



Home Office

**Immigration Returns, Enforcement and Detention
General Instructions**

Arrest and restraint

Version 3.0

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About this guidance

This is part of Immigration Enforcement General Instructions.

This guidance tells Immigration Enforcement officers when and how they may make an arrest using administrative immigration or criminal powers.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Enforcement Policy.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was cleared:

- version **3.0**
- published for Home Office staff on **29 April 2024**

Changes from last version of this guidance

- general housekeeping (inserting internal links)
- from 1 April 2024, individuals who were previously described as the IE operational grade of “Assistant Director” will be known as Grade 7 in this guidance

Related content

[Contents](#)

National Generic Risk Assessment – Driving fleet vehicles on official business

Who may arrest?

This section tells Immigration Enforcement officers who may make an arrest and whether to use administrative immigration powers or criminal powers of arrest. It also tells them about some of the duties and responsibilities of the arresting officer.

Section contents

[Duty of care: arrested or detained person](#)

[Consequences of an unlawful arrest](#)

Within this guidance, the term 'arrest' means the arrest of criminal suspects or those arrested for transporting an individual to a place of administrative detention under the Immigration Act 1971.

You must make yourself fully aware of the differences between:

- administrative arrest powers for the purpose of dealing with someone through administrative processes including removal
- criminal arrest powers for the purpose of investigating immigration criminal offences

More specifically, you must be fully aware of the:

- law covering the suspected offence in question
- manner in which you execute the arrest

For more information on your powers of arrest, entry and search, see Immigration Enforcement powers and Search and seizure.

Those Immigration Officers who have successfully completed the immigration arrest and enforcement training and work in an appropriately authorised role in an Immigration Enforcement team can exercise a power of arrest. You must only use the power of arrest if you are following the criteria for making a lawful arrest and the relevant legal test governing the arrest power is satisfied. For instance, note the differences in [section 28\(1\) of the Immigration Act 1971](#) relating to the time constraints for proceedings within each UK jurisdiction.

An immigration officer (IO) exercising a specified power of arrest, question, search or seizure in England and Wales must have regard to such provisions in the Police and Criminal Evidence Act 1984 (PACE) codes of practice (or equivalents) as may be specified. The [PACE directions 2013 and 2000 \(No. 1 and 2\)](#) specify the relevant paragraphs within the code that correspond to a particular power.

The use of the power of arrest must be fully justified and officers exercising the power must consider if the necessary objectives can be met by other, less intrusive means.

Duty of care: arrested or detained person

Once a person has been arrested or detained, Immigration Enforcement has a duty of care for that person that remains until they are transferred:

- into police custody
- to a Home Office removal centre
- to a short-term holding facility (STHF), where they are transferred into the care of a detention contractor, or remain in the care of the IOs if out of hours, until taken to a removal centre

If, whilst waiting to be booked into custody, the detainee asks to use the toilet, requests a drink of water or makes any other reasonable request, you must check with the custody officer or custodian and help meet the request if it is approved.

Once the person has been accepted into police custody, you may be asked to escort the prisoner to police cells. You need to be aware of the potential for escape or resistance and must not do so alone.

Immigration Officers do not have the required skills or training to undertake monitoring of detainees for self-harm. You must refuse any request by police to maintain a watch on detainees where there are concerns about threats of self-harm, and explain that this is because This task must be performed by the police.

If you use force (see Use of force), you must consider the aftercare of that person. This may simply require that you reassure the person by explaining when restraints will be removed and where they are being taken but may also require you to administer first aid or arrange for immediate medical treatment. You must record on the relevant form of the police reporting and notebook organiser (PRONTO) digital pocket notebook (DPNB) or in your pocket notebook (PNB), any aftercare actions that took place (and the reason for this) at the same time as recording the grounds for using reasonable force.

Officers and/or detainees who have suffered a head injury and are exhibiting signs as described in first aid training must be immediately transported to hospital for medical assessment and monitoring.

Consequences of an unlawful arrest

The correct use of powers is vital in promoting and preserving our reputation for integrity and fairness. Misuse of powers may have wide-ranging consequences such as damage to the trust we have developed within our communities and provoking criticism from regulatory and other bodies.

Other possible consequences include:

- evidence obtained after the arrest being considered inadmissible (not allowed to be used in court) resulting in the failure of prosecutions in criminal matters
- any use of force after the arrest being considered unlawful

- you and/or the Home Office being sued for compensation
- disciplinary procedures being instigated

Related content

[Contents](#)

Making an administrative arrest

This section tells Immigration Enforcement officers how to establish that a person is liable to be arrested and when it is not appropriate to arrest. It also tells them what information (caution) to give to a person who has been arrested under administrative immigration powers.

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[Establishing grounds to arrest: general considerations](#)

[When it is not appropriate to administratively arrest](#)

[Information to be given on administrative arrest](#)

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Establishing grounds to arrest: general considerations

To make an administrative arrest under [paragraph 17 of schedule 2 to the Immigration Act 1971](#), you must reasonably suspect that the person in question is liable to be held in immigration detention under paragraph 16 of that schedule. This suspicion may arise as a result of known information, the person's actions or information discovered during the course of an enquiry.

Although paragraph 17 is most likely to be used in most circumstances faced by Immigration Enforcement officers it is not the only administrative power of arrest in the Immigration Acts. You will also need to consider arrest without warrant under [paragraph 10 of Schedule 10 to the Immigration Act 2016](#).

This provides for an immigration officer or a constable to arrest a person on immigration bail if the immigration officer or constable has reasonable grounds for:

- believing that the person is likely to fail to comply with a bail condition
- suspecting that the person is failing, or has failed, to comply with a bail condition

See also Immigration bail.

In general, reasonable suspicion for the purposes of arrest requires facts or circumstances that would lead a reasonable person to suspect that the individual requires leave under the Immigration Act 1971 and either:

- the individual has no leave
- there are grounds on which the individual's leave should be curtailed

The arrest must be necessary to progress the case, this could include:

- establishing identity in order to determine status

- interviewing further to determine status

Questioning prior to arrest (see Enforcement interviews) must be relevant to the nature of the enquiry and will primarily focus on identity, nationality and legal basis of stay in the UK. The purpose of the questioning is to establish whether a breach of immigration law has been committed and whether an arrest is necessary. Whether to arrest depends on the circumstances of the case and whether this is proportionate or necessary.

It is not possible to detail all circumstances that might provide a reasonable suspicion that a person is someone in breach of immigration law. Reasonable suspicion can only be provided by a general assessment of the known facts, the situation as it is known at the time and a reasonable conclusion drawn from the many possible circumstances that exist.

These might include the:

- nature of the premises and the purpose for which it is being used
- circumstances of other people located on the premises, for instance, where they are known immigration offenders
- reasonable grounds to suspect that their behaviour is a ground on which their leave may be curtailed, for instance, they support or promote terrorism

There may also be reasonable grounds to suspect that a person is breaching immigration law based upon their behaviour when confronted by Immigration Officers in uniform.

While reasonable suspicion does not require hard evidence, it does require more than a hunch. A combination of facts, even if each is individually insignificant, can form the basis of reasonable suspicion. In all cases, you must be able to demonstrate and record the objective evidence on which you base the 'reasonable suspicion' that forms the basis for your initial engagement with an individual. The reasons recorded must be sufficient to demonstrate that your actions are performed on an objective basis and therefore compliant with the Equality Act 2010.

Reasonable suspicion can never be supported based on personal characteristics. It must rely on intelligence or information about, or some specific behaviour by, the person concerned. Reasonable suspicion cannot be based on generalisations or stereotypes of certain groups or categories of people as more likely to be involved in criminal activity.

When it is not appropriate to administratively arrest

It is important to consider whether arrest and detention is necessary (see Detention management) for the operation of effective immigration control. Officers must consider whether arrest is necessary to determine the person's status and to consider whether the person should be removed from the UK.

It is unlikely to be appropriate to arrest a person if we already know their immigration status and no progression on the case will be made by arresting them. For example,

in the case of a national whose immigration status has been established, but who cannot presently be removed due to their country being assessed as unsafe. Where administrative arrest powers are not available, officers must consider whether it would be appropriate to [criminally arrest](#) the individual.

Arrest: families

All family members, including children, must be arrested as a whole unit unless advice from the Independent Family Returns Panel (IFRP) indicates otherwise, or a separation has already been authorised. The arrest must be made as soon as practicable to ensure that the family is legally in immigration custody for conveyance to the port of departure or to pre-departure accommodation. Arrests in such circumstances are made under administrative powers contained in [paragraph 17\(1\) of schedule 2 to the Immigration Act 1971](#).

When arresting a family as a whole unit, gather everyone together and give the [administrative caution](#) to the group, saying “I am arresting you **all**...”. You would need to have a responsible adult present when giving the administrative caution to anyone under 18 anyway, so gathering everyone together is the best way to do this. If you need to serve any decision notices, make sure you do so for each family member.

For more information, see Immigration Enforcement powers and Family separations.

Arrest: children

Unaccompanied children must not be arrested under immigration powers simply for their own protection, for example, where there is no immigration objective. If a child is suspected of criminality or there are concerns about their welfare (see Identifying people at risk) call the local police, and notify the relevant children services.

Arrest: medical issues

Disabilities, medical conditions and additional needs may not always be obvious, and people may not be forthcoming with such information. Immigration Enforcement staff must take all reasonable steps to establish whether any individual (adult or child) has disabilities or is in need of additional support.

Where additional needs are unexpectedly identified, you must:

- establish what the individual needs are
- plan how those needs can be met, such as by arranging transport suitable for carrying additional medical or mobility equipment and in cases of disability, make reasonable adjustments to accommodate those needs
- whether professional medical assistance is required

You must ask the arrested person if they take any prescription medicines and, if so, these and any other medication found must be recorded and placed in a property bag. You must not give any medicines to the subject until a qualified medical

practitioner has authorised this, such as a police surgeon or doctor within an immigration removal centre (IRC). If a detainee says they are ill, you must assess whether they require immediate medical attention, and whether this can be best provided at the police station, IRC, advice by calling NHS 111, or local A&E services.

If a pregnancy is revealed during an arrest visit and the officer in charge (OIC) feels that arrest should go ahead the authority of the Grade 7 must be obtained **before proceeding**. This must be noted in the written record of the visit.

Information to be given on administrative arrest

A person who is administratively arrested under [paragraph 17 of schedule 2 to the Immigration Act 1971](#) as a person who may be removed from the UK must also be informed that:

- they are under arrest and not free to leave
- the reason for the arrest
- why it is necessary to arrest them

This applies equally to ICE teams in Scotland and Northern Ireland, as well as England and Wales, when making administrative arrests, but see also [Criminal arrests](#).

You must give the following explanation to the person:

“I am an Immigration Officer. I am arresting you on suspicion that you are a person liable to immigration detention. This is because I suspect you [give reason, eg “have entered the UK illegally”, “have overstayed your leave”, “have breached a condition of your leave”, and so on]. This is not an arrest for a criminal offence.

Do you understand?”

You must record that you have given the above explanation on the relevant form of the digital pocket notebook (DPNB) contained in the police reporting and notebook organiser (PRONTO) or in your pocket notebook (PNB) together with their confirmation of understanding. See [Recording details of the arrest](#).

If the person indicates that they have not understood the explanation you must explain it again in your own words or use any available means of interpreting the wording to assist their understanding. You can contact an interpreter by telephone through the Bigword Interpreter system on 0800 862 0624.

If it is not possible to give the person an explanation at the time of arrest, for example, because they are violent or too drunk to understand what is being said, you must do this as soon as possible afterwards.

Depending on the circumstances of their detention it may be appropriate to give some or all of the following advice either at the time or later:

- where they are to be taken
- that they are not entitled to free legal advice

In addition, you must explain to the person that they may have a legal representative or other person informed of their detention.

See also [Lawful arrest for a criminal offence](#).

Arrest in Scotland

In Scotland, suitably trained immigration officers have a single statutory power of criminal arrest without warrant where there are reasonable grounds for suspecting that a person has committed, or is committing, an immigration or nationality offence. ICE teams use administrative powers of arrest under the immigration acts, as they do for the rest of the UK. Criminal and Financial Investigation (CFI) officers arrest under section 1 of the [Criminal Justice \(Scotland\) Act 2016](#), as extended by the [Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018](#) (the 2018 Order).

Recording details of the arrest

You must record full details of the arrest in your DPNB (PRONTO) or your PNB. In order to record details in your DPNB, access the 'Encounter' form, select 'new encounter' and add to 'identity' the:

- full name of the arrested person
- date of birth of the person
- gender of the person (the permitted options are 'male', 'female' and 'not specified', for example a 'T' in an Indian passport signifying a third gender):
 - if the person indicates to you that they are transgender, and they tell you how they wish to be treated, you must record their biological sex, as recorded in third-country documentation, if they have any, in the 'gender' field, plus add their affirmed gender in the 'notes' field and treat them thereafter as a person of that affirmed gender
 - add an explanation in the 'notes' field that the person's stated gender is their affirmed gender and that they have confirmed that they wish to be treated as such
- nationality of the person

You must also complete the 'languages', 'type of encounter' and 'identity documents' fields on the 'Encounter' form, as appropriate.

You must next access the 'Arrest' form, select 'new arrest' and complete the following fields:

- time of the arrest
- power of arrest
- name of arresting officer
- reason for arrest

- grounds for arrest explained to subject (confirmatory tick box)
- caution administered
- confirm subject understood (tick box)

Dealing with obstruction

For full details of how to react to, and deal with obstruction and disruption during enforcement visits, see the Obstruction guidance on the TASU Operational Health and Safety page.

De-arresting at the scene

If you decide that a breach of immigration law has not taken place, or the administratively arrested or detained person is no longer a suspect, you must inform the individual that they are no longer under arrest and are free to leave.

An example of when this may be necessary is when the subject gives no comment to any questions about their status in the UK, is arrested on suspicion of entry without leave, but a subsequent search reveals documentation that shows they have an outstanding application and are reporting regularly to a reporting centre.

Your explanation that the person is no longer under arrest must be given in plain language and must include:

- that they are no longer under arrest for the specific reason previously given
- the reason that they are no longer under arrest
- that they are free to leave

A typical example is:

“You are no longer under arrest for obstruction of an immigration officer. This is because I believe you are no longer likely to cause injury to another person/cause injury to an immigration officer/cause damage to property. You are free to leave”

Record in your PNB the reasons for both the arrest and the release as soon as practicable. Record details of the de-arrest on the ‘Freetext’ form on your DPNB.

Related content

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Pursuit: enforcement

This section tells Immigration Enforcement officers when it is and is not appropriate to physically pursue a person suspected of an offence, the factors that must be taken into account and how to record the facts of the pursuit.

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[Circumstances in which officers may give pursuit](#)

[Reasonable grounds to justify pursuit](#)

[Where pursuit must not be given](#)

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[Use of Home Office vehicles](#)

[Recording grounds for pursuit](#)

Pursuit of any suspected offender carries an element of risk and immediately creates a dynamic situation in which decisions have to be taken very quickly. It is therefore vital that officers are already fully conversant with the following instructions and advice and have a full understanding of their powers in these circumstances. The principles in this guidance apply equally to persons:

- running away from you when you suspect they may be an offender
- exiting a property and coming towards you if you are in the role of cover officer.
- who have been arrested and escape whilst being escorted to a cell van
- who escape whilst being transported in an Immigration Enforcement vehicle

Key principles governing pursuit

Only arrest trained officers may consider pursuit and only then where there are grounds to suspect that the person is:

- someone who may be liable to removal under [paragraph 16\(2\) schedule 2, Immigration Act 1971](#)
- suspected of having committed an offence under the immigration acts (see Immigration Enforcement powers)

You must:

- only pursue a person if you intend to arrest the person and you consider it safe to do so
- consider your personal safety, that of your colleagues, the public and the suspect
- weigh the risk against known dangers, such as those notified during briefing and those that can be readily determined at the scene
- not pursue a suspect if you are unable to maintain communications with the officer in charge (OIC) and other colleagues
- terminate the pursuit if communications with the OIC are lost or not otherwise possible

- terminate the pursuit if the OIC calls it off

Circumstances in which officers may give pursuit

You must continually be mindful that your statutory powers of arrest are principally limited only to immigration offences and a limited number of other offences (see [Lawful arrest for a criminal offence](#)). You **do not** have the same powers as the police to stop individuals in public places and **do not** have the same range of available powers to arrest for other offences.

You are permitted to pursue a suspect who leaves or attempts to leave the scene of an operational visit where:

- there are reasonable grounds to suspect the person may be liable to removal from the UK (such as they have committed a breach of immigration law)
- the person has absconded having been told that they are being arrested
- you have been requested by a police officer to assist in their pursuit and arrest of a suspect, when assisting police you are using any person arrest powers in PACE, but remain under the direction of the OIC of the Immigration Enforcement visit

Reasonable grounds to justify pursuit

An attempt to leave the premises is not in itself grounds to suspect that a person is an immigration offender. A person who is not under arrest is free to leave the premises if they wish. However, the circumstances of the encounter may give rise to a reasonable suspicion that they are an immigration offender.

It is not possible to detail all circumstances that might provide a reasonable suspicion that a person is an offender. Reasonable grounds can only be provided by a general assessment of the known facts, the situation as it is known at the time and a reasonable conclusion drawn from the many possible circumstances that exist.

These might include:

- the nature of the premises and the purpose for which it is being used
- the circumstances of other people located on the premises, for instance, where they are known immigration offenders
- any apparent criminality detected on the premises including trafficking

There may also be reasonable grounds to suspect that a person is an immigration offender based on their behaviour on being confronted by Immigration Officers who are clearly identifiable.

On entering the premises the officer executing the warrant, or gaining informed consent, must identify themselves and other officers present, and explain their role and purpose to those present.

If you see a person clearly attempting to evade contact with other officers you may reasonably suspect that the person was aware they were about to be questioned about their immigration status and were trying to avoid questioning by leaving the premises immediately. You must take into account any other circumstances of the type listed above.

If you are a cover officer outside the premises you must consider that those you encounter leaving may not know that Immigration Officers are on the site or may misunderstand the nature of the visit and the enquiries being made. You must, immediately on detecting a person leaving the premises, identify yourself, your role and purpose. If the person then shows no signs of stopping, this may give you reasonable suspicion that the individual is an immigration offender who may be arrested.

Where pursuit must not be given

There are circumstances in which you must **not** pursue a person. These include where:

- you are not arrest trained, in which case, you must alert a suitably trained colleague or a police officer
- you have no power of arrest
- there are no reasonable grounds to suspect that the person is an immigration offender
- leaving the scene of the operation would leave colleagues unable to secure a premises or area where other suspected offenders are located
- to do so presents unacceptable risks either to yourself, colleagues, the public or the person being pursued

If you decide to give pursuit

Where you decide to pursue a suspect, you must:

- at all times maintain contact with the OIC of the visit using either airwave radio or mobile phone, if you are not sure that you will be able to communicate with the OIC then you must abandon the pursuit
- keep in mind all hazards and safety issues mentioned at the operational briefing and maintain a dynamic assessment of emerging risks

The OIC may consider calling off the pursuit in the light of perceived hazards and summoning instead local police assistance.

If you consider the safety of the suspect, the public, yourself, or your colleagues are in danger during a pursuit, you must abandon the pursuit immediately and advise the OIC of the last sighting of the suspect.

If the suspect places themselves in danger (for example climbing onto a roof, crossing a railway line or motorway), you must cease the pursuit and inform the local

police control room. The OIC must declare a critical incident through their gold, silver and bronze command.

You must not seek or encourage members of the public (no matter how enthusiastic) to assist in any way in a pursuit and/or arrest. If any member of the public chooses to join a pursuit you must use your judgement to decide whether to instruct the public to desist (for example if you are aware the offender is armed or has a history of violence) and whether to call off the pursuit.

Use of Home Office vehicles

Under no circumstances may you pursue suspects in road vehicles.

This includes instances where you wish to conduct an area search in a vehicle when a foot pursuit has been called off. Immigration officers are not advanced drivers, neither are they authorised to conduct area searches in a Home Office vehicle.

If the OIC has called off the pursuit but you wish to conduct an area search for a person, contact the police giving a description of the person, where they were last seen, the direction they were heading, and whether they are handcuffed. The police will maintain primacy in this situation.

See also [emergency procedures during transportation](#) for detainees who escape from a vehicle.

Recording grounds for pursuit

A pursuit is a serious incident that must be fully recorded and included in the operational debrief.

All actions must be justified in a 'Freetext' form entry on your DPNB (PRONTO) or in a PNB that is contemporaneous (at the time) (or made as soon as practicable after the incident). Notes must include:

- clear indicators showing reasonable grounds to suspect the person to be an immigration offender
- whether they were arrested when stopped and, if not, why
- the identities of those assisting in the pursuit
- if the suspect evades officers, what actions took place following the pursuit

Related content

Record keeping during enforcement visits

Enforcement visits: safety and personal protection guidance

Post enforcement visit actions

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Carriage of detainees

This section tells Immigration Enforcement officers about the transportation (carriage) of detainees following arrest.

You must read this guidance in conjunction with the fleet and driver policy and the safe system of work (SSoW). See also NGRA 05 Driving fleet vehicles on official business and SSoW 05 Driving fleet vehicles on official business.

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[Carriage of detainees: definitions](#)

[Actions to be taken before transportation](#)

[Comfort breaks during transportation](#)

[Vehicles to be used for transportation](#)

[Observation of the detainee during transportation](#)

[Emergency procedures during transportation](#)

Carriage of detainees: definitions

Carriage of detainees is defined as the transportation of a person who has been arrested or detained by an Immigration Officer exercising their powers of arrest under schedule 2 or part 3 of the Immigration Act 1971 and under the Police and Criminal Evidence Act 1984 (PACE). In Scotland, carriage of detainees also includes the transportation of a person arrested under section 1 of the [Criminal Justice \(Scotland\) Act 2016](#), as extended by the [Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018](#) (the 2018 Order).

Situations not classified as carriage of detainees

Where a person, who has not been arrested or detained by an Immigration Officer, is conveyed in an Immigration Enforcement vehicle. This would include, but is not limited to, conveying a person to a location to locate a passport with their consent. For guidance on the carriage of passengers who have not been arrested or detained, see Fleet and driver policy.

The transportation of a person arrested or detained other than under the Immigration Act 1971 on behalf of another law enforcement agency is also excluded. In these circumstances they must be accompanied by someone from that agency.

Actions to be taken before transportation

Risk assessment

You must make a full risk assessment of the detainee's suitability for detention before transportation. This will include mental and physical health as well as behavioural factors and reference to previous history recorded within CID records.

The risk assessment must also include an assessment of all the following:

- risks posed by the detainee
- number of escorting officers needed (which can include the driver)
- need for the application of handcuffs

If you need to use reasonable force this must be in accordance with Use of force and [section 146 of the Immigration and Asylum Act 1999](#), and recorded in your pocket notebook.

Mixing detainees of the opposite sex during transportation

You must give careful consideration in cases where unrelated detainees or detainees who are not known to each other and are of the opposite sex are carried together in the cell compartment of Immigration Enforcement vehicles.

Factors you must consider are:

- whether any detainee has any:
 - associated risks
 - medical conditions
 - behavioural history on CID
- the gender of the crew operating the vehicle
- CCTV availability
- journey length
- pick up and drop off destinations

If necessary, seek advice from an officer of at least Chief Immigration Officer (CIO) grade.

Journey planning

Operational planning must take into consideration journey times and routes, as escorting officers have a duty of care to their detainees.

With a few limited exceptions, offenders arrested under PACE and part 3 of the Immigration Act 1971 must be taken to the nearest designated police station within the police force area as soon as practicable ([section 30 of PACE](#)).

In Scotland, persons arrested by Immigration Officers under section 1 of the [Criminal Justice \(Scotland\) Act 2016](#) must also be taken to the nearest police station as soon as practicable. Any breaks in journey must be logged and declared to the custody officer on arrival. In addition, detainees arrested under schedule 2 of the Immigration Act 1971 must be taken to the designated place of detention as soon as practicable.

Before transportation or escort of detainees you must consider:

- circumstances of the arrest
- the length of time spent in the vehicle

- the length of time spent in handcuffs
- awareness of any prevalent medical conditions and frequency of treatments required
- awareness of any special physical skills (such as martial arts training)
- the need for comfort breaks
- the need to provide food and drinks during a long journey
- the need to provide infant or child car seats - see Enforcement planning assessments: vehicles
- availability of other resources and transport

You must finalise the journey route to include contingency plans in case of traffic congestion, security awareness, Accident and Emergency location awareness, or other diversions.

You must tell the duty CIO or silver commander the:

- route
- estimated time of arrival at the destination

Ratio of staff to detainees during transportation

The officer in charge (OIC) of the operation will decide on the number of staff to detainees ratio. They will make this decision having considered the risk assessment and the distance that needs to be travelled to a place of detention. In calculating the number of staff in ratio to detainees it is acceptable to include the driver in this ratio if they have been trained in personal safety to level 3 and successfully completed annual refreshers.

Search of vehicle and detainee before transportation

In addition to the routine pre vehicle checks, arresting officers must check the vehicle before and after detainees are placed in the vehicle to make sure that there are no objects that could be used to cause injury or escape, to maintain a safe environment and to preserve any evidence. The search officers must record the details and results in their pocket notebook (see Record keeping during enforcement visits).

Where you have reasonable grounds for believing that the arrested person may present a danger to themselves or others, you may search that detainee (see Search and seizure) for articles that may cause harm or could be used to escape prior to transportation. The search of the detainee must be carried out in accordance with [section 28G](#) or [paragraph 25B of schedule 2](#) to the Immigration Act 1971. For arrests under PACE, [section 32](#) is applicable.

In Scotland, the common law power of search as preserved by [section 47](#), of the [Criminal Justice \(Scotland\) Act 2016](#) (as extended by [the 2018 Order](#)), and [sections 48, 65 and 66](#) of the same apply to the searching of persons arrested by Immigration Officers under section 1 of that Act.

You must record the search in your DPNB (PRONTO) or PNB as detailed in Search and seizure.

Searches of detainees should normally be carried out by an officer of the same sex as the detainee. However, where this is not possible a search of the detainee's jacket, outer garment and gloves by a member of the opposite sex is permitted. Searches of a person at a police station must be carried out by an officer of the same sex as the person being searched. Officers must consider the associated sensitivities and appropriate safeguards and a minimum of 2 officers must be present at all times during the search. Where grounds to search the detainee do not exist, handcuffs may only be used in accordance with Use of force guidance.

Wearing seat belts

All officers and detainees must wear seatbelts where fitted. You must ensure that a detainee's seatbelt is fastened during transportation and remains fastened wherever possible. The driver is responsible for ensuring that all detainees and crew wear their seat belt (where fitted) before driving the vehicle.

Where an officer refuses to wear their seatbelt this must be brought to the attention of a CIO or above or the silver commander immediately. Failure to comply with the guidance will be dealt with as a disciplinary matter.

Where a detainee refuses to wear a seatbelt you must make a record of the refusal in your pocket notebook. You must also record any use of force to apply the seat belt.

Detainee property and medication

Arresting officers are responsible for the safe keeping of the detainee's property, including medication, until arrival at a secure detention facility. Where detainee's luggage is conveyed separately from a detainee, the arresting officer must ensure that this is presented at the secure detention facility with the detainee and recorded in the officer's pocket notebook.

Where the officer is satisfied that the detainee has prescription medicine for example, their name appears on it, it must be secured in an open evidence bag. They must consider how much of any in-possession medication a person is likely to need for self-administration during transit allowing for unexpected delays, having due regard to possible risk of self-harm and to the prescribed dosage recorded on the medication. They must also have a contingency plan in case the [detainee becomes ill during transportation](#). If the medication does need to be taken during the journey then the detainee themselves should normally self-administer insulin, asthma inhalers, angina sprays.

In light of duty of care toward the detainee, you can use reasonable force under the common law to remove any items, or stop the person taking them, if you reasonably believe that it would cause them harm.

Where it is known that a detainee is on medication that is covered by the Misuse of Drugs Act 1971, or has the medication administered other than by oral means, prior assessment of the individual's needs and the route must be considered and arrangements for a suitably skilled medical professional escort must be allocated.

'Search and seizure: Non statutory handling of property and baggage' provides full details on the powers and limitations of searching and packing essential items on behalf of families or individuals where they are unable or unwilling to pack medication or essential belongs on behalf or themselves, their children, or any vulnerable family members.

Comfort breaks during transportation

Where it is anticipated that the transportation of a detainee requires a journey in excess of 100 miles or for a period of more than 2 hours, the planning of the route must offer a comfort break of 15 minutes after 2 hours (30 minutes after 4 hours) and ensure that the detainee has access to water or suitable drinks (and after 4 hours, sustenance). The OIC must ensure that there is sufficient staff to allow comfort breaks whilst maintaining the security of other detainees. The detainees must also be asked to use toilet facilities prior to the journey being undertaken.

Detainees should, if possible, be taken to a designated place of detention for the rest break. If this is not possible, you can use service stations or similar facilities if you follow the guidelines below:

- a minimum of 2 officers must be used to escort one detainee
- you must make a continual risk assessment of the detainee's behaviour and the surroundings
- officers must keep in radio and mobile phone contact with each other and the silver commander at all times
- all officers must have received training in the use of radios
- detainees must be handcuffed only when deemed necessary and appropriate
- handcuffs must be covered if safe to do so in order to protect the detainee's privacy and human rights
- officers must be mindful of members of the public and the way in which their actions may be perceived
- all actions carried out by escorting officers must be proportionate, legal, necessary and justified

Where possible, female detainees should be escorted by at least one female officer. Where no female officer is available they must be accompanied by 2 male officers.

Where the detainee is male they should be accompanied by at least one male officer. Where no male officer is available they must be accompanied by 2 female officers.

Where there is no officer of the same sex as the detainee to escort the detainee to toilet facilities during a comfort break, give consideration to the use of facilities with a single cubicle.

Vehicles to be used for transportation

Whilst it is recommended that cell vans are used for transportation of detainees, there may be occasions when this is not practical, for example CFI teams who do not have access to a cell van.

The following vehicles may be suitable for the transportation of detainees:

- cell vans where the adult detainee is placed in the secure cell:
 - when a decision is made to lock the cell door all of the staff must know the location of the keys in the event of an emergency
- transporters where the detainee is placed on the rear set of seats and accompanied by a personal safety training (PST) trained officer
- cars where the detainee must be located in the rear nearside passenger seat supervised by a PST trained officer in the offside rear seat and the front passenger seat:
 - where child locks are fitted they must be activated and the rear electric windows deactivated if possible
 - consider the use of handcuffs if the detainee can reach the controls, driver and/or means of escape

The decision as to whether a detainee remains in handcuffs during transportation remains the decision of the escorting officer. You must have sight of the detainee for risk assessment and incident management purposes.

Where the risk assessment justifies the continued use of handcuffs, the location of the handcuffs (either to the front or rear) must always be justified and recorded in your pocket notebook. You must ensure that regular checks are made on the tightness of the handcuffs to ensure they do not tighten during a long journey. Where it is necessary to use reasonable force this must be in accordance with Use of force and [section 146 of the Immigration and Asylum Act 1999](#) and recorded in your DPNB (PRONTO) or PNB.

In Scotland, when a person has been arrested under section 1 of the [Criminal Justice \(Scotland\) Act 2016](#), and when that person who is in immigration custody is being transported to any place, section 45 of that Act, as applied to Immigration Officers through the [Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018](#) (the 2018 Order), specifies that reasonable force may be used by those officers.

On arrival at a place of detention you must notify the officer in charge of the custody facility about the use of force.

Transportation: family groups and children

Best practice is for families to travel together, within a non-cell vehicle. Children may exceptionally be transported within a cell vehicle where it is both necessary and supported by a risk assessment carried out with regard to the need to promote and

safeguard the welfare of children in accordance with section. [55 of the Borders, Citizenship and Immigration Act 2009](#). For example, this may be necessary where a strong 16–17-year-old is causing disruption that cannot be effectively managed in another way. See also Use of force.

If there are concerns over an adult family member causing disruption during the journey, you must consider whether it is in the best interests of the children to temporarily separate that adult for transportation within a separate vehicle. See Family separations.

Observation of the detainee during transportation

How often you observe a detainee will depend on the risk assessment. There will be occasions where it is necessary to keep the detainee under constant observation but all detainees will be subject to regular observation, at least every 2 minutes, during transportation. It is acceptable to use the on-board monitor for this purpose. When transporting detainees in the hours of darkness the cell light must be illuminated.

Positional asphyxia

Officers escorting the detainee must be mindful of the potential for positional asphyxia, particularly where the detainee is in a seated position with handcuffs applied and where the detainee has been prostrated during the arrest process. Escorting officers have a duty of care towards detainees once an arrest has been made and until they are accepted into police, Home Office or other approved custody facility.

The escorting officers must record all relevant observations on the 'freetext' form on the DPNB (PRONTO) or in their PNB. They must give this information to the custodians at the place of detention to which they are conveyed.

Emergency procedures during transportation

Disruption during transportation: escalation procedures

Where a detainee becomes violent or attempts to force their way out of the vehicle, the driver must make a decision about whether it is necessary to stop the vehicle in order to restrain the detainee. Factors that need to be considered in whether to stop the vehicle must include:

- the likelihood of this development leading to a road traffic collision
- the proximity of a secure facility
- whether the detainee has sustained an injury
- whether the crew have the necessary training to restrain the detainee

If the crew do not have the capability to restrain the offender, they must call the police.

If an offender succeeds in leaving the vehicle then you must only undertake any chase or pursuit in line with [pursuit guidance](#).

In the event of a successful escape, officers must start critical incident procedures (see Safety and critical incidents) where appropriate and practicable and with authority of silver command.

Breakdown or collision when transporting a detainee

In the event of breakdown or collision, comply with procedures set out in the fleet and driver policy. Officers must always consider their own safety and as far as practicable ensure that all detainees and passengers are safe and secure.

Make an assessment of any injuries to passengers and detainees. In the event of serious illness or injury, notify the emergency services and request an ambulance.

If an officer, detainee or passenger is seriously injured, emergency life support must be carried out by a suitably trained person before either transporting any casualties to a hospital with accident and emergency facilities or whilst waiting for an ambulance.

Make an assessment of any damage to the vehicle. Call emergency services if applicable after assessment is made. Arrange callout of breakdown services if necessary.

The incident must be reported to the duty CIO.

The journey must not be continued until all officers are certain that it is safe to do so and this will depend on the physical and psychological wellbeing of staff and the detainees involved.

Detainee becomes ill during transportation

Should the detainee require their medication, which is in their possession or held by an escorting officer, during the journey you must:

- alert the driver so the vehicle can be stopped
- contact NHS 111 for advice on whether the medication should be administered
- give the medication to the detainee or offer the stated dosage if applicable
- record the dosage given and taken along with any food and drink

unless you consider that any delay in administering medication as a result of taking the above action would outweigh the risks of immediate administration. For example, you should not delay the provision of an inhaler to a person having an asthma attack.

The administration of first aid must not be delayed whilst additional medical assistance is requested.

All action taken and advice given must be recorded on the 'freetext' form on the DPNB (PRONTO) or in the PNB.

In the event of a serious illness or injury, an ambulance must be called. If an ambulance is not available or is severely delayed and the driver believes that there is a very real likelihood of death or a serious deterioration in a person's health occurring if they are not conveyed to hospital immediately, the detainee may be taken to the nearest Accident and Emergency hospital in an Immigration Enforcement vehicle. This must be in line with any advice being received from the emergency services using the 999 contact already established.

You must make sure that all other detainees are secure and closely monitored to whatever extent is reasonably practicable while dealing with any medical emergency.

Bed guards

Where the person has been taken to a hospital, you must ascertain from hospital staff the seriousness of their condition plus the likely length of stay in hospital. You must refer to your CIO for a decision on whether the person is to be detained, based on the circumstances of the case, that is removability and previous history of non-compliance.

If detention is authorised, ICE management will contact DEPMU, who will arrange for DCOs to attend as bed guards until the person leaves hospital care. In these circumstances, a minimum of 2 officers must remain at the hospital until care of the person can be handed over to the DCOs. See also Detention general Instructions.

If detention is not authorised, do not remain at the hospital, but serve immigration papers, such as RED.0001 and BAIL 201, on the person before you leave, if appropriate.

Related content

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Criminal arrests

This section tells Immigration Enforcement officers about compliance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice, following an arrest for a criminal offence.

For an overview of criminality and the investigation of criminal offences, see Dealing with potential criminality: ICE teams.

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Compliance with PACE

The [Police and Criminal Evidence Act 1984 \(PACE\)](#), and its associated codes of practice, applies to all those arrested for a criminal offence. Where Immigration Officers (IOs) use criminal powers to make an arrest they must comply with PACE [code of practice B on powers of entry search and seizure](#) and [code of practice G on powers of arrest](#).

Persons arrested or detained under schedule 2 to the Immigration Act 1971 (the 1971 Act), including those who are taken to a police station, are not subject to PACE. Such persons must be notified of their detention and reasons for detention under the 1971 Act by an Immigration Officer, either verbally or in writing. Where detention is authorised verbally, the person and detaining authority must be provided with written confirmation as soon as practicable.

[Section 51\(a\) of PACE](#) preserves powers of detention under the 1971 Act. Therefore, when a person is detained in a police station under the 1971 Act, for example as a person liable for administrative removal, your written authority should suffice for detention to be maintained. A person detained under the 1971 Act is not subject to PACE detention review but their detention must be reviewed in accordance with guidance on Detention management.

Should a police custody officer review detention and require the release of a person detained under the 1971 Act, and this is not agreed, you must draw their attention to section 51(a) of PACE. Where necessary, consult a Chief Immigration Officer (CIO) or inspector at once who must discuss the matter with a senior police officer.

Lawful arrest for a criminal offence

The decision to make an arrest resides with the arresting officer who is required to show that they had reasonable grounds to make the arrest and has considered whether it is proportionate to do so.

This does not mean, however, that the arresting officer has to be the person restraining or escorting the arrested person.

To exercise a criminal power of arrest, you must:

- be investigating an immigration related offence and have a genuine intention to report the individual for prosecution:
 - if you have no intention of investigating the criminal matter or referring it to the Crown Prosecution Service (CPS), the Crown Office and Procurator Fiscal Service (COPFS) or the Public Prosecution Service for Northern Ireland (PPS) then use administrative powers (see [Making an administrative arrest](#))
- be investigating an offence for which a power of arrest exists
- have reasonable grounds to suspect the person:
 - has committed or attempted to commit the offence
 - is committing or attempting to commit the offence

You must then explain to the person, in plain language:

- they are under arrest and not free to leave
- the offence for which they have been arrested
- the grounds for the arrest
- why it is necessary to arrest them
- give the caution

You must give the arrested person enough information to enable them to understand:

- they have been deprived of their liberty
- the reason they have been arrested
- the nature of the suspected offence
- when and where the suspected offence was committed
- the reason or reasons why arrest is considered necessary

You must avoid using vague or technical language.

In England and Wales, when using a criminal power of arrest under the immigration acts, (such as [section 28A\(5\) of the IA71](#) for obstruction or [section 23 of the UKBA 2007](#) for assault you must caution the subject as follows:

“I am arresting you for obstruction of an immigration officer. This is to prevent you causing injury to another person/causing injury to an immigration officer/causing damage to property. You do not have to say anything but it may harm your

defence if you do not mention, when questioned, something which you later rely on in court. Anything you do say may be given in evidence.”

In Northern Ireland, when arresting for obstruction or assault, you must give the following caution:

“I am arresting you under (section 28A(5) of the Immigration Act 1971 for obstruction of an immigration officer. This is to prevent you causing injury to another person/causing injury to an immigration officer/causing damage to property. You are not obliged to say anything but anything you do say will be noted and may be used in evidence . Do you understand?”

In Scotland, you must give the following caution:

“I am arresting you under (section 28A(5) of the Immigration Act 1971) for (obstruction of an immigration officer). This is to prevent you causing injury to another person/causing injury to an immigration officer/causing damage to property, and I believe that keeping you in custody is necessary and proportionate for the purpose of bringing you before a court or otherwise dealing with you in accordance with the law. Do you understand?

You are not obliged to say anything, but anything you do say will be noted and may be used in evidence. Do you understand?

I do require you to give me your name, date of birth, place of birth, nationality and address. You have the right to have a solicitor informed of your arrest and have access to a solicitor. These rights will be explained to you further on arrival at the police station.”

In Scotland, officers making an arrest under [section 1 of the Criminal Justice \(Scotland\) Act 2016](#) must give the caution as follows:

“I am arresting you under section 1 of the Criminal Justice (Scotland) Act 2016 for (general nature of offence). The reason for your arrest is that I suspect you have committed an immigration (or nationality) offence and I believe that keeping you in custody is necessary and proportionate for the purpose of bringing you before a court or otherwise dealing with you in accordance with the law. Do you understand?

You are not obliged to say anything, but anything you do say will be noted and may be used in evidence. Do you understand?

I do require you to give me your name, date of birth, place of birth, nationality and address. You have the right to have a solicitor informed of your arrest and have access to a solicitor. These rights will be explained to you further on arrival at the police station.”

You must make sure that the individual has understood the meaning of the caution. Use your own words to explain it if need be. Use an interpreter to explain the caution if necessary.

See also:

- [Information to be given on administrative arrest](#)
- [Dealing with obstruction](#)

Arrest for further offences

If you have arrested a person for one offence and you subsequently discover that they have committed another offence, you must arrest them for the other offence as well.

Any person power of arrest

In England and Wales, [section 24A Police and Criminal Evidence Act 1984](#) allows any person (other than a constable) to arrest anyone:

- who is in the act of committing an indictable offence, or where that person is guilty of having committed an offence (other than a public order offence)
- whom they have reasonable grounds for suspecting to be committing an indictable offence, or to guilty of having committed it

To prevent the person either:

- causing physical injury to themselves or any other person
- suffering physical injury
- causing loss of or damage to property
- making off before a constable can assume responsibility for them

It must be noted that this allows the arrest of a person:

- 'who is in the act of committing'
- 'where there are reasonable grounds for suspecting the person to be committing'
- where an indictable offence has been committed, that person 'is guilty of the offence'
- where the arresting person has reasonable grounds for suspecting a person 'to be guilty of it'

Section 24A of PACE should only be used in England and Wales in cases where the offence that is being committed is clearly indictable. This will be the case where it is a serious criminal offence.

The equivalent of section 24A of PACE in Northern Ireland is [article 26A PACE \(Northern Ireland\) Order 1989](#).

[Section 3\(1\) of the Criminal Law Act 1967](#) (or [section 3\(1\) of the Criminal Law Act \(Northern Ireland\) 1967](#)) allows reasonable force to be used by anybody in the following circumstances:

- preventing a crime
- effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large
- arresting a suspected offender or persons unlawfully at large

Common law also allows people to use reasonable force in self-defence, defence of another or defence of property.

If proceedings are brought against an officer in relation to their use of force in self-defence, [section 76 of the Criminal Justice and Immigration Act 2008](#) sets out how the courts must approach this.

A physical assault on an officer or third party or criminal damage can usually be assumed to warrant arrest. Where an officer is assaulted, they may rely on the specific power of arrest in [section 23 of the UK Borders Act 2007](#). Criminal damage may only be serious enough to warrant arrest in Scotland where significant damage has occurred. Common assault (for example, threats of violence) is a summary only offence, but where common assault is racially aggravated, it is an either way offence and therefore section 24A of PACE may be used for assaults on third parties.

You should only arrest in these circumstances if it is not reasonably practicable for a constable to make the arrest instead. Officers must always consider whether this is a feasible option prior to exercising this power and officers who have used this power must contact the local police at the first available opportunity.

Remember, to administer the criminal caution and state reasons for arrest.

PACE detention following criminal arrest

When a person is detained at a police station after being arrested for a criminal offence, they are dealt with in line with [part 4 of PACE](#) and [code C of the PACE codes of practice](#). You are required to have regard to any relevant provision of the PACE codes of practice when investigating criminal offences and interviewing suspects at a police station.

[The Immigration \(PACE Codes of Practice\) Direction 2013](#), [the Immigration \(PACE Codes of Practice\) Direction 2000](#) and [the Immigration \(PACE Codes of Practice No 2 and Amendment\) Direction 2000](#) set out the modifications required to make the PACE codes of practice relevant to immigration powers.

In addition to dealing with the provisions of the PACE codes of practice about the person's rights and conditions of detention, the custody officer has responsibility for such matters as charging of offenders, the initial detention, reviews of detention and release of those who have been detained.

On arrival at a police station in Scotland, the arrested person is advised of their rights under sections 38, 39 (where that person is under 18), 40, 43 and 44 of the [Criminal Justice \(Scotland\) Act 2016](#) (CJSA 2016). Their custody is authorised by a

constable of at least sergeant rank for an initial 12-hour period but can be extended by a further 12 hours by a police inspector for indictable offences.

Actions on arrival at a custody suite

You must always be aware of your duty of care towards the detained person, see [Duty of care: arrested or detained person](#).

You, as the arresting officer, must remove any handcuffs applied as soon as it is safe to do so, making sure the custody officer agrees first. The custody officer or sergeant may note or ask you for the following details:

- the circumstances and reasons for using handcuffs
- any injuries or marks to the prisoner's wrists

You must also record these details in your DPNB (PRONTO) or PNB (see Record keeping during enforcement visits).

Criminal arrest: property

The custody officer is responsible for ascertaining what property a detained person has with them when they come to the police station and for the safekeeping of any property which is taken from them and which remains at the police station. If, after service of immigration notices, you need some of the person's property, you must sign the custody record to confirm that you have taken receipt of the items.

Criminal arrest: interpreters

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 they have the help and support from an interpreter (see 'Use of interpreters' in Enforcement interviews) without delay. The person must also be given a written notice in a language they understand and if such a notice is not available a translation must be provided without undue delay.

Criminal arrest: children

If the person appears to be under 18, the custody officer must, if it is practicable, find out the identity of an appropriate adult. This will normally be a person responsible for their welfare (parent, guardian, representative of a local authority or voluntary organisation) or a social worker. That person must be informed, as soon as practicable, that the juvenile has been arrested, why they have been arrested and where they are being detained. This is in addition to their right not to be held incommunicado in line with paragraph 5 of [code C of the PACE codes of practice](#).

PACE detention: initial actions before interview in connection with a criminal offence

Those persons detained under schedule 2 to the 1971 Act but are held in police custody do not come under PACE but are entitled to certain welfare provisions. Paragraph 1.12(iii) of [code C of the PACE codes of practice](#) makes it clear that it does not apply to people detained under schedule 2 to the 1971 Act.

When a person is brought to a police station under a criminal power of arrest or is arrested under criminal powers at the police station having attended there voluntarily, the custody officer will require a brief explanation as to the circumstances of arrest (why, when, by whom, where). The custody officer must tell them clearly of the following rights and of the fact that they are continuing rights that may be exercised at any stage during the period in custody:

- the right to have someone informed of their arrest in line with paragraph 5 of code C of the PACE codes of practice
- the right to consult privately with a solicitor and the fact that independent legal advice is available free of charge
- the right to consult the PACE codes of practice

The custody officer must also give the person a written notice setting out their rights and entitlements for which the person must be asked to acknowledge receipt by signing the custody record. They must also be asked to sign the custody record confirming whether they require legal advice. The police will also let the person or their solicitor see the custody record to allow them to make representations.

Scotland: CJSA 2016 pre-interview rights

In Scotland, an arrested person's pre-interview rights are detailed in chapters 1, 2, 4 and 5 of the [CJSA 2016](#). These include, but are not limited to:

- the person being under no obligation to say anything other than giving their name, address, date of birth, place of birth and nationality
- their right to let someone know that they are in custody
- the reason they are being kept in custody
- the right to consult with a solicitor and to have one present during any subsequent interview

Reviews of detention under PACE

[Section 40 of PACE](#) requires reviews of detention at a police station for persons who have been criminally arrested for an offence, initially after a maximum of 6 hours and subsequently at intervals of not more than 9 hours.

You may be asked to explain any perceived needs for continuing detention. In the event of a disagreement with a reviewing officer over the need for a further period of PACE detention, you must explain the situation to a senior police officer (consulting a CIO or inspector if appropriate). However, the police decision will be final. It may

be appropriate to consider whether to administratively detain the person under schedule 2 to the 1971 Act in such circumstances.

The PACE review arrangements apply only to a person detained in a police station after being criminally arrested for an offence. They do not apply to administrative interviews at enforcement offices or other premises but you must follow the Detention management guidance.

Reviews of detention under CJSA 2016

In Scotland, the requirements for custody reviews are detailed in section 13 of the [CJSA 2016](#). Where detention in police custody has initially been authorised by a police sergeant for a maximum of twelve hours, that custody must be reviewed by a police inspector when the person has been in custody for a continuous period of 6 hours.

Consular access

In line with paragraph 7 of [code C of the PACE codes of practice](#), a citizen of an independent Commonwealth country or a foreign national (including the Republic of Ireland) must be informed as soon as practicable of their rights of communication with their High Commission, embassy or consulate. However, where the person is seeking asylum, a consular officer shall not be informed of the person's arrest, or given information about them except at the person's express request.

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