

# Police powers at the police station and appropriate adults

## When can the police arrest you

Police can arrest you if they have a valid arrest warrant. There are also some situations where they can arrest you without a warrant. These are where:

- you are in the act of committing certain offences
- they have reasonable grounds for suspecting you are committing certain offences
- they have reasonable grounds for suspecting you have committed certain offences
- you are about to commit or attempt to commit certain offences.

Police are expected to proceed by way of summons rather than arrest unless it is impractical or inappropriate, for example because evidence can only be secured by arresting you and questioning you at the police station.

## What should happen on arrest

The police should only use reasonable force to make an arrest and they should inform you that you are under arrest as soon as possible. After the arrest, they should explain why they have arrested you. The police must caution you unless it is impractical to do so or unless they cautioned you immediately before they arrested you.

If the police arrest you somewhere other than at a police station, they should take you to a police station as soon as possible. If they arrest you for theft and you were seen taking property but did not have it after a chase, the police officer can retrace your tracks. This may allow them to recover the property. They should take you to the station once they have recovered the property.

## At the police station

At the police station, the police should inform you of:

- your right to inform someone of your arrest
- your right to legal advice (see under heading Legal advice)
- your right to look at the police codes of practice.

The police guide “Positive Practice, Positive Outcomes,” gives information to staff in the police force. It says that it is important to find out early on if people have a learning

disability or learning difficulty.

The police should tell other staff if a person has a learning disability or learning difficulty. They should also explain to other staff the things the person finds difficult.

When someone is arrested they will speak to the 'custody officer' at the station. It is the custody officer's job to find out about any medical problems or any special needs the person might have. This includes if they have a learning disability or learning difficulty.

## **Appropriate Adults**

If the custody sergeant thinks you may be vulnerable, they must get an Appropriate Adult to help you at the police station. They will ensure that the police treat you fairly, respect your rights and that you understand what is happening at the police station. They cannot give you legal advice but they can help you ask for a solicitor.

An appropriate adult can be:

- Your relative or carer
- Care co-ordinator or psychiatric nurse
- A professional appropriate adult
- Someone who is over 18 and not employed by the police

It can sometimes be helpful to have a specially trained professional appropriate adult. They understand the system very well. But if you do only feel comfortable with your carer or relative, that is your right.

## **How long can the police detain you**

The police should not detain you for more than 24 hours without charging you, unless an officer with the rank of superintendent (or above) or a magistrate gives permission. A police officer with the rank of superintendent (or above) can authorise detention for a further 12 hours. Magistrates can authorise further detentions up to a maximum of 96 hours.

If you are suspected of a crime and have been released on bail, this time doesn't count towards the 96 hour detention period.

Once charged, if you're still in detention, you should be brought before the magistrates the next day (but not on Christmas Day, Good Friday or any Sunday).

If you're arrested as a suspected terrorist, different rules apply. A judge can authorise continued detention, in stages, for up to 14 days.

## **Right to silence**

Although you have a right to silence, courts can take your silence into account when deciding whether you are guilty or innocent.

## **Legal advice**

You have the right to free legal advice from the duty solicitor. This does not depend on your financial circumstances.

Your request will be passed to the Defence Solicitor Call Centre. If the offence is less serious, the Call Centre will refer you to Criminal Defence Service Direct. This covers offences like drink driving, disorderly behaviour and breaches of bail. Criminal Defence Service Direct employs solicitors who will give you legal advice on the telephone. You still have the right to be advised by a solicitor in person if:

- you're accused of a more serious offence, or
- the police intend to interview you under caution, or
- if you're considered to be vulnerable.

You can choose your own solicitor and won't have to pay for advice if they have a contract with the Criminal Defence Service (CDS). The Call Centre will contact your solicitor for you. Once you've asked for legal advice, the police must not normally question you. You don't have to answer any questions until you have spoken to a solicitor.

## **Fingerprints, photographs and DNA samples**

If you have been arrested, charged, convicted or received a caution, warning or reprimand for a recordable offence in England and Wales, the police have the power to take your fingerprints, photographs and a DNA sample without your consent to prevent and detect crime.

If you have been convicted of a serious violent, sexual or terrorist offence outside of England and Wales, the police also have the power to take your fingerprints, photographs and a DNA sample.

Even if you are not convicted of an offence, the police currently have the power to keep your fingerprints and DNA sample on a DNA database. However, from 31 October 2013, if

you are arrested or charged, but not convicted, of a minor offence your fingerprints and DNA profile must be deleted from the database as soon as a search has been carried out to see if there is a match with any crimes on the database.

## **Police powers to deal with you without going to court**

If the police have gathered enough evidence to make a criminal case against you, you might be charged and prosecuted. This will mean going to court. However, not all offences have to be dealt with by the courts. The police may be able to deal with you by using an alternative to prosecution. These alternatives are called out-of-court disposals. For example, you could get a cannabis warning if you were caught with a small amount of cannabis for your own use. Another example is that the police could give you a formal caution or they could give you a penalty notice (a sort of fine) for disorder. You have to agree to an out-of-court disposal.

You should get legal advice before agreeing, as an out-of-court disposal could affect your future. For example, it could be disclosed to your employers and will count as a criminal record.

For more information, go to the GOV.UK website at [www.gov.uk](http://www.gov.uk)

## **Complaints**

If you feel the police have treated you unfairly, the best course of action depends on the nature of your complaint. For example, if the police have obtained evidence by breaking code of practice rules, a court may refuse to accept police evidence in any case against you and your case could be dismissed. Make sure you tell your solicitor if you think the police have broken the code of practice.

Alternatively, you may wish to use the police complaints procedure to complain about an individual officer's behaviour, or take court action (see under heading Suing the police, below).

Make sure you tell your solicitor if you think the police have broken a code of practice, if you think you have been treated unfairly or if you have been discriminated against.

If you want to make a complaint, you should get further advice from a solicitor. You could also get advice from an experienced adviser, for example, at a Citizens Advice Bureau. To search for details of your nearest CAB, including those that can give advice by email, click on nearest [CAB](#).

## Making a complaint

You can make a complaint against the police in the following ways:

- contact the police force involved. You can find the contact details for individual police forces on the Independent Police Complaints Commission (IPCC) website at [www.ipcc.gov.uk](http://www.ipcc.gov.uk)
- go to your local police station. Ask to see the duty officer
- contact the Independent Police Complaints Commission (IPCC). You can do this by phone, email, post, fax or minicom. You can also download or fill out a complaint form online at [www.ipcc.gov.uk](http://www.ipcc.gov.uk)
- contact your local Citizens Advice Bureau, Youth Offending Team, Racial Equality Council, Probation Service or neighbourhood warden for help. A solicitor or MP can also make a complaint on your behalf.

Most complaints are investigated by the local police force. However more serious complaints will be investigated by the IPCC.

You can find further information on the IPCC website at [www.ipcc.gov.uk](http://www.ipcc.gov.uk). Information is available in different languages, large print, easy read and British Sign Language formats. Contact details for the IPCC are:

Independent Police Complaints Commission  
PO Box 473  
Sale  
M33 0BW

Tel: 0300 020 0096  
Minicom: 020 7404 0431  
Fax: 02920 361 948  
E-mail: [enquiries@ipcc.gsi.gov.uk](mailto:enquiries@ipcc.gsi.gov.uk)  
website: [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

## Suing the police

If your complaint is serious, you may wish to sue the police. You can sue the police in the same way that you can sue members of the public. If you want to sue the police, you should talk to a specialist solicitor.

## Sources of help

### **Liberty**

Liberty campaigns on civil liberties issues and human rights including complaints against the police. They have a public advice service where members of the public can obtain advice. Liberty's address is:

21 Tabard Street  
London  
SE1 4LA

Public Advice line: 08451 232307 (Monday and Thursday from 6.30pm to 8.30pm; Wednesday from 12.30pm to 2.30pm)

Website: [www.liberty-human-rights.org.uk](http://www.liberty-human-rights.org.uk)

### **Police Action Centre**

The Police Action Centre provides a free service for members of the public to get information and advice on making a complaint against the police. The public should contact the centre by email first. The contact details are:

Police Action Centre  
The Bungalow  
16 Knighton Road  
Leicester  
LE2 3HH

Telephone: 07815 052 803 (Monday to Friday from 9.30am to 5.30pm; Saturday from 1.00pm to 4.00pm)

Email: [info@policeactioncentre.org.uk](mailto:info@policeactioncentre.org.uk)

Twitter: @policeactioncen

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

### **Police monitoring groups**

Police monitoring groups are campaigning organisations that aim to increase public awareness of police work and improve police policies. Most police monitoring groups are in London. The groups offer free advice, may take up a complaint and will make referrals to a solicitor. To find out whether you have a local group, contact your local authority.

## Law Centres

Law centres offer free advice and representation. The Law Centres Network can provide details of your local law centre.

Law Centres Network  
Floor 1, Tavis House  
1-6 Tavistock Square  
London  
WC1H 9NA

Tel: 020 3637 1330 (admin only)  
Email: contact form available on the website  
Website: [www.lawcentres.org.uk](http://www.lawcentres.org.uk)

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We hope that you have found this factsheet useful. Whilst you are here, we have a small favour to ask. More people are using our service than ever before. We can't keep up with demand. We don't want to turn people away, and we want to keep on developing more information resources like this factsheet, but we don't have enough money to expand. So you can see why we need to ask for your help. We know that our information and advice can make a real difference to the quality of life of the people we support. If people using our service could help to support us, our future would be much more secure.

Click here to make a small donation: [www.donate.mencap.org.uk/phone](http://www.donate.mencap.org.uk/phone)