

Appropriate adult

At the police station

An appropriate adult is someone who will support you if you are arrested or questioned by the police. This factsheet looks at what an appropriate adult is there to do and who can get their support.



KEY POINTS

- The custody sergeant at the police station will get you an appropriate adult if they think you are 'mentally vulnerable'. And need support.
- The appropriate adult makes sure the police treat you fairly and respect your rights.
- The appropriate adult makes sure that you understand what is happening at the police station.
- Appropriate adults can't give you legal advice. But they can help you to get a solicitor
- You have the right to speak to an appropriate adult at any time at the police station if you are vulnerable.
- You have the right to speak to your appropriate adult in private.
- The appropriate adult might be your carer or relative, or a trained person.
- You have the right to free legal advice from a solicitor if you are arrested. You can have both an appropriate adult and a solicitor.
- You have the right to ask the police to tell your relative or friend that you have been arrested.

This factsheet covers:

1. [Can I have an appropriate adult?](#)
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3. [Who can be my appropriate adult?](#)
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1. Can I have an appropriate adult?

You will be able to get an appropriate adult (AA) if you are arrested. And you appear to be 'mentally vulnerable'.

You do not need a diagnosed mental illness to be mentally vulnerable. The police may think you are vulnerable if they believe that you will not understand what they say to you because of your mental capacity¹

If you are arrested, the police will take you to the police station. The custody sergeant or custody officer will book you into a police cell. They will ask you questions about how you feel and about your mental health, religious needs or any dietary needs.

The custody sergeant is responsible for your care and welfare while you are at the police station.² The custody sergeant should get an AA for you if they think you are mentally vulnerable.³ The police who arrested you can tell the custody sergeant if they think you need an AA.

An AA will only support you in a police station. Or if you are questioned by the police.

Ask the custody sergeant or a police officer to get you an AA if you haven't been given one and you are vulnerable.

You must have an AA with you if you are mentally vulnerable and you are:^{4,5}

- interviewed to find out how you may be linked to a crime,
- asked to give a written statement under caution or record of interview,
- asked to sign a written statement under caution or record of interview,
- asked to give your fingerprints, or

- asked to give a DNA sample.

But an urgent interview can take place without your AA with you if there is a good reason not to delay. A good reason could include:⁶

- harm to evidence that is linked to a crime, or
- physical harm to other people.

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2. What does an appropriate adult do?

Your appropriate adult (AA) is there to make sure you understand what is happening. And why it is happening. They can:⁷

- support you when the police ask you questions,
- help you talk to the police,
- make sure that you understand your rights,
- make sure the police behave properly and respect your rights, and
- help you to get a solicitor.

Your AA can't give you legal advice. You can have both an AA and a solicitor.

You can talk to your AA in private, at any time.⁸ But be aware that your AA doesn't have 'legal privilege.' See [section 5](#) of this factsheet for more information.

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3. Who can be my appropriate adult?

Your appropriate adult (AA) can be:⁹

- your relative or carer,
- a care coordinator or community psychiatric nurse,
- a social worker,
- a trained appropriate adult, or
- someone who is over 18 who is not employed by the police.

Your AA will be independent from the police.¹⁰ This means that they don't work for the police.

A trained AA can be the best person to support you. They will understand the criminal justice system. And will make sure you understand what the police tell you. But you might prefer your appropriate adult to be your carer or relative. They may not understand the system as well as someone who is trained. But you may feel more comfortable with them.

Your relative can't be forced to be your AA if they don't want to be. But there are guides online that they can use to understand their role as your AA. The guides are written by the charity, national appropriate adult network. Their contact details are at the end of this factsheet.

It is unlikely that you will be allowed to have a professional AA and a relative or friend to support you at the same time. But you can still ask.

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4. What happens when my appropriate adult comes to the police station?

This section covers:

- [What does being cautioned mean?](#)
- [What are my rights?](#)
- [What are PACE code or practice?](#)
- [What are my entitlements?](#)
- [What is my custody record](#)
- [What happens if I am kept in police custody?](#)
- [Can my appropriate adult speak up for me?](#)
- [What happens in the interview?](#)
- [What happens at the end of the interview?](#)

What does being cautioned mean?

The police must caution you when your appropriate adult (AA) is with you. The police will have to repeat your caution if they tell you when your AA is not with you.¹¹

The custody sergeant will read this caution to you:

“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.”

The caution means:

- You don't have to answer questions. But if you choose to, your answers may be used as evidence in court.
- The court may think it is strange if you say something in court to help your case, but you don't say it in the interview. The court might wonder why you didn't tell the police.

The police should check that you understand what the caution means. You can ask your AA to explain it to you.

What are my rights?

The custody sergeant should give you information about your rights in writing. You have the right to:¹²

- have free independent legal advice
- have someone informed of your arrest
- read the PACE Codes of Practice
- free medical help
- remain silent
- be told what you are suspected of doing
- see any records about why you have been arrested

- free translation or interpretation
- be told how long you might be held
- contact your consulate or embassy

What are the PACE Codes of Practice?

The police must follow the PACE Codes of Practice which set out their powers, responsibilities and procedures in detail. They say how the police should behave towards you.

What are my entitlements?

You are entitled to:¹³

- a reasonable standard of physical comfort,
- enough food and drink,
- use a toilet and washing facilities,
- clothing,
- medical attention, and
- exercise.

What is my custody record?

Your custody record holds information about the following.¹⁴

- Your personal details.
- What happened before you were arrested.
- Why you were arrested.
- Your caution.
- Anything that you said when you were arrested.
- Why you were detained.
- Any comments that you make about your detention.
- Anything else which happened when you were in the police station.

Your AA is allowed to see your custody record.¹⁵ The information should be given to them as quickly as possible.¹⁶ They can make sure the information in your custody record is correct. They can check the following.

- If the police have told anyone you have been arrested.
- If the review officer has reviewed your detention.
- If the police have called a health professional.
- When you last had food or drink.
- If the police have dealt with your case quickly.

What happens if I am kept in police custody?

You will be kept in police custody if you are not allowed to leave the police station. This is also known as 'being detained by the police.'

A 'review officer' will decide if you need to stay at the police station within 6 hours of the start of your detention. They will review you again every 9 hours, after the first 6 hours, if they decide that you need to stay at the police station.¹⁷

You, your AA or solicitor can talk to the review officer about your detention. Your AA can be with you when you are reviewed.

Can my appropriate adult speak up for me?

Your AA should speak to the custody sergeant if they feel that the police are treating you badly.

What happens in the interview?

One of the main reasons the police keep you at a police station is to ask you questions. Before you are asked questions the police should caution you again. You will usually be asked questions as part of your police interview.

You must have an AA with you if you are mentally vulnerable and you are interviewed. But an interview can take place without your AA with you if there is a good reason not to delay the interview. See [section 1](#) of this factsheet for more information.

During your interview your AA should make sure that the following happens.

- You understand the questions the police ask you.
- The questions that the police ask you are not confusing, repetitive or threatening.
- The police understand your reply.

Your AA should raise any concerns that they have about the interview as soon as they can. Your AA can interrupt your interview at any time. Your AA may ask the police to rephrase questions for you. Or tell the police if they are speaking too quickly for you to understand.¹⁸

Your AA can ask the police to stop the interview if:

- you are confused,
- very upset, or
- you need a break.

Your AA can ask the police to stop the interview if they feel that the police are not carrying out the interview properly.¹⁹ You and your AA can ask to speak to a solicitor at any time.

What happens at the end of the interview?

At the end of the interview your AA should say anything that they would like to add. For example your AA may make a comment about the way the police interviewed you if they don't think that the police followed procedure.²⁰

The custody sergeant will talk to the officer involved in your case before deciding to:

- release you from custody without charge,
- release you from custody with the understanding that you will have to go back to the police station for another interview on another day,
- give you a caution or conditional caution, or
- charge you.

If they charge you they will:²¹

- keep you in police custody until you go to court, or
- let you leave on 'bail' until you go to court.

Bail means that you are allowed to go home until your court date. You may have to agree to bail conditions such as not being allowed to contact certain people.²²

Your AA should be there when the police read the charge to you. And when they tell you what is going to happen to you.

The police may ask for your photograph, finger prints, a DNA sample and a hair sample. You usually have to agree to this and your AA has to be there when it happens.²³ You or your AA should get legal advice before you agree to it. But the police can take your finger prints without your agreement if:²⁴

- you are detained because you have committed a crime
- you have been charged for a crime, or
- you have been told that you will be charged for a crime

The rules the police have to follow when they take samples are complicated. You should get legal advice if you are not sure if you should give samples.

You can find more information about '**Police Stations - what happens when you are arrested**' at 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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5. What about confidentiality?

When you speak to a solicitor they do not have to tell other people what you say because of 'legal privilege'. But your appropriate adult (AA) doesn't have legal privilege. They have a 'duty of confidentiality' which falls under common law. This means that they must not pass on what you say to the police or anyone else unless there are exceptional circumstances, such as a risk of serious harm to you or someone else.

But because your AA doesn't have 'legal privilege,' a court could call them up as a witness and ask what you talked about. This is very rare, but it

could happen.²⁵ If you want your conversation to be completely private, you may want to speak to a solicitor without your AA with you.

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6. When should I get legal advice?

Everyone has a right to legal advice. You will not look guilty if you have a solicitor.

Tell your appropriate adult (AA) or custody sergeant if you want to speak to a solicitor. They can help you to get one. It is free to speak to a solicitor at the police station. The solicitor may give you advice over the phone to start with. They can also come to see you at the police station.

Your AA can call a solicitor for you even if you don't want one. Your AA can do this if they think that it will be in your best interests to speak to a solicitor. But you don't have to see the solicitor if you don't want to. You can change your mind any time and ask to see a solicitor.

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7. What should I do if I am unhappy about something at the police station?

You can speak to your appropriate adult or custody sergeant if something has happened at the police station which you are not happy about. The custody sergeant should record your concerns in your custody record.

You can make a formal complaint to the police. There will be a leaflet about making a complaint in the police station.

You can find more information about '**Complaints about the police**' at 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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8. Who will I meet at the police station?

Custody Sergeant

They are responsible for you when you are in custody. The custody sergeant will not investigate your case. When you arrive at the police station they will decide if you should be released or kept at the police station. They will keep a record of your time in custody at the police station. This is called your 'custody record'.

Officer in the case

This is the police officer who is responsible for investigating the allegations against you. They may interview you.

Review officer

The review officer is not involved in investigating your case. They will review your detention when you are in the police station.

Defence solicitor

This is a solicitor or representative. They don't work for the police. Their job is to protect your legal rights. They have to act in your best interests. You can meet your defence solicitor in private and without your appropriate adult.

Appropriate healthcare professional

The police might arrange for you to see an appropriate healthcare professional if you have a health problem at the police station. The healthcare professional may be called a forensic physician or a forensic medical examiner. They will be a trained health professional such as a nurse, doctor or paramedic.

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9. I am a carer, relative or friend. What do I need to know?

Will I be told if the person I care for has been arrested?

Your relative has the right to allow the police to tell someone that they have been arrested. For more information see [section 4 – What are my rights?](#)

How do I get my relative an appropriate adult?

Your relative should be given an appropriate adult (AA) if they are mentally vulnerable.

If the police have not given your relative an AA, explain to them why your relative needs an AA. You can speak to the custody sergeant too. They are responsible for the welfare of people held in the police station.

Can I be my relative's appropriate adult?

You can be your relative's appropriate adult (AA) if:

- your relative wants you to be,
- you are willing and able to be, and

you are not:²⁶

- suspected of being involved in the offence
- the victim
- a witness, or
- involved in the investigation.

But a trained AA may be a better person to support your relative. See [section 3](#) for more information.

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FURTHER
READING

You can find out more information about:

- Mental health and the criminal justice system
- Police stations. What happens when you are arrested
- Criminal courts and mental health
- Prison. Going in
- Prison. What happens while I am in prison
- Legal advice
- Complaints about the police

At www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

You can download free copies of our Criminal Justice Guides for family, friends and relatives at www.rethink.org. Or call 0121 522 7007 and ask them to send you a copy of our guide.



USEFUL
CONTACTS

The National Appropriate Adult Network (NAAN)

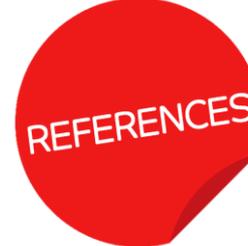
NAAN is a national charity. They support and represent organisations to deliver appropriate adult services in England and Wales. They have lots of information on the role of the appropriate adult on their website.

Telephone: 07739 904 858

Address: 19 North Street, Ashford, Kent, TN24 8LF

Email: www.appropriateadult.org.uk/index.php/about-us/contact

Website: www.appropriateadult.org.uk



REFERENCES

¹ Home Office. *Police and Criminal Evidence Act 1984 (PACE). Code of Practice for the detention, treatment and questioning of persons by Police Officers (Code C)*. London: TSO. 2017, at para 1G.

² National Appropriate Adult Network. *Guide for Appropriate Adults* http://www.appropriateadult.org.uk/images/pdf/2014_AA_summary_guide.pdf (Accessed 5th May 2017)

³ As note 1, at para 3.15.

⁴ As note 1, at para 11.15.

⁵ National Appropriate Adult Network. *Guide to being an Appropriate Adult* http://www.appropriateadult.org.uk/images/pdf/2014_AA_guide.pdf at para 2 (Accessed 15th May 2017)

⁶ As note 1, para 11.1.

⁷ As note 2.

⁸ As note 1, at para 3.18.

⁹ As note 1, at para 1.7.

¹⁰ s79(1), Policing and Crime Act 2017 c3.

¹¹ As note 1, para 10.12.

¹² As note 2, page 2.

¹³ As note 1, para 3.2.

¹⁴ Home Office. *Police and Criminal Evidence Act 1984 (PACE). Code of practice for the statutory power of arrest by police officers. (Code G)*. Para 4.1. London: TSO. 2017.

¹⁵ As note 1, para 2.4.

¹⁶ As note 5, page 4, para 8.

¹⁷ s40(3), Police and Criminal Evidence Act 1984 c60.

¹⁸ As note 5, page 5.

¹⁹ As note 5, page 5.

²⁰ As note 5, page 5.

²¹ Government. *Being charged with a crime* <https://www.gov.uk/charged-crime/bail> (accessed 15th May 2017).

²² As note 21.

²³ As note 5, page 3, para 6.

²⁴ s61, Policing and Criminal Evidence Act 1984 c.60.

²⁵ As note 5, page 4.

²⁶ As note 1, page 9, para 1B.

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in large print.

Rethink Mental Illness Advice Service

Phone 0300 5000 927

Monday to Friday, 9:30am to 4pm
(excluding bank holidays)

Email advice@rethink.org

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Drop us a line at: feedback@rethink.org

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RAIS
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Birmingham B9 9LL

or call us on 0300 5000 927.

We're open 9:30am to 4pm
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