



Royal Mail Internal Information
Criminal Investigation Team

7.1 Suspect Approach and Arrest Procedures

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Key Accountabilities

Who is accountable?	What do I have to do?	When do I have to do this?	How do I do this?
All members of Royal Mail Security	Ensure you comply with these procedures	Ongoing	As detailed within these procedures

Suspect Approach and Arrest Procedures

1. Introduction

- 1.1** Investigators are allowed full discretion regarding when and where to approach a suspect to invite them for interview, but careful judgement must be exercised to prevent unnecessary invasion of their dignity. This is especially so if they are approached in front of colleagues at their place of work. In addition, there will be circumstances when it is appropriate for Investigators within RM Security to exercise their power of arrest as part of a criminal investigation. Before Investigators exercise this power they must have a thorough understanding of the relevant legislation and be sure that the action is necessary and fully justified.
- 1.2** The right to liberty is a key principle of the Human Rights Act 1998. The exercise of the power of arrest represents an obvious and significant interference with that right.
- 1.3** Citizen's powers of arrest in the different jurisdictions are as follows;
- 1.3.1 England & Wales** - Section 24A of the Police and Criminal Evidence Act (PACE) 1984 (as amended by Section 110 of the Serious Organised Crime and Police Act 2005)
 - 1.3.2 Scotland** - In Common Law.
 - 1.3.3 Northern Ireland** - Section 26A of the Police and Criminal Evidence (Northern Ireland) (PACE (NI)) Order 1989 (as amended by The Police & Criminal Evidence (Amendment) (Northern Ireland) Order 2007).

2. Suspect Approach

- 2.1 Health & Safety.** Investigators must comply with the Criminal Investigation, P&S 4.1 Criminal Investigation Safe Systems of Work, when carrying out a Suspect Approach. If it is thought that a suspect will cause harm to themselves or another then the assistance of the police should be requested at an early stage.
- 2.2** On approaching the suspect Investigators must introduce themselves, show them their RM Group Security identification card and inform the suspect of the nature of their enquiries in full. The suspect should then be cautioned and told that they are not under arrest and free to leave. Depending on the circumstances of the investigation the suspect will be either invited to attend an interview or asked to consent to search(es). Full details of the suspect approach including any responses from the suspect must be entered into an Investigator's notebook.
- 2.3 Royal Mail Group Ltd Young People.** RMG Ltd has granted all employees who have not reached their 18th birthday special treatment in respect of suspect approaches. The young person concerned should be met in the presence of a responsible supervisor who is known to the suspect and who is not involved in the enquiry. The supervisor should make the introductions to the suspect, explain the nature of the inquiry and proposed interview and fully explain the rule which gives the suspect the opportunity to have a friend present. If a friend is required they should remain, if practicable, until the friend arrives. In all other respects the suspect approach should be conducted as above.

3. Powers of Arrest by Persons Other than Constables

3.1 In England and Wales, Section 24A of PACE and in Northern Ireland Section 26A PACE(NI) provides the following powers;

- 3.1.1 A person other than a constable may arrest without a warrant;
 - a. Anyone who is in the act of committing an **indictable** offence;
 - or
 - b. Anyone whom he has reasonable grounds for suspecting to be committing an **indictable** offence.

3.2 Also where an **indictable** offence has been committed, a person other than a constable may arrest without a warrant;

- 3.2.1 Anyone who is guilty of the offence; or
- 3.2.2 Anyone whom he has reasonable grounds for suspecting to be guilty of it.

3.3 **Indictable Offences.** An "indictable" offence is one that can be tried in either the Magistrates Court or the Crown Court. For further details on which offences are indictable see Criminal Investigation P&S 7.3 Points to Prove, under Investigation Activities -Dealing with the Suspect. Alternatively if in doubt as to whether an offence is indictable advice should be sought from a line manager or the Criminal Law Team (CLT).

3.4 However, the powers of summary arrest detailed in paragraphs 3.1 & 3.2 above are only exercisable if:

- 3.4.1 The person making the arrest has reasonable grounds for believing that for any of the reasons mentioned in paragraph 3.5 below, it is necessary to arrest the person in question; **and**
- 3.4.2 It appears to the person making the arrest that it is not reasonably practicable for a constable to make it instead.

3.5 The reasons are to prevent the person in question;

- 3.5.1 Causing physical injury to himself or any other person;
- 3.5.2 Suffering physical injury;
- 3.5.3 Causing loss of or damage to property or;
- 3.5.4 Making off before a constable can assume responsibility for him.

3.6 **Scotland.** Investigators in Scotland have a citizen's power of arrest in accordance with common law. As a general rule this power of arrest can only be used where it is both **necessary** and **proportionate** in the following circumstances;

- 3.6.1 Where it is **strongly indicative** that the suspect **has** committed a **serious** offence (The theft of addressed mail is considered a serious offence).
- 3.6.2 Where there are **reasonable grounds** to believe that a suspect will do serious harm to themselves or others.

The criteria "necessary, proportionate, strongly indicative, reasonable grounds and serious", are subjective and open to opinion and as such an arrest should only be considered as a last resort and when it is not reasonably practicable to await the arrival of the Police. The Police have powers to detain and search to prevent evidence being destroyed.

3.7 Use of Force. There is no expectation that a Royal Mail Security Investigator will use force in order to affect their citizens powers of arrest or that they should put themselves or others at risk of harm by using force to prevent a person making off before a constable can take responsibility for them.

4. Examples of when an Arrest may be Appropriate

- 4.1 Suspect refuses to consent to searches on initial approach.** A suspect may refuse to consent to a search on initially being approached. Unless the Investigator considers an immediate search to be imperative, then rather than resorting to obtaining police assistance in the first instance, the appropriate course of action will be to commence the interview and fully explain to the interviewee why they are suspected and as such why the Investigator wishes to conduct searches. Should the interviewee at this stage still refuse consent then the action detailed in the paragraph below should be followed.
- 4.2 Suspect refuses consent to search at other times.** If the interviewee refuses consent to search and it is thought that this may result in the loss or damage of property, Investigators should consider an arrest. Any arrest conducted must be in accordance with Section 3 above. **Remember a citizen can only arrest if it is not reasonably practicable for a constable to make it instead.**
- 4.3 Suspect wishes to make a telephone call.** If a suspect wants to make a telephone call the Investigator should make enquiries as to whom the call is to be made and the purpose of it. If it is thought that the call may facilitate any of situations detailed in paragraph 3.5 (3.5.1 to 3.5.4) above the Investigator should inform the suspect of their concerns and tell them that they do not want them to make the call. If the suspect is adamant and goes to make a phone call regardless of the request and all the necessary criteria are in place to make the arrest lawful then an Investigator can consider arrest and prevent the call.
- 4.4 Interviewee asks what will happen if they leave the interview or do not consent to searches.** The suspect should be told that the Investigator would like them to stay to be interviewed or consent to searches in order to progress the investigation. If the suspect continues to ask what will happen the investigator should state that he/she will have to consider other options that are available.
- 4.5** Once police assistance has been requested the suspect should not be asked further questions about the matter under investigation or for consent to search until the Police have attended. If the person starts to say anything relevant to the investigation then a record of what is said must be made in an Investigator's notebook. The suspect should be given the opportunity to read and agree the notes as detailed in the Criminal Investigation P&S 5.2 Official Notebooks, under Investigation Activities - Recording Evidence & Forensic Services.

5. Suspect Decides to Leave Before a Voluntary Interview is Concluded

- 5.1** If practicable, suspect interviews should be conducted on a voluntary basis. In many investigations it is possible to present a "Prima Facie" case with the evidence to hand and therefore prosecute without interviewing the suspect. However, sometimes an interview may be necessary in order to conduct a prompt and effective investigation. Examples may be to;
- 5.1.1** Establish that the suspect acted without authority and reasonable excuse.
- 5.1.2** Establish potential explanations or alibis and enable them to be investigated.
- The arrest criteria **"in order to conduct a prompt and effective investigation"** is only available to constables and as such if searches are not an issue (for example searches have been conducted or are not required) advice on whether an interview is necessary must be sought

from the CLT. If the CLT believe that an interview is required in order to conduct a prompt and effective investigation then Police assistance should be sought for **them** to consider an arrest.

6. Actions at Arrest

- 6.1 It is important that powers of arrest are used sparingly and only when the Investigator is clear that the circumstances make arrest lawful and there is no other reasonable way to pursue the enquiry. If an arrest is made it should be a bold action leaving the suspect with no doubt that they are not free to leave and that the police will be called.
- 6.2 Under no circumstances should an Investigator use the threat of an arrest to persuade the suspect to agree to searches or voluntary interview.
- 6.3 As soon as practicable after an arrest, the person arrested must be given sufficient information to enable them to understand:
 - 6.3.1 That they are under arrest.
 - 6.3.2 The indictable offence, or in Scotland the serious offence for which the person has been arrested (what, when and where).
 - 6.3.3 Why the arrest is considered necessary. In England, Wales and Northern Ireland refer to reasons at paragraph 3.5 above and in Scotland, the reason for the arrest.Additionally the arrested person should be cautioned or re-cautioned.
- 6.4 The arrested person must be taken to a designated police station (In Scotland a police station) as soon as practicable. In practice, the Police would generally be called and they would take the arrested person into custody at this stage. The arresting Investigator is required to record:
 - 6.4.1 The nature and circumstances of the offence leading to the arrest.
 - 6.4.2 The reason or reasons why arrest was necessary and why it was not reasonably practicable for a constable to make the arrest instead.
 - 6.4.3 The giving of the caution.
 - 6.4.4 Anything said by the person at the time of arrest.
- 6.5 Such a record should be made at the time of the arrest unless impracticable to do. If not made at that time, the record should be completed as soon as possible thereafter. The suspect should be given the opportunity to read and agree the notes as detailed in the Criminal Investigation P&S, 5.2 Official Notebooks.

7. De-arrest.

- 7.1 If an Investigator tells a person that they are under arrest there is no facility for them to de-arrest that person. The arrested person must be handed into Police custody.

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V1	Document Produced in RM Layout
V2	Powers of Arrest in Scotland reviewed and amended (Paragraph 3.6)
V3	Chapter 5 dealing with the procedures to be followed when a suspect decides to leave before a voluntary interview is concluded has been added following a review as a result of the change to PACE CoP Code G

Glossary

Abbreviation or Term	Meaning
PACE	The Police and Criminal Evidence Act 1984
PACE (NI)	The Police and Criminal Evidence (Northern Ireland) Order 1989
CLT	Criminal Law Team
Prima facie	On first examination, a matter appears to be self-evident from the facts

Document Summary

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