See *paragraphs 14.1 and 14.2 and Notes 3H, 14A and 14B*. Such an exchange is likely to constitute an interview as in *paragraph 11.1* and require the associated safeguards in *section 11*.

Note: This sub-paragraph also applies to any further reasons and grounds for detention which come to light whilst the person is detained.

See *paragraph 11.8A* in respect of unsolicited comments.

If the first review of detention is carried out at this time, see *paragraphs 14.1 and 14.2*, and *Part II of Schedule 8 to the Terrorism Act 2000* in respect of action by the review officer.

- (b) Documents and materials which are essential to effectively challenging the lawfulness the detainee's arrest and detention must be made available to the detainee or their solicitor. Documents and material will be "essential" for this purpose if they are capable of undermining the reasons and grounds which make the detainee's arrest and detention necessary. The decision about what needs to be disclosed for the purpose of this requirement rests with the custody officer in consultation with the investigating officer who has the knowledge of the documents and materials in a particular case necessary to inform that decision (see *Note 3G*). A note should be made in the detainee's custody record of the fact that action has been taken under this sub-paragraph and when. The investigating officer should make a separate note of what has been made available in a particular case. This also applies for the purposes of *section 14*, see *paragraph 14.0*.

3.5 The custody officer or other custody staff as directed by the custody officer shall:

- (a) ask the detainee, whether at this time, they:
- (i) would like legal advice, see [paragraph 6.4](#);
 - (ii) want someone informed of their detention, see *section 5*;
- (b) ask the detainee to sign the custody record to confirm their decisions in respect of (a);
- (c) determine whether the detainee:
- (i) is, or might be, in need of medical treatment or attention, see *section 9*;
 - (ii) is a juvenile and/or vulnerable and therefore requires an appropriate adult (see [paragraphs 1.10, 1.11 and 3.17](#));
 - (iia) wishes to speak in private with a member of the custody staff of the same sex about any matter concerning their personal needs relating to health, hygiene and welfare (see [paragraph 9.4A](#));
 - (iii) requires
 - help to check documentation (see *paragraph 3.21*);
 - an interpreter (see *paragraph 3.14 and Note 13B*).
- (ca) if the detainee is a female aged 18 or over, ask if they require or are likely to require any menstrual products whilst they are in custody (see [paragraph 9.4B](#)). For girls under 18, see [paragraph 3.21A](#);

(d) record the decision **and actions taken as applicable** in respect of (c) **and (ca)**.

Where any duties under this paragraph have been carried out by custody staff at the direction of the custody officer, the outcomes shall, as soon as practicable, be reported to the custody officer who retains overall responsibility for the detainee's care and safe custody and ensuring it complies with this Code. See *Note 3I*.

- 3.6 When the needs mentioned in *paragraph 3.5(c)* are being determined, the custody officer is responsible for initiating an assessment to consider whether the detainee is likely to present specific risks to custody staff, any individual who may have contact with detainee (e.g. legal advisers, medical staff), or themselves. This risk assessment must include the taking of reasonable steps to establish the detainee's identity and to obtain information about the detainee that is relevant to their safe custody, security and welfare and risks to others. Such assessments should therefore always include a check on the Police National Computer (PNC), to be carried out as soon as practicable, to identify any risks that have been highlighted in relation to the detainee. Although such assessments are primarily the custody officer's responsibility, it will be necessary to obtain information from other sources, especially the investigation team see *Note 3E*, the arresting officer or an appropriate healthcare professional, see *paragraph 9.15*. Other records held by or on behalf of the police and other UK law enforcement authorities that might provide information relevant to the detainee's safe custody, security and welfare and risk to others and to confirming their identity should also be checked. Reasons for delaying the initiation or completion of the assessment must be recorded.
- 3.7 Chief officers should ensure that arrangements for proper and effective risk assessments required by *paragraph 3.6* are implemented in respect of all detainees at police stations in their area.
- 3.8 Risk assessments must follow a structured process which clearly defines the categories of risk to be considered and the results must be incorporated in the detainee's custody record. The custody officer is responsible for making sure those responsible for the detainee's custody are appropriately briefed about the risks. The content of any risk assessment and any analysis of the level of risk relating to the person's detention is not required to be shown or provided to the detainee or any person acting on behalf of the detainee. If no specific risks are identified by the assessment, that should be noted in the custody record. See *Note 3F* and *paragraph 9.15*.
- 3.8A The content of any risk assessment and any analysis of the level of risk relating to the person's detention is not required to be shown or provided to the detainee or any person acting on behalf of the detainee. But information should not be withheld from any person acting on the detainee's behalf, for example, an appropriate adult, solicitor or interpreter, if to do so might put that person at risk.
- 3.9 Custody officers are responsible for implementing the response to any specific risk assessment, which should include for example:
- reducing opportunities for self harm;
 - calling an appropriate healthcare professional;
 - increasing levels of monitoring or observation;
 - reducing the risk to those who come into contact with the detainee.
- See *Note 3F*
- 3.10 Risk assessment is an ongoing process and assessments must always be subject to review if circumstances change.
- 3.11 If video cameras are installed in the custody area, notices shall be prominently displayed showing cameras are in use. Any request to have video cameras switched off shall be refused.
- 3.12 A constable, prison officer or other person authorised by the Secretary of State may take any steps which are reasonably necessary for:
- (a) photographing the detained person;

- (b) measuring the person, or
(c) identifying the person.
- 3.13 *Paragraph 3.12 concerns the power in TACT Schedule 8 Paragraph 2. The power in TACT Schedule 8 Paragraph 2 does not cover the taking of fingerprints, intimate samples or non-intimate samples, which is covered in TACT Schedule 8 paragraphs 10 to 15.*
- (b) Detained persons - special groups**
- 3.14 If the detainee appears to be someone who does not speak or understand English or who has a hearing or speech impediment the custody officer must ensure:
- (a) that without delay, arrangements (see [paragraph 13.1ZA](#)) are made for the detainee to have the assistance of an interpreter in the action under *paragraphs 3.1 to 3.5*. If the person appears to have a hearing or speech impediment, the reference to ‘interpreter’ includes appropriate assistance necessary to comply with *paragraphs 3.1 to 3.5*. See *paragraph 13.1C* if the detainee is in Wales. See *section 13* and *Note 13B*;
- (b) that in addition to the rights set out in *paragraph 3.1(i) to (iii)*, the detainee is told clearly about their right to interpretation and translation;
- (c) that the written notice given to the detainee in accordance with *paragraph 3.2* is in a language the detainee understands and includes the right to interpretation and translation together with information about the provisions in *section 13* and Annex K, which explain how the right applies (see *Note 3A*); and
- (d) that if the translation of the notice is not available, the information in the notice is given through an interpreter and a written translation provided without undue delay
- 3.14A If the detainee is a citizen of an independent Commonwealth country or a national of a foreign country, including the Republic of Ireland, the custody officer must ensure that in addition to the rights set out in *paragraph 3.1(i) to (v)*, they are informed as soon as practicable about their rights of communication with their High Commission, Embassy or Consulate set out in *section 7*. This right must be included in the written notice given to the detainee in accordance with *paragraph 3.2*.
- 3.15 If the detainee is a juvenile, the custody officer must, if it is practicable, ascertain the identity of a person responsible for their welfare. That person:
- may be:
 - ~ the parent or guardian;
 - ~ if the juvenile is in local authority or voluntary organisation care, or is otherwise being looked after under the *Children Act 1989*, a person appointed by that authority or organisation to have responsibility for the juvenile’s welfare;
 - ~ any other person who has, for the time being, assumed responsibility for the juvenile’s welfare.
 - must be informed as soon as practicable that the juvenile has been arrested, why they have been arrested and where they are detained. This right is in addition to the juvenile’s right in *section 5* not to be held incommunicado. See *Note 3C*.
- 3.16 If a juvenile is known to be subject to a court order under which a person or organisation is given any degree of statutory responsibility to supervise or otherwise monitor them, reasonable steps must also be taken to notify that person or organisation (the ‘responsible officer’). The responsible officer will normally be a member of a Youth Offending Team, except for a curfew order which involves electronic monitoring when the contractor providing the monitoring will normally be the responsible officer.
- 3.17 If the detainee is a juvenile or a vulnerable person, the custody officer must, as soon as practicable, ensure that:
- the detainee is informed of the decision that an appropriate adult is required and the reason for that decision (see [paragraph 3.5\(c\)\(ii\)](#) and;
 - the detainee is advised:
 - ~ of the duties of the appropriate adult as described in [paragraph 1.13A](#); and
 - ~ that they can consult privately with the appropriate adult at any time.

- the appropriate adult, who in the case of a juvenile may or may not be a person responsible for their welfare, as in *paragraph 3.15*, is informed of:
 - ~ the grounds for their detention;
 - ~ their whereabouts; and
- the attendance of the appropriate adult at the police station to see the detainee is secured.

3.18 If the appropriate adult is:

- already at the police station, the provisions of *paragraphs 3.1 to 3.5* must be complied with in the appropriate adult's presence;
- not at the station when these provisions are complied with, they must be complied with again in the presence of the appropriate adult when they arrive, and a copy of the notice given to the detainee in accordance with *paragraph 3.2*, shall also be given to the appropriate adult if they wish to have a copy.

3.18A The custody officer must ensure that at the time the copy of the notice is given to the appropriate adult, or as soon as practicable thereafter, the appropriate adult is advised of the duties of the appropriate adult as described in [paragraph 1.13A](#).

3.19 *Not used.*

3.20 If the detainee, or appropriate adult on the detainee's behalf, asks for a solicitor to be called to give legal advice, the provisions of *section 6* apply. (see [paragraph 6.6](#) and [Note 3K](#)).

3.21 If the detainee is blind, seriously visually impaired or unable to read, the custody officer shall make sure their solicitor, relative, appropriate adult or some other person likely to take an interest in them and not involved in the investigation is available to help check any documentation. When this Code requires written consent or signing the person assisting may be asked to sign instead, if the detainee prefers. This paragraph does not require an appropriate adult to be called solely to assist in checking and signing documentation for a person who is not a juvenile, or vulnerable (see *paragraph 3.17* and *Note 13C*).

3.21A The Children and Young Persons Act 1933, section 31, requires that arrangements must be made for ensuring that a girl under the age of 18, while detained in a police station, is under the care of a woman. [The custody officer must ensure that the woman under whose care the girl is, makes the enquiries and provides the information concerning personal needs relating to their health, hygiene and welfare described in paragraph 9.4A and menstrual products described in paragraph 9.4B.](#) See [Note 3J](#). *Section 31* also requires that arrangements must be made to prevent any person under 18 while being detained in a police station, from associating with an adult charged with any offence, unless that adult is a relative or the adult is jointly charged with the same offence as the person under 18.

(c) Documentation

3.22 The grounds for a person's detention shall be recorded, in the person's presence if practicable.

3.23 Action taken under *paragraphs 3.14 to 3.21A* shall be recorded.

(d) Requirements for suspects to be informed of certain rights

3.24 The provisions of this section identify the information which must be given to suspects who have been arrested under *section 41* of the Terrorism Act and cautioned in accordance with *section 10 of this Code*. It includes information required by [EU Directive 2012/13](#) on the right to information in criminal proceedings. If a complaint is made by or on behalf of such a suspect that the information and (as the case may be) access to records and documents has not been provided as required, the matter shall be reported to an inspector to deal with as a complaint for the purposes of *paragraph 9.3*, or *paragraph 12.10* if the challenge is made during an interview. This would include, for example:

- not informing them of their rights (see *paragraph 3.1*);
- not giving them a copy of the Notice (see *paragraph 3.2(a)*)
- not providing an opportunity to read the notice (see *paragraph 3.2A*)
- not providing the required information (see *paragraphs 3.2(a)*, *3.14(b)* and, *3.14A*;

- not allowing access to the custody record (see paragraph 2.5);
- not providing a translation of the Notice (see paragraph 3.14(c) and (d));

Notes for Guidance

- 3A For access to the currently available notices, including ‘easy-read’ versions, see <https://www.gov.uk/notice-of-rights-and-entitlements-a-persons-rights-in-police-detention>.
- 3B Not used.
- 3C If the juvenile is in local authority or voluntary organisation care but living with their parents or other adults responsible for their welfare, although there is no legal obligation to inform them, they should normally be contacted, as well as the authority or organisation unless they are suspected of involvement in the offence concerned. Even if the juvenile is not living with their parents, consideration should be given to informing them.
- 3D The right to consult this or other relevant Codes of Practice does not entitle the person concerned to delay unreasonably any necessary investigative or administrative action whilst they do so. Examples of action which need not be delayed unreasonably include:
- searching detainees at the police station;
 - taking fingerprints or non-intimate samples without consent for evidential purposes.
- 3E The investigation team will include any officer involved in questioning a suspect, gathering or analysing evidence in relation to the offences of which the detainee is suspected of having committed. Should a custody officer require information from the investigation team, the first point of contact should be the officer in charge of the investigation.
- 3F The Detention and Custody Authorised Professional Practice (APP) produced by the College of Policing (see <http://www.app.college.police.uk>) provides more detailed guidance on risk assessments and identifies key risk areas which should always be considered.
- 3G Arrests under TACT section 41 can only be made where an officer has reasonable grounds to suspect that the individual concerned is a “terrorist”. This differs from the constable’s power of arrest for all offences under PACE, section 24, in that it need not be linked to a specific offence. There may also be circumstances where an arrest under TACT is made on the grounds of sensitive information which cannot be disclosed. In such circumstances, the grounds for arrest may be given in terms of the interpretation of a “terrorist” set out in TACT section 40(1)(a) or (b).
- 3H For the purpose of arrests under TACT section 41, the review officer is responsible for authorising detention (see paragraphs 14.1 and 14.2, and Notes 14A and 14B). The review officer’s role is explained in TACT Schedule 8 Part II. A person may be detained after arrest pending the first review, which must take place as soon as practicable after the person’s arrest.
- 3I A custody officer or other officer who, in accordance with this Code, allows or directs the carrying out of any task or action relating to a detainee’s care, treatment, rights and entitlements by another officer or any other person must be satisfied that the officer or person concerned is suitable, trained and competent to carry out the task or action in question.
- 3J Guidance for police officers and police staff on the operational application of section 31 of the Children and Young Persons Act 1933 has been published by the College of Policing and is available at:
<https://www.app.college.police.uk/app-content/detention-and-custody-2/detainee-care/children-and-young-persons/#girls>.
- 3K The purpose of the provisions at [paragraphs 3.20](#) and [6.6](#) is to protect the rights of juvenile and vulnerable persons who may not understand the significance of what is said to them. They should always be given an opportunity, when an appropriate adult is called to the police station, to consult privately with a solicitor in the absence of the appropriate adult if they want.

4 Detainee’s property

(a) Action

- 4.1 The custody officer is responsible for:

- (a) ascertaining what property a detainee:
- (i) has with them when they come to the police station, either on first arrival at the police station or any subsequent arrivals at a police station in connection with that detention;
 - (ii) might have acquired for an unlawful or harmful purpose while in custody.
- (b) the safekeeping of any property taken from a detainee which remains at the police station.

The custody officer may search the detainee or authorise their being 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 as in *Annex A*. A search may only be carried out by an officer of the same sex as the detainee. See *Note 4A* and *Annex I*.

4.2 **Subject to paragraph 4.3A**, detainees may retain clothing and personal effects at their own risk unless the custody officer considers they may use them to cause harm to themselves or others, interfere with evidence, damage property, effect an escape or they are needed as evidence. In this event, the custody officer may withhold such articles as they consider necessary and must tell the detainee why.

4.3 Personal effects are those items a detainee may lawfully need, use or refer to while in detention but do not include cash and other items of value.

4.3A For the purposes of *paragraph 4.2*, the reference to clothing and personal effects shall be treated as including menstrual and any other health, hygiene and welfare products needed by the detainee in question (see *paragraphs 9.4A* and *9.4B*) and a decision to withhold any such products must be subject to a further specific risk assessment.

(b) Documentation

4.4 It is a matter for the custody officer to determine whether a record should be made of the property a detained person has with him or had taken from him on arrest (see *Note 4D*). Any record made is not required to be kept as part of the custody record but the custody record should be noted as to where such a record exists and that record shall be treated as being part of the custody record for the purpose of this Code of Practice (see *paragraphs 2.4*, *2.5* and *2.7*). Whenever a record is made the detainee shall be allowed to check and sign the record of property as correct. Any refusal to sign shall be recorded.

4.5 If a detainee is not allowed to keep any article of clothing or personal effects, the reason must be recorded.

Notes for Guidance

4A *PACE, Section 54(1) and paragraph 4.1 require a detainee to be searched when it is clear the custody officer will have continuing duties in relation to that detainee or when that detainee's behaviour or offence makes an inventory appropriate. They do not require every detainee to be searched, e.g. if it is clear a person will only be detained for a short period and is not to be placed in a cell, the custody officer may decide not to search them. In such a case the custody record will be endorsed 'not searched', paragraph 4.4 will not apply, and the detainee will be invited to sign the entry. If the detainee refuses, the custody officer will be obliged to ascertain what property they have in accordance with paragraph 4.1.*

4B *Paragraph 4.4 does not require the custody officer to record on the custody record property in the detainee's possession on arrest if, by virtue of its nature, quantity or size, it is not practicable to remove it to the police station.*

4C *Paragraph 4.4 does not require items of clothing worn by the person to be recorded unless withheld by the custody officer as in paragraph 4.2.*

4D *Section 43(2) of TACT allows a constable to search a person who has been arrested under section 41 to discover whether they have anything in their possession that may constitute evidence that they are a terrorist.*

Section 5 - Right not to be held incommunicado omitted for the purpose of this extract

Section 6 - Right to legal advice omitted for the purpose of this extract

Section 7 - Citizens of independent Commonwealth countries or foreign nationals omitted for the purpose of this extract

8 Conditions of detention

(a) Action

- 8.1 So far as it is practicable, not more than one detainee should be detained in each cell. See *Note 8E*.
- 8.2 Cells in use must be adequately heated, cleaned and ventilated. They must be adequately lit, subject to such dimming as is compatible with safety and security to allow people detained overnight to sleep. No additional restraints shall be used within a locked cell unless absolutely necessary and then only restraint equipment, approved for use in that force by the chief officer, which is reasonable and necessary in the circumstances having regard to the detainee's demeanour and with a view to ensuring their safety and the safety of others. If a detainee is deaf or a vulnerable person, particular care must be taken when deciding whether to use any form of approved restraints.
- 8.3 Blankets, mattresses, pillows and other bedding supplied shall be of a reasonable standard and in a clean and sanitary condition.
- 8.4 Access to toilet and washing facilities must be provided. [This must take account of the dignity of the detainee. See Note 8F.](#)
- 8.5 If it is necessary to remove a detainee's clothes for the purposes of investigation, for hygiene, health reasons or cleaning, [removal shall be conducted with proper regard to the dignity, sensitivity and vulnerability of the detainee and](#) replacement clothing of a reasonable standard of comfort and cleanliness shall be provided. A detainee may not be interviewed unless adequate clothing has been offered.
- 8.6 At least two light meals and one main meal should be offered in any 24-hour period. See *Note 8B*. Drinks should be provided at meal times and upon reasonable request between meals. Whenever necessary, advice shall be sought from the appropriate healthcare professional, see *Note 9A*, on medical and dietary matters. As far as practicable, meals provided shall offer a varied diet and meet any specific dietary needs or religious beliefs the detainee may have. Detainees should also be made aware that the meals offered meet such needs. The detainee may, at the custody officer's discretion, have meals supplied by their family or friends at their expense. See *Note 8A*.
- 8.7 Brief outdoor exercise shall be offered daily if practicable. Where facilities exist, indoor exercise shall be offered as an alternative if outside conditions are such that a detainee can not be reasonably expected to take outdoor exercise (e.g., in cold or wet weather) or if requested by the detainee or for reasons of security. See *Note 8C*.
- 8.8 Where practicable, provision should be made for detainees to practice religious observance. Consideration should be given to providing a separate room which can be used as a prayer room. The supply of appropriate food and clothing, and suitable provision for prayer facilities, such as uncontaminated copies of religious books, should also be considered. See *Note 8D*.
- 8.9 A juvenile shall not be placed in a cell unless no other secure accommodation is available and the custody officer considers it is not practicable to supervise them if they are not placed in a cell or that a cell provides more comfortable accommodation than other secure accommodation in the station. A juvenile may not be placed in a cell with a detained adult.
- 8.10 Police stations should keep a reasonable supply of reading material available for detainees, including but not limited to, the main religious texts. See *Note 8D*. Detainees should be made aware that such material is available and reasonable requests for such material should be met as soon as practicable unless to do so would:

- (i) interfere with the investigation; or
- (ii) prevent or delay an officer from discharging his statutory duties, or those in this Code.

If such a request is refused on the grounds of (i) or (ii) above, this should be noted in the custody record and met as soon as possible after those grounds cease to apply.

(b) Documentation

- 8.11 A record must be kept of replacement clothing and meals offered.
- 8.11A If a juvenile is placed in a cell, the reason must be recorded.
- 8.12 The use of any restraints on a detainee whilst in a cell, the reasons for it and, if appropriate, the arrangements for enhanced supervision of the detainee whilst so restrained, shall be recorded. See *paragraph 3.9*

Notes for Guidance

- 8A *In deciding whether to allow meals to be supplied by family or friends, the custody officer is entitled to take account of the risk of items being concealed in any food or package and the officer's duties and responsibilities under food handling legislation. If an officer needs to examine food or other items supplied by family and friends before deciding whether they can be given to the detainee, he should inform the person who has brought the item to the police station of this and the reasons for doing so.*
- 8B *Meals should, so far as practicable, be offered at recognised meal times, or at other times that take account of when the detainee last had a meal.*
- 8C *In light of the potential for detaining individuals for extended periods of time, the overriding principle should be to accommodate a period of exercise, except where to do so would hinder the investigation, delay the detainee's release or charge, or it is declined by the detainee.*
- 8D *Police forces should consult with representatives of the main religious communities to ensure the provision for religious observance is adequate, and to seek advice on the appropriate storage and handling of religious texts or other religious items.*
- 8E *The Detention and Custody Authorised Professional Practice (APP) produced by the College of Policing (see <http://www.app.college.police.uk>) provides more detailed guidance on matters concerning detainee healthcare and treatment and associated forensic issues which should be read in conjunction with sections 8 and 9 of this Code.*
- 8F *In cells subject to CCTV monitoring, privacy in the toilet area should be ensured by any appropriate means and detainees should be made aware of this when they are placed in the cell. If a detainee or appropriate adult on their behalf, expresses doubts about the effectiveness of the means used, reasonable steps should be taken to allay those doubts, for example, by explaining or demonstrating the means used.*

9 Care and treatment of detained persons

(a) General

- 9.1 Notwithstanding other requirements for medical attention as set out in this section, detainees who are held for more than 96 hours must be visited by an appropriate healthcare professional at least once every 24 hours.
- 9.2 Nothing in this section prevents the police from calling an appropriate healthcare professional, to examine a detainee for the purposes of obtaining evidence relating to any offence in which the detainee is suspected of being involved. See *Note 9A*.
- 9.3 If a complaint is made by, or on behalf of, a detainee about their treatment since their arrest, or it comes to notice that a detainee may have been treated improperly, a report must be made as soon as practicable to an officer of inspector rank or above not connected with the investigation. If the matter concerns a possible assault or the possibility of the unnecessary or unreasonable use of force, an appropriate healthcare professional must also be called as soon as practicable.
- 9.4 Detainees should be visited at least every hour. If no reasonably foreseeable risk was identified in a risk assessment, see *paragraphs 3.6 to 3.10*, there is no need to wake a sleeping detainee. Those suspected of being under the influence of drink or drugs or both or

of having swallowed drugs, see *Note 9C*, or whose level of consciousness causes concern must, subject to any clinical directions given by the appropriate healthcare professional, see *paragraph 9.15*:

- be visited and roused at least every half hour;
- have their condition assessed as in *Annex H*;
- and clinical treatment arranged if appropriate.

See *Notes 9B, 9C and 9G*

9.4A As soon as practicable after arrival at the police station, each detainee must be given an opportunity to speak in private with a member of the custody staff who if they wish, may be of the same sex as the detainee (see *paragraph 1.17(c)*), about any matter concerning the detainee's personal needs relating to their health, hygiene and welfare that might affect or concern them whilst in custody. If the detainee wishes to take this opportunity, the necessary arrangements shall be made as soon as practicable. In the case of a juvenile or vulnerable person, the appropriate adult must be involved and in the case of a girl under 18, see *paragraph 3.21A*. (see *Note 9CB*).

9.4B Each female detainee aged 18 or over shall be asked in private if possible and at the earliest opportunity, if they require or are likely to require any menstrual products whilst they are in custody. They must also be told that they will be provided free of charge and that replacement products are available. At the custody officer's discretion, detainees may have menstrual products supplied by their family or friends at their expense (see *Note 9CC*). For girls under 18, see *paragraph 3.21A*.

9.5 When arrangements are made to secure clinical attention for a detainee, the custody officer must make sure all relevant information which might assist in the treatment of the detainee's condition is made available to the responsible healthcare professional. This applies whether or not the healthcare professional asks for such information. Any officer or police staff with relevant information must inform the custody officer as soon as practicable.

(b) Clinical treatment and attention

9.6 The custody officer must make sure a detainee receives appropriate clinical attention as soon as reasonably practicable if the person:

- (a) appears to be suffering from physical illness; or
- (b) is injured; or
- (c) appears to be suffering from a mental disorder; or
- (d) appears to need clinical attention

9.7 This applies even if the detainee makes no request for clinical attention and whether or not they have already received clinical attention elsewhere. If the need for attention appears urgent, e.g. when indicated as in *Annex H*, the nearest available healthcare professional or an ambulance must be called immediately.

9.8 The custody officer must also consider the need for clinical attention as set out in *Note 9C* in relation to those suffering the effects of alcohol or drugs.

9.9 If it appears to the custody officer, or they are told, that a person brought to a station under arrest may be suffering from an infectious disease or condition, the custody officer must take reasonable steps to safeguard the health of the detainee and others at the station. In deciding what action to take, advice must be sought from an appropriate healthcare professional. See *Note 9D*. The custody officer has discretion to isolate the person and their property until clinical directions have been obtained.

9.10 If a detainee requests a clinical examination, an appropriate healthcare professional must be called as soon as practicable to assess the detainee's clinical needs. If a safe and appropriate care plan cannot be provided, the appropriate healthcare professional's advice must be sought. The detainee may also be examined by a medical practitioner of their choice at their expense.

9.11 If a detainee is required to take or apply any medication in compliance with clinical directions prescribed before their detention, the custody officer must consult the appropriate healthcare

professional before the use of the medication. Subject to the restrictions in *paragraph 9.12*, the custody officer is responsible for the safekeeping of any medication and for making sure the detainee is given the opportunity to take or apply prescribed or approved medication. Any such consultation and its outcome shall be noted in the custody record.

- 9.12 No police officer may administer or supervise the self-administration of medically prescribed controlled drugs of the types and forms listed in the Misuse of Drugs Regulations 2001, Schedule 2 or 3. A detainee may only self-administer such drugs under the personal supervision of the registered medical practitioner authorising their use or other appropriate healthcare professional. The custody officer may supervise the self-administration of, or authorise other custody staff to supervise the self-administration of, drugs listed in Schedule 4 or 5 if the officer has consulted the appropriate healthcare professional authorising their use and both are satisfied self-administration will not expose the detainee, police officers or anyone else to the risk of harm or injury.
- 9.13 When appropriate healthcare professionals administer drugs or authorise the use of other medications, or consult with the custody officer about allowing self administration of drugs listed in Schedule 4 or 5, it must be within current medicines legislation and the scope of practice as determined by their relevant regulatory body.
- 9.14 If a detainee has in their possession, or claims to need, medication relating to a heart condition, diabetes, epilepsy or a condition of comparable potential seriousness then, even though *paragraph 9.6* may not apply, the advice of the appropriate healthcare professional must be obtained.
- 9.15 Whenever the appropriate healthcare professional is called in accordance with this section to examine or treat a detainee, the custody officer shall ask for their opinion about:
- any risks or problems which police need to take into account when making decisions about the detainee's continued detention;
 - when to carry out an interview if applicable; and
 - the need for safeguards.
- 9.16 When clinical directions are given by the appropriate healthcare professional, whether orally or in writing, and the custody officer has any doubts or is in any way uncertain about any aspect of the directions, the custody officer shall ask for clarification. It is particularly important that directions concerning the frequency of visits are clear, precise and capable of being implemented. See *Note 9E*.

(c) Documentation

- 9.17 A record must be made in the custody record of:
- (a) the arrangements made for an examination by an appropriate healthcare professional under *paragraph 9.3* and of any complaint reported under that paragraph together with any relevant remarks by the custody officer;
 - (b) any arrangements made in accordance with *paragraph 9.6*;
 - (c) any request for a clinical examination under *paragraph 9.10* and any arrangements made in response;
 - (d) the injury, ailment, condition or other reason which made it necessary to make the arrangements in (a) to (c); See *Note 9F*
 - (e) any clinical directions and advice, including any further clarifications, given to police by a healthcare professional concerning the care and treatment of the detainee in connection with any of the arrangements made in (a) to (c); See *Notes 9D* and *9E*
 - (f) if applicable, the responses received when attempting to rouse a person using the procedure in *Annex H*. See *Note 9G*.
- 9.18 If a healthcare professional does not record their clinical findings in the custody record, the record must show where they are recorded. See *Note 9F*. However, information which is necessary to custody staff to ensure the effective ongoing care and well-being of the detainee must be recorded openly in the custody record, see *paragraph 3.8* and *Annex G, paragraph 7*.

- 9.19 Subject to the requirements of *Section 4*, the custody record shall include:
- a record of all medication a detainee has in their possession on arrival at the police station;
 - a note of any such medication they claim to need but do not have with them.

Notes for Guidance

- 9A A 'healthcare professional' means a clinically qualified person working within the scope of practice as determined by their relevant statutory regulatory body. Whether a healthcare professional is 'appropriate' depends on the circumstances of the duties they carry out at the time.
- 9B Whenever possible detained juveniles and vulnerable persons should be visited more frequently.
- 9C A detainee who appears drunk or behaves abnormally may be suffering from illness, the effects of drugs or may have sustained injury, particularly a head injury which is not apparent. A detainee needing or dependent on certain drugs, including alcohol, may experience harmful effects within a short time of being deprived of their supply. In these circumstances, when there is any doubt, police should always act urgently to call an appropriate healthcare professional or an ambulance. Paragraph 9.6 does not apply to minor ailments or injuries which do not need attention. However, all such ailments or injuries must be recorded in the custody record and any doubt must be resolved in favour of calling the appropriate healthcare professional.
- 9CB Matters concerning personal needs to which [paragraph 9.4A](#) applies include any requirement for menstrual products incontinence products and colostomy appliances, where these needs have not previously been identified (see [paragraph 3.5\(c\)](#)). It also enables adult women to speak in private to a female officer about their requirements for menstrual products if they decline to respond to the more direct enquiry envisaged under [paragraph 9.4B](#). This contact should be facilitated at any time, where possible.
- 9CC Detailed guidance for police officers and staff concerning menstruating female detainees in police custody is included in the College of Policing Authorised Professional Practice (APP).
- 9D It is important to respect a person's right to privacy and information about their health must be kept confidential and only disclosed with their consent or in accordance with clinical advice when it is necessary to protect the detainee's health or that of others who come into contact with them.
- 9E The custody officer should always seek to clarify directions that the detainee requires constant observation or supervision and should ask the appropriate healthcare professional to explain precisely what action needs to be taken to implement such directions.
- 9F Paragraphs 9.17 and 9.18 do not require any information about the cause of any injury, ailment or condition to be recorded on the custody record if it appears capable of providing evidence of an offence.
- 9G The purpose of recording a person's responses when attempting to rouse them using the procedure in Annex H is to enable any change in the individual's consciousness level to be noted and clinical treatment arranged if appropriate.

Section 10 - Cautions omitted for the purpose of this extract

Section 11 - Interviews – general omitted for the purpose of this extract

Section 12 - Interviews in police stations omitted for the purpose of this extract

Section 13 – Interpreters omitted for the purpose of this extract

Section 14 - Questioning - special restrictions omitted for the purpose of this extract

Section 15 - Reviews and extensions of detention omitted for the purpose of this extract

Section 16 - Charging detained persons omitted for the purpose of this extract

Section 17 - Testing persons for the presence of specified Class A drugs omitted for the purpose of this extract.

ANNEX A INTIMATE AND STRIP SEARCHES

A Intimate search

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

(a) Action

2. Body orifices other than the mouth may be searched if authorised by an officer of inspector rank 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 and the officer has reasonable grounds for believing that an intimate search is the only means of removing those items.
3. Before the search begins, a police officer or designated detention officer, must tell the detainee:
 - (a) that the authority to carry out the search has been given;
 - (b) the grounds for giving the authorisation and for believing that the article cannot be removed without an intimate search.
4. An intimate search may only be carried out by a registered medical practitioner or registered nurse, unless an officer of at least inspector rank considers this is not practicable, in which case a police officer may carry out the search. See *Notes A1 to A5*.
5. Any proposal for a search under *paragraph 2* to be carried out by someone other than a registered medical practitioner or registered nurse 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 outweigh the risks associated with removing it. See *Notes A1 to A5*.
6. An intimate search at a police station of a juvenile or a vulnerable person may take place only in the presence of an appropriate adult of the same sex (see *Annex I*), unless the detainee specifically requests a particular adult of the opposite sex who is readily available. In the case of a juvenile the search may take place in the absence of the appropriate adult only if the juvenile signifies in the presence of the appropriate adult they do not want the adult present during the search and the adult agrees. A record shall be made of the juvenile's decision and signed by the appropriate adult.
7. When an intimate search under *paragraph 2* is carried out by a police officer, the officer must be of the same sex as the detainee (see *Annex I*). A minimum of two people, other than the detainee, must be present during the search. Subject to *paragraph 6*, no person of the opposite sex who is not a medical practitioner or nurse shall be present, nor shall anyone whose presence is unnecessary. The search shall be conducted with proper regard to the **dignity, sensitivity and vulnerability of the detainee including in particular, their health, hygiene and welfare needs to which [paragraphs 9.4A](#) and [9.4B](#) apply.**

(b) Documentation

8. In the case of an intimate search under *paragraph 2*, the following shall be recorded as soon as practicable, in the detainee's custody record:
 - the authorisation to carry out the search;
 - the grounds for giving the authorisation;
 - the grounds for believing the article could not be removed without an intimate search;
 - which parts of the detainee's body were searched;
 - who carried out the search;
 - who was present;
 - the result.
9. If an intimate search is 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.

B Strip search

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

(a) Action

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

The conduct of strip searches

12. When strip searches are conducted:

- (a) a police officer carrying out a strip search must be the same sex as the detainee (see *Annex I*);
- (b) the search shall take place 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 (see *Annex I*) except an appropriate adult who has been specifically requested by the detainee;
- (c) except in cases of urgency, where there is risk of serious harm to the detainee or to others, whenever a strip 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 a vulnerable person, one of the people must be the appropriate adult. Except in urgent cases as above, a 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 during the search and the adult agrees. A record shall be made of the juvenile's decision and signed by the appropriate adult. The presence of more than two people, other than an appropriate adult, shall be permitted only in the most exceptional circumstances;
- (d) the search shall be conducted with proper regard to the **dignity**, sensitivity and vulnerability of the detainee in these circumstances **including in particular, their health, hygiene and welfare needs to which paragraphs 9.4A and 9.4B apply**. Every reasonable effort shall be made to secure the detainee's co-operation, **maintain their dignity** and minimise embarrassment. Detainees who are searched shall not normally be required to remove all their clothes at the same time, e.g. a person should be allowed to remove clothing above the waist and redress before removing further clothing;
- (e) if necessary to assist the search, the detainee may be required to hold their arms in the air or to stand with their legs apart and bend forward so a visual examination may be made of the genital and anal areas provided no physical contact is made with any body orifice;
- (f) if articles are found, the detainee shall be asked to hand them over. If articles are found within 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 in *Part A*;
- (g) a strip search shall be conducted as quickly as possible, and the detainee allowed to dress as soon as the procedure is complete.

(b) Documentation

13. A record shall be made on the custody record of a strip search including the reason it was considered necessary, those present and any result.

Notes for Guidance

- A1 *Before authorising any intimate search, the authorising officer must make every reasonable effort to persuade the detainee to hand the article over without a search. If the detainee agrees, a registered medical practitioner or registered nurse should whenever possible be asked to assess the risks involved and, if necessary, attend to assist the detainee.*
- A2 *If the detainee does not agree to hand the article over without a search, the authorising officer must carefully review all the relevant factors before authorising an intimate search. In*

particular, the officer must consider whether the grounds for believing an article may be concealed are reasonable.

- A3 If authority is given for a search under paragraph 2, a registered medical practitioner or registered nurse shall be consulted whenever possible. The presumption should be that the search will be conducted by the registered medical practitioner or registered nurse and the authorising officer must make every reasonable effort to persuade the detainee to allow the medical practitioner or nurse to conduct the search.
- A4 A constable should only be authorised to carry out a search as a last resort and when all other approaches have failed. In these circumstances, the authorising officer must be satisfied the detainee might use the article for one or more of the purposes in paragraph 2 and the physical injury likely to be caused is sufficiently severe to justify authorising a constable to carry out the search.
- A5 If an officer has any doubts whether to authorise an intimate search by a constable, the officer should seek advice from an officer of superintendent rank or above.

ANNEX B - DELAY IN NOTIFICATION OF ARREST AND WHEREABOUTS OR ALLOWING ACCESS TO LEGAL ADVICE FOR PERSONS DETAINED UNDER THE TERRORISM ACT 2000 omitted for the purpose of this extract

ANNEX C- RESTRICTION ON DRAWING ADVERSE INFERENCES FROM SILENCE AND TERMS OF THE CAUTION WHEN THE RESTRICTION APPLIES omitted for the purpose of this extract

ANNEX D- WRITTEN STATEMENTS UNDER CAUTION omitted for the purpose of this extract

ANNEX E - SUMMARY OF PROVISIONS RELATING TO VULNERABLE PERSONS omitted for the purpose of this extract

ANNEX F *Not used*

ANNEX G - FITNESS TO BE INTERVIEWED omitted for the purpose of this extract

ANNEX H - DETAINED PERSON: OBSERVATION LIST omitted for the purpose of this extract

ANNEX I ESTABLISHING GENDER OF PERSONS FOR THE PURPOSE OF SEARCHING AND CERTAIN OTHER PROCEDURES

1. Certain provisions of this and other PACE Codes explicitly state that searches and other procedures may only be carried out by, or in the presence of, persons of the same sex as the person subject to the search or other procedure **or require action to be taken or information to be given which depends on whether the detainee is treated as being male or female**. See *Note 11*.
2. All **such** searches, procedures **and requirements** must be carried out with courtesy, consideration and respect for the person concerned. Police officers should show particular sensitivity when dealing with transgender individuals (including transsexual persons) and transvestite persons (see *Notes 12, 13 and 14*).
 - (a) **Consideration**
3. In law, the gender (and accordingly the sex) of an individual is their gender as registered at birth, unless they have been issued with a Gender Recognition Certificate (GRC) under the Gender Recognition Act 2004 (GRA), in which case the person's gender is their acquired gender. This means that if the acquired gender is the male gender, the person's sex becomes that of a man and, if it is the female gender, the person's sex becomes that of a woman) and they must be treated as their acquired gender.
4. When establishing whether the person concerned should be treated as being male or female for the purposes of these searches, procedures **and requirements**, the following approach which is designed to **maintain their dignity**, minimise embarrassment and secure **their** co-operation should be followed:
 - (a) The person must not be asked whether they have a GRC (see *paragraph 8*);

- (b) If there is no doubt as to whether the person concerned should be treated as being male or female, they should be dealt with as being of that sex.
- (c) If at any time (including during the search or carrying out the procedure **or requirement**) there is doubt as to whether the person should be treated, or continue to be treated, as being male or female:
- (i) the person should be asked what gender they consider themselves to be. If they express a preference **except with regard to the requirements to provide that person with information concerning menstrual products and their personal needs relating to health, hygiene and welfare described in paragraph 3.21A (if aged under 18) and paragraphs 9.4A and 9.4B (if aged 18 or over)**. In these cases, a person whose confirmed preference is to be dealt with as being male should be asked in private whether they wish to speak in private with a member of the custody staff of a gender of their choosing about the provision of menstrual products and their personal needs, notwithstanding their confirmed preference (see Note 13A);
 - (ii) if there are grounds to doubt that the preference in (i) accurately reflects the person's predominant lifestyle, for example, if they ask to be treated as woman but documents and other information make it clear that they live predominantly as a man, or vice versa, they should be treated according to what appears to be their predominant lifestyle and not their stated preference;
 - (iii) If the person is unwilling to express a preference as in (i) above, efforts should be made to determine their predominant lifestyle and they should be treated as such. For example, if they appear to live predominantly as a woman, they should be treated as being female; **except with regard to the requirements to provide that person with information concerning menstrual products and their personal needs relating to health, hygiene and welfare described in paragraph 3.21A (if aged under 18) and paragraphs 9.4A and 9.4B (if aged 18 or over)**. In these cases, a person whose predominant lifestyle has been determined to be male should be asked in private whether they wish to speak in private with a member of the custody staff of a gender of their choosing about the provision of menstrual products and their personal needs, notwithstanding their determined predominant lifestyle (see Note 13A); or
 - (iv) if none of the above apply, the person should be dealt with according to what reasonably appears to have been their sex as registered at birth.
5. Once a decision has been made about which gender an individual is to be treated as, each officer responsible for the search, procedure **or requirement** should where possible be advised before the search or procedure starts of any doubts as to the person's gender and the person informed that the doubts have been disclosed. This is important so as to maintain the dignity of the person and any officers concerned.
- (b) Documentation**
6. The person's gender as established under *paragraph 4(c)(i) to (iv)* above must be recorded in the person's custody record, or if a custody record has not been opened, on the search record or in the officer's notebook.
7. Where the person elects which gender they consider themselves to be under *paragraph 4(b)(i)* but following *4(b)(ii)* is not treated in accordance with their preference, the reason must be recorded in the search record, in the officer's notebook or, if applicable, in the person's custody record.
- (c) Disclosure of information**
8. Section 22 of the GRA defines any information relating to a person's application for a GRC or to a successful applicant's gender before it became their acquired gender as 'protected information'. Nothing in this Annex is to be read as authorising or permitting any police officer or any police staff who has acquired such information when acting in their official capacity to disclose that information to any other person in contravention of the GRA. Disclosure includes making a record of 'protected information' which is read by others.

Notes for Guidance

- I1 Provisions to which paragraph 1 applies include:
- In Code C; paragraphs 3.20A, 4.1 and Annex A paragraphs 5, 6, 11 and 12 (searches, strip and intimate searches of detainees under sections 54 and 55 of PACE) and 9.3B;
 - In Code A; paragraphs 2.8 and 3.6 and Note 4;
 - In Code D; paragraph 5.5 and Note 5F (searches, examinations and photographing of detainees under section 54A of PACE) and paragraph 6.9 (taking samples);
 - In Code H; paragraphs 3.21A, 4.1 and Annex A paragraphs 6, 7 and 12 (searches, strip and intimate searches under sections 54 and 55 of PACE of persons arrested under section 41 of the Terrorism Act 2000) and 9.4B.
- I2 While there is no agreed definition of transgender (or trans), it is generally used as an umbrella term to describe people whose gender identity (self-identification as being a woman, man, neither or both) differs from the sex they were registered as at birth. The term includes, but is not limited to, transsexual people.
- I3 Transsexual means a person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of gender reassignment which is a protected characteristic under the Equality Act 2010 (see paragraph 1.0), by changing physiological or other attributes of their sex. This includes aspects of gender such as dress and title. It would apply to a woman making the transition to being a man and a man making the transition to being a woman, as well as to a person who has only just started out on the process of gender reassignment and to a person who has completed the process. Both would share the characteristic of gender reassignment with each having the characteristics of one sex, but with certain characteristics of the other sex.
- I3A The reason for the exception in relation to paragraphs 3.21A, 9.4A, 9.4B is to modify the same sex/gender approach for searching, procedures or requirements to acknowledge the possible needs of transgender individuals in respect of menstrual products and other personal needs relating to health, hygiene and welfare and ensure that these are not overlooked as a result of their expressed preference or predominant lifestyle.
- I4 Transvestite means a person of one gender who dresses in the clothes of a person of the opposite gender. However, a transvestite does not live permanently in the gender opposite to their birth sex.
- I5 Chief officers are responsible for providing corresponding operational guidance and instructions for the deployment of transgender officers and staff under their direction and control to duties which involve carrying out, or being present at, any of the searches and procedures described in paragraph 1. The guidance and instructions must comply with the Equality Act 2010 and should therefore complement the approach in this Annex.