



Royal Mail Internal Information
Criminal Investigation Team

Appendix 8 to 7.4 Juveniles and Appropriate Adults

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Ray Pratt
Head of Investigations Policy & Standards
Royal Mail Security
Mobex
Mobile

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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

Juveniles and Appropriate Adults

1. General

1.1 This Appendix deals in the main with the legal requirements in respect of juveniles and appropriate adults in **England, Wales and Northern Ireland**. The legal position in **Scotland** is different; nevertheless the requirements in this Appendix should be seen as good practice and adopted as appropriate.

1.2 **Person Responsible for the Juvenile's Welfare.** Immediately following the suspect approach of a juvenile, an Investigator, should ascertain the identity of a person responsible for their welfare. That person may be;

1.2.1 The parent or guardian, or

1.2.2 If the juvenile is in local authority or voluntary organisation care, or is otherwise being looked after under the Children Act 1989; a person appointed by that authority or organisation to have responsibility for the juvenile's welfare, or

1.2.3 Any other person, who has, for the time being, assumed responsibility for the juvenile's welfare.

The person must be informed as soon as practicable that the juvenile has been approached and why. They should also be informed of their current whereabouts. If a juvenile is in care as described in 2, they may well be living with a parent or other adult responsible for their welfare. If this is the case, in addition to informing the care authority, the person they are living with should also be informed.

1.3 **Appropriate Adults.** It is expected that the person responsible for the juveniles' welfare will be the same person as the appropriate adult but this is not necessarily so as the person may not be suitable to act in this role. An appropriate adult in the case of a juvenile is;

1.3.1 Their parent, guardian or, if the juvenile is in local authority or voluntary organisation care, or is otherwise being looked after under the Children Act 1989, a person representing that authority or organisation.

1.3.2 A social worker of a local authority.

1.3.3 Failing these, some other responsible adult aged 18 or over who is not a police officer or employed by the police or a member of a RM Security Team.

1.4 The following should **not** be used as an appropriate adult;

1.4.1 An estranged parent if the juvenile expressly and specifically objects to their presence.

1.4.2 A potential witness (including victims).

1.4.3 A person suspected of being involved in the offence or investigation in question.

1.4.4 A person who has received admissions to the offence prior to attending to act as the appropriate adult.

1.4.5 A person who appears to be mentally disordered or otherwise mentally vulnerable.

1.5 Police stations will have a list of social workers who are on call to perform the task of appropriate adult if it is not possible to contact the juveniles' parent, guardian or person representing the care organisation. **Once an appropriate adult has been identified they**

should be asked to attend the location of the juvenile as soon as practicable.

- 1.6 Preservation of Evidence.** Should it be thought that by informing a person responsible for the juvenile's welfare or their appropriate adult, would compromise the recovery of evidence at a premises search then investigators should take the juvenile straight to their home address and inform the necessary person(s) on arrival. They can then seek consent to search whilst at the address. If these circumstances apply it is advised that the juvenile be accompanied by a RMG Ltd Friend or a responsible manager known to the juvenile, until the appropriate adult is present.
- 1.7 Maintaining Records.** A record must be maintained of any action taken in respect of juveniles.
- 1.8 Consent.** If consent is required before carrying out any investigation activity then the consent should be sought and granted from both the juvenile and the appropriate adult.

2. Role of the Appropriate Adult

- 2.1** Appropriate adults on attending should be given a form GS001A - Guide for Appropriate Adults. This form explains in detail their role. An Investigator must also advise the juvenile that the duties of the appropriate adult include giving them advice and assistance and they can consult with their appropriate adult in private at any time. The juvenile must be cautioned and offered their legal rights in the presence of the appropriate adult, even if this has previously taken place.
- 2.2** Appropriate adults can exercise any of the legal rights on behalf of the juvenile including obtaining legal advice, even if the juvenile has declined it. However, a juvenile cannot be forced to see the solicitor if they are adamant that they do not wish to see them. Should the appropriate adult waive their right to speak with a solicitor the Investigator should ask them if there is any reason why they don't want legal advice and a record made of any reason given. If it is because of cost then they should be informed of how they can access Publicly Funded Legal Advice as detailed in paragraphs 4.8 and 4.9 of P&S 7.4 Interviewing Suspects. Once it is clear that the appropriate adult does not want to speak with a solicitor in person or on the telephone they should cease to be asked their reasons. Investigators should note that an appropriate adult is not obliged to give reasons for declining legal advice and should not be pressed to do so.
- 2.3** Although an appropriate adult will be with a juvenile during relevant investigation activities it should be noted that the juvenile can consult privately with a solicitor, without their appropriate adult present if they so wish. Additionally appropriate adults can be absent should the juvenile consent to a strip search and does not want them present; as long as the appropriate adult agrees. A record shall be made of the juvenile's decision and signed by the appropriate adult. (Strip searches must be conducted in accordance with Annex A to Code C of the PACE CoP).

- 2.4 Private Consultations.** Generally a juvenile is allowed to consult with their appropriate adult in private at any time. If a juvenile wants to consult privately with their appropriate adult and it is thought that they have on them evidence of an offence, then it is quite likely that the juvenile will try to distance themselves from the evidence by attempting to dispose of it. Accordingly where it is thought that the suspect has evidence on them, the suspect should be asked to consent to a search of their person before allowing a private consultation. If they refuse then the consultation can take place as long as the Investigators remain in line of sight of the suspect. If not then the question of arrest will arise. Further details on arrest can be found in the Criminal Investigation P&S 7.1 Suspect Approach & Arrest, which can be found on the RM Security Sharepoint Site under Investigation Activities - Dealing with the Suspect.
- 2.5** When the interview commences an investigator should confirm with the appropriate adult that they have received a copy of the form GS001A. It should also be reiterated that the appropriate adult is not there merely as an observer but to;
- 2.5.1** Advise the juvenile.
 - 2.5.2** Observe whether or not the interview is being conducted fairly and,
 - 2.5.3** Facilitate communication with the person being interview.
- 2.6** A juvenile should not be asked to provide or sign a written statement under caution or record of interview, in the absence of the appropriate adult. Appropriate adults should be asked to sign any sealed master tapes and if they are present at an interview using notes of interview they should be given an opportunity to read and sign the interview record or any written statement taken down during the interview. Any refusal to sign should be noted and witnessed by any Investigators present. Should the juvenile take issue with the presence of, or complain about an appropriate adult at interview, the interview should be suspended and advice sought from a Senior Investigation Manager (SIM) or the Criminal Law Team (CLT).

3 Commencing in the Absence of an Appropriate Adult

- 3.1** It is not anticipated in RM Security cases that it will be necessary to commence an interview with a juvenile in the absence of an appropriate adult. However there are exceptional circumstances when such an interview can be commenced as follows:
- 3.1.1** The juvenile consents to be interviewed without an appropriate adult being present.
 - 3.1.2** A SIM at BPC 8 or above authorises the commencement of the interview because is considered that any delay whilst awaiting the attendance of an appropriate adult will lead to any of the circumstances detailed in a-e below.
 - a.** Interference with, or harm to, evidence connected with an offence;
 - b.** Interference with, or physical harm to, other people; or
 - c.** Serious loss of, or damage to, property;
 - d.** Lead to the alerting of other people suspected of committing an offence, but not yet apprehended for it; or
 - e.** Hindering the recovery of property obtained in consequence of the commission of an offence.

However the SIM must be satisfied that the interview will not significantly harm the juvenile's physical or mental state.

- 3.2** Should the juvenile not consent to commence an interview in the absence of an appropriate adult then the interview can only commence if the suspect is arrested and a Police Superintendent or above provides authority.
- 3.3** If an interview has been authorised by a Superintendant (or above) or a SIM, because it is considered that the delay would lead to any of the consequences in 3.1 then once sufficient information has been obtained to avert the consequences the interview must cease and arrangements made for an appropriate adult to attend.

4. Care of the Juvenile (& Royal Mail Group Young Persons)

- 4.1** If it is thought that a juvenile (or a Royal Mail Group Young Person (RMGYP)) is likely to cause harm to themselves then police assistance must be requested at an early stage. If it is thought that following the interview and searches the juvenile (or RMGYP) will suffer harm at the hand of another then police assistance should be requested in order to protect them.
- 4.2** Even if there is no specific risk to the juvenile (or RMGYP) arrangements should be made to prevent them going home alone after the interview. Should the appropriate adult live with the juvenile then it is acceptable for them to leave in their care. If not arrangements should be made for the juvenile (or RMGYP) to be taken to their home address and given into the care of a responsible adult. Investigators should ensure that the juvenile or RMGYP is content with what they will tell the responsible adult bearing in mind their right to privacy.

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Glossary

Abbreviation or Term	Meaning
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CLT	Criminal Law Team
PACE	Police & Criminal Evidence Act 1984
SIM	Senior Investigation Manager

Document Summary

If you have any queries please contact:

Mick F Matthews
Royal Mail Security
6A Eccleston Street
LONDON
SW11 9LT

Postline:

STD:

Email

GRO
GRO
mick.f.matthews@**GRO**