

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 does and who can get their support. This information is for adults affected by mental illness in England. It's also for their loved ones and carers and anyone interested in this subject.

Key Points.

- If you are vulnerable, you should have an appropriate adult with you at the police station. This is to help you understand what is going on.
- The appropriate adult makes sure the police treat you fairly and respect your rights.
- You have the right to speak to an appropriate adult at any time at the police station if you are vulnerable.
- The appropriate adult might be your carer or relative, or a trained person.
- You have the right to speak to your appropriate adult in private.
- 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.
- If you are unhappy, your appropriate adult can help you raise concerns about what has happened.
- As a carer, you can be your relative's appropriate adult if you both agree to this.

This factsheet covers:

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1. Who will I meet at the police station?

Custody officer

The custody officer manages the custody suite at a police station. They have overall responsibility for all the people detained there.¹ They are usually the rank of sergeant.²

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.³

They should tell you why you have been arrested and why you're being held at the station.⁴ They will:

- tell you your rights,⁵
- decide if you are vulnerable because of your mental health,⁶ and
- decide if you need an appropriate adult.⁷

Review officer⁸

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

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.⁹

The custody officer should ask a HCP to see you if they think you need medical care. For example, if you:¹⁰

- 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 a 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.¹¹

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.¹²

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 (L&D) services are provided by the NHS. They work within the criminal justice system, including at police stations.¹³

L&D services identify vulnerable people who have contact with the criminal justice system.¹⁴ This includes people with mental health problems.

They aim to improve health outcomes for people and to support them to reduce their offending.¹⁵

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.¹⁶

The police should refer you to an NHS L&D service 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

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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:¹⁷

- 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 legal adviser.

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. But be aware that your AA doesn't have 'legal privilege.' See [section 5](#) of this factsheet for more information.

3. Can I have an appropriate adult?

You can get an appropriate adult (AA) if you are arrested and you appear to be 'mentally vulnerable'.

The police may think you are vulnerable and that you will not properly understand what they say to you. This might be because they believe you do not have the mental capacity to understand.

You do not need a diagnosed mental illness to be mentally vulnerable.

You should be classed as vulnerable if you:¹⁸

- find it hard to understand the consequences 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 unreliable, misleading, or incriminating information 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 can find more information about '**Mental capacity and mental illness – The Mental Capacity Act 2005**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask us to send you a copy of our factsheet.

The custody sergeant is responsible for your care and welfare while you are at the police station. The custody sergeant should get an AA for you if they think you are mentally vulnerable.¹⁹ If you are vulnerable and are not given an AA you can ask the custody sergeant to get you one.

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

You must have an AA with you if you are mentally vulnerable and you are:^{20,21}

- 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:²²

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

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4. Who can be my appropriate adult?

Your appropriate adult (AA) can be:²³

- a relative or carer,
- anyone experienced in working with vulnerable people. This will include your care coordinator, a social worker or community psychiatric nurse,
- a trained appropriate adult, or
- a responsible person who is over 18 who is not employed by the police.

Your AA will be independent from the police.²⁴ This means that they don't work for the police.

Who is the best person to support me?

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 in the [Useful contacts](#) section this factsheet and their website is here: www.appropriateadult.org.uk.

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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5. What might happen when I am at the police station?

This section covers a number of things that may happen to you when you are at the police station.

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.²⁵

The custody sergeant will read this caution to you:²⁶

“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.²⁷ 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:²⁸

- have free independent legal advice,
- have someone informed of your arrest,
- read the Police and Criminal Evidence Act (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, and
- 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:²⁹

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

- personal health and hygiene needs, such as sanitary towels,
- medical attention, and
- exercise.

What is my custody record?

Your custody record holds information about the following.³⁰

- Your personal details.
- What happened before you were arrested.
- Why you were arrested.
- Your caution.
- Anything that you said when you were arrested.

Your appropriate adult (AA) is allowed to see your custody record.³¹ The information should be given to them as quickly as possible.³² 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 healthcare 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 review, if they decide that you need to stay at the police station.³³

You, your appropriate adult (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 appropriate adult (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 appropriate adult (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 3](#) 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 or threatening.
- The police do not keep repeating questions.
- 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.³⁴

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.³⁵

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 appropriate adult (AA) should say anything that they would like to add. For example, your AA may comment about the way the police interviewed you if they don't think they followed procedure.³⁶

The custody sergeant will talk to the officer involved in your case before deciding whether to charge you.³⁷

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.³⁸

What about if I'm asked to give fingerprints or samples?

Your AA should be there when the police ask for your fingerprints, DNA samples or photograph.³⁹ You or your AA should get legal advice before you agree to it. But the police can take your fingerprints without your agreement if:⁴⁰

- 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

You can find more information about '**Police Stations - What happens if I'm 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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6. What about confidentiality?

You have the right to see your legal adviser in private.⁴¹

The information that you give to your legal adviser is confidential. This means that your legal adviser can't be asked to give evidence against you. If you tell anyone else, including your appropriate adult (AA), they could be asked to give evidence against you in court.⁴²

If you agree, your legal representative can share information with your AA and the police. But most of the time your meetings with the legal adviser are confidential. This means the adviser will not tell anyone else what you have spoken about unless you say they can.

Your AA does not have to know what you and your legal adviser talked about. You should not tell them anything you don't want them to know.

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7. When should I get legal advice?

If you are arrested by the police, you have the right to speak to a legal adviser.⁴³

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

Your legal adviser may be a solicitor, or someone authorised by the Legal Aid Agency to give you advice.⁴⁴

Your legal adviser is:⁴⁵

- 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.

It is a good idea to get a legal adviser, even if you are not guilty of the crime for which you have been charged. Getting a legal adviser is not showing you are guilty. It is just making sure you have someone to advise you and protect your rights.

Tell your appropriate adult (AA) or custody sergeant if you want to speak to a legal adviser. They can help you to get one.

It is free to speak to a legal adviser at the police station. The legal adviser may give you advice over the phone to start with. They can also come to see you at the police station.⁴⁶

You can also ask the police to contact your own legal adviser if you have one.

Your AA can call a legal adviser 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 legal adviser. But you don't have to see the legal adviser if you don't want to.⁴⁷

You can change your mind any time and ask to see a legal adviser.

You can find more information about '**Legal advice – How to get help from a solicitor**' 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. What should I do if I am unhappy about something at the police station?

You can speak to your appropriate adult (AA) or custody sergeant if you're not happy about something that has happened at the police station. 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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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 5 – 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:⁴⁸

- 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 4](#) for more information.

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Further Reading

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

- Police stations – What happens if I'm arrested?
- Criminal courts and mental health
- Legal advice – How to get help from a solicitor
- 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 factsheet
- Prison – Going in
- Prison – How are they run and what can I do there?
- Complaints about the police
- Complaints about criminal courts
- Complaints about prison
- Complaints about the Probation Service

NHS liaison and diversion services

The NHS has an introduction video to their Liaison and Diversion Services. It is a short video which can be watched here:

youtu.be/KkO0sQTDgg4

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.

Phone: 07592 263734 (administrative queries only, no helpline available)

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

Email: admin@appropriateadult.org.uk

Website: www.appropriateadult.org.uk

Appropriate Adults UK

Appropriate Adults UK provide support to juveniles and vulnerable adults held for detention or questioning by Police Officers or being interviewed by any statutory organisation.

Telephone: 08000 787 191

Email: enquiries@appropriateadultsuk.co.uk

Website: <https://www.appropriateadults.co.uk/>

References

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⁴⁶ Home Office. At Gov.UK. Para 6.1. *Statutory guidance. PACE Code C 2019*. Updated 4 November 2020. www.gov.uk/government/publications/pace-code-c-2019/pace-code-c-2019-accessible (accessed 27.11.23).

⁴⁷ National Appropriate Adult Network. *Being an appropriate adult: An independent guide*. www.appropriateadult.org.uk/phocadownload/PublicInformation/2021_NAAN_AA_guide_detailed.pdf. Page 5, para 11 (accessed 24.11.23).

⁴⁸ National Appropriate Adult Network. *About appropriate adults -Who can act as an appropriate adult?* <https://www.appropriateadult.org.uk/information/what-is-an-appropriate-adult> (accessed 18.05.23).

This factsheet is available in large print.

Rethink Mental Illness Advice Service

Phone 0808 801 0525

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



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Equality, rights, fair treatment, and the maximum quality of life for all those severely affected by mental illness.

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