

APPROPRIATE ADULTS

for adult suspects

#ThereToHelp3



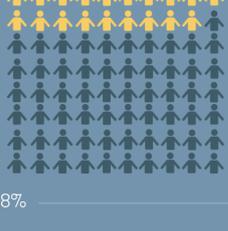
Some people detained or interviewed by police are considered to be a **vulnerable person**, for example those with a mental illness, learning disability, autism spectrum condition or brain injury.



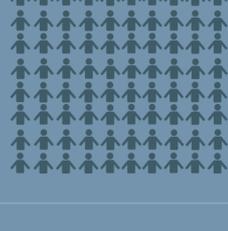
People may have communication needs, difficulty understanding, or be suggestible, easily confused or eager to please. **Risks to justice** include unreliable information and false confessions.



Police are required to involve an **appropriate adult (AA)** to provide the person with advice and support, ensure fairness and protect rights, such as the right to legal representation.



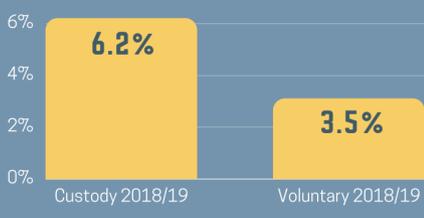
Clinical academic research indicates that **39%** of adults in custody have a mental disorder.



Police data shows only **6.2%** of adult detentions were recorded by police as needing an AA.

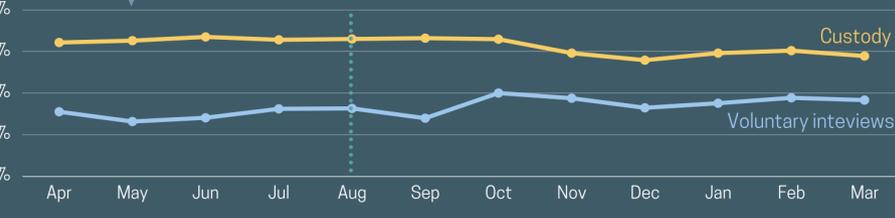


The recorded rate is slowly increasing in police custody but remains very low.



In **voluntary interviews**, the recorded rate is much lower than in custody.

Different police forces recorded different rates of AA need in 2018/19. **Between 24% and 0.1%** of adult detentions.

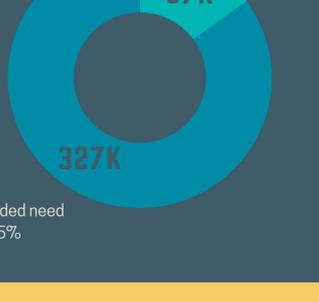


Changes to vulnerability provisions in PACE Code C from August 2018 did not have a significant impact.

In 2018/19, recorded need for AAs in detentions and voluntary interviews combined was **57,000**.

But if every force had recorded AA need at 24%, AAs would have supported almost **200,000** more.

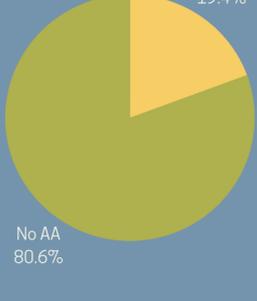
And if the actual need is 39%, **327,000** missed out on support that is supposed to be mandatory.



RECORDING OF AA NEED IS IMPROVED WHERE...

- Failures to secure AAs for vulnerable suspects are raised in Court by **defence lawyers**
- Some **prosecutions fail** because Courts rule evidence inadmissible where a vulnerable suspect had no AA
- Police leaders send a **clear message** that PACE requires AAs to be secured for *all* vulnerable suspects
- Police have accurate **guidance and tools** to help them identify AA need, and IT that makes it easy to record
- Liaison and diversion** screen people in custody and voluntary interviews and know PACE vulnerability criteria
- There is **sufficient and sustainable funding** for AA provision via organised schemes
- AA schemes are **easily accessible** to police

IDENTIFYING VULNERABILITY ≠ AA IS ALWAYS SECURED



NHS **liaison and diversion (L&D)** services identify vulnerability in police custody.

In 2018/19, **68,581** adults engaged with L&D due to mental ill health, learning disability and other vulnerabilities.

Of these, police had secured an AA for only **1 in 5**.

And there were large local variations.



Many L&D clients who **had no AA** were assessed to have conditions that generate the need for one.

68% MENTAL ILLNESS
15% CURRENTLY AT RISK OF SUICIDE
2% LEARNING DISABILITY
1% AUTISM SPECTRUM CONDITION

RECOMMENDATIONS

- Develop a co-produced, evidence-based, national **policing strategy on disabling barriers** in investigations.
- Conduct **research** on 'PACE vulnerability' and consider alternative terms to *vulnerability* and *appropriate adult*
- Improve IT** for police custody and voluntary interviews to support police officers and generate better data
- Share data on vulnerability** from police & L&D across agencies, cross-referencing with protected characteristics
- Develop an evidence-based **vulnerability screening tool** to inform police risk assessments and decision making
- Refresh police **training** and Authorised Professional Practice and provide time for officers to access it
- Enhance police and health links**, with appropriate roles for each based on their expertise and legal duties
- Appoint an NPCC strategic **lead on voluntary interviews**, and consider options for greater oversight
- Conduct a review of treatment of vulnerable suspect in **non-police PACE investigations**, such as those by DWP
- Ensure provision of AAs** in all areas via a cross government solution to the lack of statutory provision

“ People with mental health problems, learning disabilities, brain injuries, autism spectrum conditions and other additional needs face barriers to effective participation in the justice system.

Whether they relate to serious or minor offences, miscarriages of justice punish the innocent, leave the guilty party untouched and forsake justice for victims.

”