

# Police stations

## What happens if I'm arrested?

This factsheet looks at what happens when the police arrest you if they think you have committed a crime. It looks at your rights at the police station and what happens after you have been arrested. It also looks at what the outcome might be. This information is for adults affected by mental illness in England and their loved ones and carers. It's also for anyone else interested in the subject.

### Key Points.

- The police can arrest you if they think you've committing a crime. You can be taken to a police station.
- If you're arrested, you have 3 basic rights. They are:
  - free legal advice,
  - the right to let someone know you have been arrested, and
  - the right to look at the police Codes of Practice.
- If you are vulnerable, you also have the right to have an appropriate adult with you at the police station. They can help you understand what is going on. A medical professional should see you too.
- At the police station you might meet other people like the custody sergeant, custody detention officers, health care professionals, social workers, or community psychiatric nurses.
- You can be searched, held in a cell, and interviewed by police. The police or the CPS will decide whether to charge you. You should not normally be kept in the station for more than 24 hours without being charged.
- After you have been arrested, there are a few things that can happen. These include no further action, being charged, receiving a caution, or going to hospital under the Mental Health Act.

### This factsheet covers:

1. [Why might I be taken to a police station?](#)
2. [What are my rights if I am arrested?](#)
3. [Who might be involved?](#)
4. [What is the process of being arrested and held at a police station?](#)
5. [What could happen after I have been arrested?](#)

## 1. Why might I be taken to a police station?

You might be taken to a police station if the police arrest you. They will only arrest you if they think you have committed a crime.

You might be in a public or private place. Police might think the safety of you, or others is at risk because you're unwell because of a mental disorder. They have powers under sections 135 and 136 of the Mental Health Act to take you to a place of safety.<sup>1</sup>

The place of safety should normally be a hospital. But if they can't take you to a hospital, they might take you to a police station.

This factsheet looks at what happens when the police take you to a police station because you've been arrested.

But you can find more information about:

- Section 135 of the Mental Health Act – Being taken to a place of safety from a private place
- Section 136 of the Mental Health Act – Emergency police powers to take you from a public place to a place of safety

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

### What are police investigation centres (PICs)?<sup>2</sup>

You might be arrested by the police. Instead of taking you to a police station they might take you to a police investigation centre.

These are usually purpose-built facilities. They're used to hold and interview suspects, collect evidence, and arrange court appearances.

These centres can be used by police from a large area, such as several towns.

In this factsheet when we say, 'police station' we mean 'police station or police investigation centre.'

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## 2. What are my rights if I'm arrested?

### What are my basic rights?

If the police arrest you, you have 3 basic rights. You have the right to:<sup>3</sup>

- get free legal advice,
- tell someone you have been arrested, and
- look at the police Codes of Practice. This is a book about what the police can do and how they should do things.

If English isn't your first language you also have the right to an interpreter if you need one.<sup>4</sup>

If you're a citizen of a foreign country you have a right to contact your High Commission, Embassy or Consulate.<sup>5</sup>

You can read more about your rights if you're arrested here:

[www.gov.uk/arrested-your-rights](http://www.gov.uk/arrested-your-rights)

### **What is an appropriate adult?**

If you are a child or vulnerable adult, you have the right to have an appropriate adult.<sup>6</sup>

#### What does 'vulnerable' mean?

You should be classed as vulnerable if you live with a mental health condition or mental disorder and you:<sup>7</sup>

- have difficulty understanding the effect of what is happening to you at the police station,
- don't seem to understand the importance of what you are told,
- don't seem to understand the importance of questions the police ask you,
- don't seem to understand the importance of your replies to the police questions,
- appear to become confused and unclear about what is happening,
- provide information that is not reliable, misleading or could show you're guilty of a crime without meaning to,
- do what other people tell you to do without wanting to, or
- agree with everything someone is saying without questioning it.

You do not need a diagnosed mental illness or disorder to be classed as vulnerable. The custody officer just needs to have a reason to think you are vulnerable.<sup>8</sup>

If the custody officer thinks you may be vulnerable, they should arrange an appropriate adult for you as soon as possible.

You, a loved one or your legal adviser can tell the police if you live with mental health condition or disorder.

#### How can an appropriate adult help me?

An appropriate adult is there to:<sup>9</sup>

- support and advise you when you're asked to provide information or take part in any procedure,
- make sure the police are acting properly and to tell them if they're not,
- help you to communicate with the police,
- help you to understand their rights and make sure that those rights are protected and respected.

An appropriate adult can include:<sup>10</sup>

- a loved one,
- a social worker,
- a charity worker, or
- a specialist appropriate adult

The appropriate adult should be there when you sign anything. This is to make sure you understand:<sup>11</sup>

- what is going on, and
- what you are agreeing to.

You can find more information about '**Appropriate adult – At the police station**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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### 3. Who might be involved?

In a police station, you might meet a few different people, including those listed below.

#### **Police officers**

Police officers have different ranks. You may come across police constables, sergeants, inspectors, or superintendents at the police station.

Each officer will wear a badge on the shoulder of their uniform that shows their rank and their unique number.

It can help to know which police officers have been involved in your case. You might need to contact them in the future.

If the officer doesn't wear a uniform, you can ask to see their warrant card for their details.

#### **Custody officer**

The custody officer manages the custody suite at a police station. They have overall responsibility for all the people detained there.<sup>12</sup> They are usually the rank of sergeant.<sup>13</sup>

The custody officer will decide if there is enough evidence to charge you. If they think there is, they can then decide to detain you at the police station.<sup>14</sup>

They should tell you why you have been arrested and why you're being held at the station.<sup>15</sup> They will:

- tell you your rights,<sup>16</sup>
- decide if you are vulnerable because of your mental health,<sup>17</sup> and

- decide if you need an appropriate adult.<sup>18</sup>

### **Custody detention officers<sup>19</sup>**

Custody detention officers are managed by the the custody officer.

The duties of a custody detention officer include:

- booking you into the police station,
- logging your possessions,
- looking after your dignity, safety and welfare in detention,
- taking DNA samples, fingerprints and photographs of you,
- checking on you throughout your stay,
- taking you bedding, food and drink, and
- making sure your cell is clean.

### **A legal adviser**

A legal adviser can give you legal advice if the police think you have committed a crime.

If you are arrested by the police, have the right to speak to a legal adviser.<sup>20</sup>

Your legal adviser may be a solicitor, or someone authorised by the Legal Aid Agency to give you advice.<sup>21</sup>

Your legal adviser is:<sup>22</sup>

- there to look after your interests and make sure your rights are protected, and
- independent of the police, so they should always advise what is best for you and your case.

You can ask the police to contact your own legal adviser if you have one. If you don't, you can ask for a duty solicitor, who can advise you for free.

You can find more information about '**Legal advice – How to get help from a solicitor**' at [www.rethink.org](http://www.rethink.org) . Or call our General Enquires team on 0121 522 7007 and ask them to send you a copy of our factsheet.

### **Appropriate adult**

If you are a child or vulnerable adult, you have the right to have an appropriate adult.<sup>23</sup>

See the information under [What is an appropriate adult?](#) above to learn more about them.

You can find more information about '**Appropriate adult – At the police station**' at [www.rethink.org](http://www.rethink.org) . Or call our General Enquires team on 0121 522 7007 and ask them to send you a copy of our factsheet.

## **Health care professional (HCP)**

A health care professional (HCP) is a medical practitioner, such as a nurse or paramedic. They work in custody suites in police stations and look after medical needs of detainees.<sup>24</sup>

The custody officer should ask an HCP to see you if they think you need medical care. For example, if you:<sup>25</sup>

- appear to have a physical illness,
- are injured,
- appear to have a mental illness,
- appear to need medical help, or
- are experiencing the effects of alcohol or drugs.

You can ask to see an HCP for a medical examination. You can also choose to be examined by a medical practitioner that you know. But you may have to pay for this.<sup>26</sup>

It might take a long time to see your choice of medical practitioner, especially if you are arrested at night.

The HCP can decide if you're well enough for the police to interview you or keep you at the station. They can arrange a Mental Health Act assessment if they think this is needed.<sup>27</sup>

## **Social worker or community psychiatric nurse**

If you have been in contact with the police before they may know about your mental illness. If so, they could contact your social worker, community psychiatric nurse or care co-ordinator.

You can tell the police to contact a mental health professional that supports you. They can be your appropriate adult if you want them to and they agree.

## **NHS liaison and diversion services**

Liaison and diversion services are provided by the NHS. They work within the criminal justice system, including at police stations.<sup>28</sup>

Liaison and Diversion services identify vulnerable people who have contact with the criminal justice system.<sup>29</sup> This includes people with mental health problems.

They aim to improve health outcomes for people and to support them to reduce their offending.<sup>30</sup>

They can support you while you're at the police station. They can make sure that you get referred to suitable health or social care services.<sup>31</sup>

The police should refer you to a NHS liaison and diversion services if you have a mental health problem. Or you can ask them to refer you. You can also search for the services yourself at:

[www.england.nhs.uk/commissioning/health-just/liaison-and-diversion/region-contacts](http://www.england.nhs.uk/commissioning/health-just/liaison-and-diversion/region-contacts)

### **Crown Prosecution Service (CPS)<sup>32</sup>**

The CPS is a government department that prosecutes criminal cases.

The police will discuss their investigation with them. The CPS will decide if your case should go to court. They prepare and present cases in court. They aim to prove you are guilty.

The CPS is independent of the police and government.

CPS prosecutors must be fair, objective, and independent. When deciding whether to prosecute a criminal case, CPS lawyers must follow the Code for Crown Prosecutors. You can find the code here:

[www.cps.gov.uk/publication/code-crown-prosecutors](http://www.cps.gov.uk/publication/code-crown-prosecutors)

You can find more information about ‘**Criminal courts and mental health**’ at [www.rethink.org](http://www.rethink.org) . Or call our General Enquires team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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## **4. What is the process of being arrested and held at a police station?**

- [Arrest](#)
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### **Arrest**

Someone may have told the police that there has been a crime or think one is about to happen. The role of the police is to investigate.

When the police arrest you, they will read the caution to you and, usually, take you to a police station.

The caution is: <sup>33</sup>

“You do not have to say anything. But it may harm your defence if you do not mention now something which you later rely on in court. Anything you do say may be given in evidence.”

Where the use of the Welsh Language is appropriate, the police officer may say the caution in Welsh. <sup>34</sup>

The caution means you don't have to answer questions if you don't want to. But answering police questions:

- gives you the chance to explain things, and
- if you say something later in court, it will be more reliable if you tell the police the same thing during the interview.

The judge, jury or magistrates may wonder why you didn't give this answer when the police interviewed you. They may feel you only thought of the answer after the police interviewed you. They might find it harder to believe if you only say it for the first time in court.

### **Arriving at the police station**

You'll meet the custody officer at reception. They will check your name, address, and date of birth.

You must be given the chance to speak in private with a member of the custody staff. This is to talk about anything to do with your health, hygiene and welfare that might affect or concern you. You can choose to see a member of the custody staff who is the same sex as you.<sup>35</sup>

The custody officer will: <sup>36,37</sup>

- check any belongings you have with you, and you may have to give them things like your mobile or money,
- put any items they take from you in an envelope or bag, seal it and make a note of it,
- keep the bag or envelope safe, and
- return your things when you leave custody, unless they are part of the case you're involved in.

If you have medication on you, the custody sergeant should get a health care professional (HCP) to check it. They should make sure you can take your medication while you are at the station.<sup>38</sup>

The police have the right to take photographs of you.<sup>39</sup>

The custody officer should make sure that you understand your rights.<sup>40</sup> They should also assess whether you are a 'vulnerable person' and need an appropriate adult. Or help from a healthcare professional.

They will also ask you if you want legal advice. Even if you decide not to have legal advice at first, you can change your mind. You can ask for a legal adviser at any time while at the police station.<sup>41</sup>

You have the right to ask the custody officer to tell someone you have been arrested.<sup>42</sup> This could be a carer, family member, friend, healthcare, or social care professional.



## **Searching and taking samples**

The police may want to search you if they think you might be hiding something.

The police may ask you to remove some, or all, of your clothing. But they must always make reasonable efforts to get you to hand over the item without being strip searched.<sup>43</sup>

There are specific procedures that the police must follow if they want you to remove some, or all, of your clothing. These include:

- there must be at least 2 people with you during the search,<sup>44</sup>
- these people should be the same sex as you,<sup>45</sup>
- your appropriate adult should be with you,<sup>46</sup> and
- the search must be done with dignity and sensitivity.<sup>47</sup>

Your appropriate adult should be there when the police need to take your fingerprints, DNA samples or photograph.<sup>48</sup>

## **Being held in a cell**

You may have to spend time in a cell while police look into your case.

Cells have a toilet, mattress, and pillow. Food and drinks and blankets will be provided. You should be allowed reading and writing materials.<sup>49</sup>

Cells are usually locked. There might be some cells with see-through doors. If you are distressed by being in a cell, you can request one of these if there is one available.

You might be very vulnerable, or staff might be worried about your safety. They might leave your cell door open and have a police officer sat outside watching you.

## **Meeting the legal adviser and appropriate adult**

You have the right to see your legal adviser in private.<sup>50</sup>

The information that you give to your legal adviser is confidential.<sup>51</sup> This means they will not tell anyone else what you have told them unless you agree.

Your legal adviser can't be asked to give evidence against you in court.<sup>52</sup>

If you tell things to anyone else, they could be asked to give evidence against you in court. That includes your appropriate adult.<sup>53</sup>

If you agree, your legal adviser can share information with your appropriate adult and the police. It's your choice how much you want to share.

## **Interview**

The interview is when the police ask you if and how you were involved in the crime you were arrested for.

The police will ask you about your version of events. They may ask detailed questions about the crime or may just ask general questions. Like where you were or what you were doing at a certain time.

The police may show you evidence during the interview. This might be CCTV records or an item such as clothing or a weapon.

If the police are questioning you, it doesn't have to mean they have charged you. The interview is your chance to give your version of events.

At the interview, there should be you, police officers, your legal adviser, if you asked for one, and your appropriate adult.<sup>54, 55</sup>

The police will usually record the interview on an audio tape recorder.<sup>56</sup>

Regular meal and refreshment breaks should be allowed.<sup>57</sup>

Your appropriate adult or legal adviser might feel the police are being intimidating or you are becoming distressed. If they do, they can speak up.<sup>58</sup>

### What should my legal adviser discuss with me?

Your legal adviser should talk to you about what the police think you have done. They should act in your best interests.

They should remind you that the police haven't proven anything. The interview gives you the chance to tell your side of the story.

You should tell your legal adviser about your mental health. They will think about whether this could have played a part in the crime the police think you have carried out.

The legal adviser should advise you on answering police questions and giving a written statement. Even though you have the right to remain silent, this can be held against you if your case goes. See under 'Arrest' in [section 4](#) for more information.

## **After the interview**

After the interview you will need to stay in a cell while the CPS and police decide what to do.

We look at what could happen next in [section 6](#) of this factsheet.

## **Review of detention**

When you are held in a police station, the police must regularly review whether you still need to be there.<sup>59</sup>

If the police don't have enough evidence to keep you in custody, they should let you go. If the police need time to get evidence, they can keep you in the station.

There are rules about when the police should review if you still need to be kept at the police station.<sup>60</sup>

- The first review must be no later than 6 hours after you were first held at the police station.
- The second review must be no later than 9 hours after the first review.
- After the second review, they should review it every 9 hours. They may review it more quickly than this.

### **After 24 hours at the police station**

The police should not keep you in the station for more than 24 hours without charging you.<sup>61</sup>

Police can hold you for up to 36 or 96 hours if you're suspected of a serious crime like murder. You can be held without charge for up to 14 days if you're arrested under the Terrorism Act.<sup>62</sup>

You might have been identified as a vulnerable person. The police must take extra steps before keeping you at the station for more than 24 hours.<sup>63</sup> They should first talk to the following people to ask their views:<sup>64</sup>

- you,
- your appropriate adult, and
- your legal adviser.

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## **5. What could happen after I have been arrested?**

After you have been arrested, there are a few things that can happen.

### **When don't I have to go to court?**

You don't need to go to court if:

- police take further action, and you're free to go,
- you're issued with a diversionary caution,
- you're issued with a community caution, or
- you're detained in hospital under the Mental Health Act.

If the police accuse you of a minor crime, they may decide not to charge you. A minor crime might be something like shoplifting or littering. Some of these offences include:<sup>65</sup>

- theft, criminal damage of less than £5000, driving offences, shoplifting and common assault, and

- some offences which they think the Magistrate's court will be able to deal with.

### **When will I have to go to court?**

The police will speak to your legal adviser and let them know if they decide to charge you.

Being charged is when you must go to court.<sup>66</sup> If this happens you can plead guilty or not guilty. If you plead not guilty there will then be a trial.

The police could pass the case to the Crown Prosecution Service (CPS) if:

- the crime is serious, or
- you have been arrested for it before.

The CPS will decide whether to prosecute you in court.

### **What is a caution?**

There are 2 types of caution, a diversionary caution, and a community caution.<sup>67</sup>

Diversionary cautions and community cautions are only applicable to people over the age of 18.<sup>68,69</sup>

For under 18-year-olds, youth cautions can be issued. You can find out more about them here: [www.cps.gov.uk/crime-info/youth-crime](http://www.cps.gov.uk/crime-info/youth-crime)

The police can only issue a caution if you admit that you are guilty. You must agree to the caution. If you don't agree you can be arrested and charged with the crime.<sup>70</sup>

Your appropriate adult should be there when the police caution you.<sup>71</sup>

Diversionary and community cautions must have one or more conditions attached to them.<sup>72</sup> If you breach a condition the following can happen:<sup>73</sup>

- **Diversionary caution** - Prosecution for the offence, and
- **Community caution** - A financial penalty.

A caution goes on your criminal record but is not a criminal conviction. But courts can refer to them if you commit a further crime.<sup>74</sup> So it is important that you get legal advice before accepting a caution.

A caution can show up on a criminal record check.<sup>75</sup>

### **What is detention under the Mental Health Act?**

You might be detained under the Mental Health Act if:

- you have a mental disorder, and
- your, or other people's, health and safety are at risk.

You can find more information about '**Mental Health Act**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

### **What is bail?**<sup>76</sup>

You might be given bail when you're waiting for a court hearing or a trial. You'll be released from custody until the start of the hearing or the trial.

You might have to stick to conditions like living at a certain place. If you break these conditions, you could be rearrested and detained.

The police or court will think about any risk in giving you bail. They might not decide to give you bail if they think you:<sup>77</sup>

- will not go to court when you're called,
- might commit more crimes while on bail, or
- might try to influence witnesses.

### What is bail from a police station?

Police might charge you with a crime, then give you bail. This means you're free to go until your first court hearing.

### What is bail from a court?

You might have been charged and later attend your hearing at a magistrates' court. You could be given bail until your trial begins.

### **What is being released under investigation?**<sup>78</sup>

The police can release you 'pending further investigation' instead of placing you on bail.

This means that you do not have the same conditions as bail. But you'll stay under investigation after you're released from custody.

You will be told when the investigation ends. You might receive a charge through the post with a date to attend court.

Further  
Reading

You can find more information about:

- Criminal courts and mental health
- Legal advice – How to get help from a solicitor
- Criminal records checks

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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We have factsheets that look at many areas of the criminal justice system. We have named some in this factsheet. There are some others below which you may find useful.

- Section 35 of the Mental Health Act - Criminal courts send you to hospital for a medical report
- Section 36 of the Mental Health Act - When the Crown Court sends you to hospital for treatment
- Section 37 of the Mental Health Act - Hospital orders
- Section 37/41 of the Mental Health Act - Hospital orders with restriction
- Section 38 of the Mental Health Act - Interim hospital orders by the criminal courts
- Section 47 of the Mental Health Act - Transfer of a sentenced prisoner to hospital
- Section 48/49 of the Mental Health Act - Transfer of an unsentenced prisoner to hospital
- Prison – Going in
- Prisons - How are they run and what can I do there?
- Complaints about the police
- Complaints about the court
- Complaints about prison
- Complaints about probation

## Useful Contacts

### **Crown Prosecution Service**

They prosecute criminal cases the police in England and Wales investigate.

**Phone:** 020 3357 0899

**Email:** [enquiries@cps.gov.uk](mailto:enquiries@cps.gov.uk)

**Address:** 102 Petty France, London, SW1H 9EA

**Website:** [www.cps.gov.uk](http://www.cps.gov.uk)

### **Police.UK**

They provide useful information on crime and policing in your area.

**Website:** [www.police.uk](http://www.police.uk)

### **The National Appropriate Adult Network (NAAN)**

NAAN is a national charity. They support and represent organisations to deliver appropriate adult services in England and Wales. They have lots of information on the role of the appropriate adult on their website.

**Telephone:** 07592 263734

**Address:** Calcut Matthews, 19 North Street, Ashford, Kent, TN24 8LF

**Email:** [admin@appropriateadult.org.uk](mailto:admin@appropriateadult.org.uk)

**Website:** [www.appropriateadult.org.uk](http://www.appropriateadult.org.uk)

## References

<sup>1</sup> s135-136 Mental Health Act 1983. c20.

<sup>2</sup> Norfolk Constabulary. *Custody – Custody and arrested persons*.  
<https://www.norfolk.police.uk/node/34/custody> (accessed 30 January 2023)

<sup>3</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE)* Code C revised, 2019. Para 3.1(a).

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- <sup>4</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 3.1(a).
- <sup>5</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 3.12(a).
- <sup>6</sup> Appropriate Adult Network. *About appropriate adults - Who do appropriate adults support?*  
<https://www.appropriateadult.org.uk/information/what-is-an-appropriate-adult#why>  
(accessed 31 January 2023)
- <sup>7</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 1.13(d).
- <sup>8</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 1.4
- <sup>9</sup> Appropriate Adult Network. *About appropriate adults – What can appropriate adults do?*  
<https://www.appropriateadult.org.uk/information/what-is-an-appropriate-adult#why>  
(accessed 31 January 2023)
- <sup>10</sup> Appropriate Adult Network. *About appropriate adults – Who can act as an appropriate adult?*  
<https://www.appropriateadult.org.uk/information/what-is-an-appropriate-adult#why>  
(accessed 31 January 2023)
- <sup>11</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 2.7.8, page 25.
- <sup>12</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 1.15.
- <sup>13</sup> College of policing. *cost custody management planning - custody officer.*  
<https://www.college.police.uk/app/detention-and-custody/custody-management-and-planning> (accessed 02.02.23)
- <sup>14</sup> S37 (1) (b) Police and Criminal Evidence Act 1984 c60.
- <sup>15</sup> S 37 (5), Police and Criminal Evidence Act 1984 c60.
- <sup>16</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 3.1(a).
- <sup>17</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 3.5(c)(ii).
- <sup>18</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 3.5(c)(ii) .
- <sup>19</sup> Lancashire Constabulary. *Custody detention officer.*  
<https://joinus.lancashire.police.uk/explore-our-roles/custody-detention-officer/> (accessed 30 January 2023)
- <sup>20</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 6.1 and 6.12
- <sup>21</sup> Solicitors Regulation Authority. *Police station representatives accreditation scheme.*  
[www.sra.org.uk/solicitors/accreditation/police-station-representatives-accreditation](http://www.sra.org.uk/solicitors/accreditation/police-station-representatives-accreditation)  
(accessed 28th June 2022).
- <sup>22</sup> Law society. *Criminal Law - Why should I have a solicitor at the police station?*  
<https://www.lawsociety.org.uk/public/for-public-visitors/common-legal-issues/criminal-law>  
(accessed 30 January 2023)
- <sup>23</sup> Appropriate Adult Network. *About appropriate adults - Who do appropriate adults support?*  
<https://www.appropriateadult.org.uk/information/what-is-an-appropriate-adult#why>  
(accessed 31 January 2023)
- <sup>24</sup> Mountain Healthcare. *Day in the Life in Police Custody Suites.*  
<https://mountainhealthcare.co.uk/day-in-the-life-of-a-healthcare-professional-in-police-custody-suites/> (accessed 2 February 2023)
- <sup>25</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 9.5 & 9.5B
- <sup>26</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 9.8.
- <sup>27</sup> Essex Police. *E0506 Procedure – Custody mental health assessments.* Para 3.1.1.  
<https://www.essex.police.uk/foi-ai/essex-police/our-policies-and-procedures/e/e0506-procedure--custody-mental-health-assessments> (accessed 2 February 2023)



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- <sup>28</sup> NHS. *Liaison and Diversion Standard service specification 2019*. [www.england.nhs.uk/wp-content/uploads/2019/12/national-liaison-and-diversion-service-specification-2019.pdf](http://www.england.nhs.uk/wp-content/uploads/2019/12/national-liaison-and-diversion-service-specification-2019.pdf) Para 2.1. (accessed 28th June 2022).
- <sup>29</sup> NHS. *Liaison and Diversion Standard service specification 2019 - Introduction to Liaison and Diversion Services*, P5 [www.england.nhs.uk/wp-content/uploads/2019/12/national-liaison-and-diversion-service-specification-2019.pdf](http://www.england.nhs.uk/wp-content/uploads/2019/12/national-liaison-and-diversion-service-specification-2019.pdf) (accessed 16 February 2023)
- <sup>30</sup> NHS. *Liaison and Diversion Standard service specification 2019 - Introduction to Liaison and Diversion Services*, P5 [www.england.nhs.uk/wp-content/uploads/2019/12/national-liaison-and-diversion-service-specification-2019.pdf](http://www.england.nhs.uk/wp-content/uploads/2019/12/national-liaison-and-diversion-service-specification-2019.pdf) (accessed 16 February 2023)
- <sup>31</sup> NHS Commissioning. *About liaison and diversion*. [www.england.nhs.uk/commissioning/health-just/liaison-and-diversion/about/](http://www.england.nhs.uk/commissioning/health-just/liaison-and-diversion/about/) (accessed 28 June 2022).
- <sup>32</sup> The Crown Prosecution Service. *The Crown Prosecution Service*. [www.cps.gov.uk](http://www.cps.gov.uk) (accessed 2 February 2023)
- <sup>33</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C revised, 2019*. Para 16.2.
- <sup>34</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C revised, 2019*. Para 16.2.
- <sup>35</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C revised, 2019*. Para 9.3A
- <sup>36</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C revised, 2019*. Para 4.2.
- <sup>37</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C revised, 2019*. Para 4.1(b).
- <sup>38</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C revised, 2019*. Para 9.9.
- <sup>39</sup> Gov.UK. *Being arrested – Your rights*. <https://www.gov.uk/arrested-your-rights/legal-advice-at-the-police-station> (accessed 28th June 2022).
- <sup>40</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C revised, 2019*. Para 3.2.
- <sup>41</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C revised, 2019*. 6.1
- <sup>42</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C revised, 2019*. Para 3.1(a).
- <sup>43</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C revised, 2019*. Annex A, para A1.
- <sup>44</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C revised, 2019*. Annex A, paras 6 and 11(c).
- <sup>45</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C revised, 2019*. Annex A, paras 6 and 11(b).
- <sup>46</sup> National Appropriate Adult Network. *A quick guide for appropriate adults*. [www.appropriateadult.org.uk/images/pdf/2018\\_quick\\_guide.pdf](http://www.appropriateadult.org.uk/images/pdf/2018_quick_guide.pdf) at page 2 (accessed 28<sup>th</sup> June 2022).
- <sup>47</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C revised, 2019*. Annex A, paras 6 and 11(d).
- <sup>48</sup> National Appropriate Adult Network. *A quick guide for appropriate adults*. [www.appropriateadult.org.uk/images/pdf/2018\\_quick\\_guide.pdf](http://www.appropriateadult.org.uk/images/pdf/2018_quick_guide.pdf) at page 2 (accessed 28<sup>th</sup> June 2022)
- <sup>49</sup> Essex police. *Inside police custody – Take a look behind locked doors* <https://www.essex.police.uk/news/essex/news/news/2022/may/inside-police-custody> (accessed 30 January 2023)
- <sup>50</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C revised, 2019*. Para 17.6 (d) (ii).
- <sup>51</sup> National Appropriate Adult Network. *Guide to being an Appropriate Adult*. See chapter 8 under ‘Getting legal advice’, last bullet point [www.appropriateadult.org.uk/images/pdf/2014\\_AA\\_guide.pdf](http://www.appropriateadult.org.uk/images/pdf/2014_AA_guide.pdf) (accessed 9 February 2023).
- <sup>52</sup> Law Society. *Legal professional privilege*. <https://www.lawsociety.org.uk/topics/civil-litigation/legal-professional-privilege-guide> (accessed 9 February 2023)



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- <sup>53</sup> National Appropriate Adult Network. *Guide to being an appropriate adult*. See page 4, 'What can I do as an appropriate adult?' – 'Talking privately' 2<sup>nd</sup> paragraph [www.appropriateadult.org.uk/images/pdf/2014\\_AA\\_guide.pdf](http://www.appropriateadult.org.uk/images/pdf/2014_AA_guide.pdf) (accessed 9 February 2023).
- <sup>54</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 11.2.
- <sup>55</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 11.15.
- <sup>56</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code E* revised, 2016. Section 3.
- <sup>57</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 12.8
- <sup>58</sup> National Appropriate Adult Network. *Guide to being an appropriate adult*. See chapter 8, 'Intervening in interviews' bullet point 8 [www.appropriateadult.org.uk/images/pdf/2014\\_AA\\_guide.pdf](http://www.appropriateadult.org.uk/images/pdf/2014_AA_guide.pdf) (accessed 9 February 2023)
- <sup>59</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 15.1.
- <sup>60</sup> s40, *Police and Criminal Evidence Act 1984* c60.
- <sup>61</sup> Gov.UK. *Being arrested – your rights. How long can you be held in custody?* <https://www.gov.uk/arrested-your-rights/how-long-you-can-be-held-in-custody> (accessed 9 February 2023)
- <sup>62</sup> Gov.UK. *Being arrested – your rights. How long can you be held in custody?* <https://www.gov.uk/arrested-your-rights/how-long-you-can-be-held-in-custody> (accessed 9 February 2023)
- <sup>63</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 15.2A
- <sup>64</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 15.3
- <sup>65</sup> Crown Prosecution Service. *The Director's Guidance On Charging 2013 - fifth edition, May 2013 (revised arrangements): 15 – Police Charging decisions*. [www.cps.gov.uk/publications/directors\\_guidance/dpp\\_guidance\\_5.html#a02](http://www.cps.gov.uk/publications/directors_guidance/dpp_guidance_5.html#a02) para 15 (accessed 28<sup>th</sup> June 2022).
- <sup>66</sup> Gov.UK *Being charged with a crime* [www.gov.uk/charged-crime](http://www.gov.uk/charged-crime) (accessed 28th June 2022).
- <sup>67</sup> s.118(1) *Police, Crime, Sentencing and Courts Act 2022*
- <sup>68</sup> s.98(3), *Police, Crime, Sentencing and Courts Act 2022*
- <sup>69</sup> s.98(2), *Police, Crime, Sentencing and Courts Act 2022*
- <sup>70</sup> Gov.UK. *Police cautions, warnings and penalty notices*. [www.gov.uk/caution-warning-penalty](http://www.gov.uk/caution-warning-penalty) (accessed 28th June 2022).
- <sup>71</sup> Home Office. *Police and Criminal Evidence Act 1984 (PACE) Code C* revised, 2019. Para 10.12.
- <sup>72</sup> s.98(4) *Police, Crime, Sentencing and Courts Act 2022*
- <sup>73</sup> s.98(5) *Police, Crime, Sentencing and Courts Act 2022*
- <sup>74</sup> Crown Prosecution Service. *Cautioning and diversion - Overview* [www.cps.gov.uk/legal-guidance/cautioning-and-diversion](http://www.cps.gov.uk/legal-guidance/cautioning-and-diversion) (accessed 28th June 2022).
- <sup>75</sup> Gov.UK. *Police cautions, warnings and penalty notices - Cautions*. [www.gov.uk/caution-warning-penalty](http://www.gov.uk/caution-warning-penalty) (accessed 28th June 2022).
- <sup>76</sup> Gov.UK. *Being charged with a crime – Bail*. <https://www.gov.uk/charged-crime/bail> (accessed 16.02.23)
- <sup>77</sup> Schedule 1, Part 1, s2(1) *Bail Act 1976* c 63.
- <sup>78</sup> West Midlands Police. *Bail - Released pending further investigation - What happens if I'm released under investigation?* <https://www.west-midlands.police.uk/your-options/bail> (accessed 16 February 2023)

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