

Independent Custody Visiting Association
Briefing for Independent Custody Visitors
PACE Codes and the APP
June 2019



What is PACE?

The Police and Criminal Evidence Act 1984 (PACE) and the accompanying PACE codes of practice establish the powers of the police to combat crimes while protecting the rights of the public.

What are the PACE Codes of Practice?

PACE sets out to strike the balance between the powers of the police and the rights and freedoms of the public.

The PACE codes of practice cover:

- stop and search
- arrest
- **detention**
- investigation
- identification
- interviewing detainees

PACE is an Act of Parliament which was passed in 1984. It is the legislative framework to which the police are legally bound.

What is PACE Code C?

PACE Code C details the requirements of the police for the detention, treatment and questioning of suspects not related to terrorism in police custody. This is, therefore, the relevant Code to custody visiting. You can find the current revision of Code C [here](#).

What is PACE Code H?

PACE Code H is the revised code of practice for the police in connection with detention, treatment and questioning by police officers under the Terrorism Act 2000. This Code will cover arrangements for those areas who have TACT visitors, either as the area has a

designated TACT suite, or the capability to hold Terrorism detainees in designated cells. You can find the current version of Code H [here](#).

What does PACE Code C cover?

Code C is a detailed document (95 pages), with legislative requirements covering the following, (very brief overview given below, most notable headings pertinent to the role of the ICV in **bold**):

1. **General** - contains information on equalities and detainees right to have a copy of the Code during their detention.
2. **Custody Records** – when they should be opened, who can have access to them, rules on signing and dating/times of entries.
3. **Initial action** – what happens when someone is first brought into custody, has detail on arrival, what special groups of detainees there might be and arrangements for them, documentation and those at the police station under voluntary attendance.
4. **Detainee's property** – who has responsibility for detainee property, rules on detainees keeping clothes and personal effects, when personal effects can be removed.
5. **Right not to be held incommunicado** – the detainees right to inform someone of their arrest/current location.
6. **Right to legal advice** – details the right of a detainee to be informed that they are entitled to legal advice, change their minds regarding legal advice at any time and to consult in private. Also contains details on waiving the right, and when AAs can request legal assistance on behalf of a detainee.
7. Citizens of Independent Commonwealth countries or foreign nationals
8. **Conditions of detention** - details arrangements on cell temp, meals, drinks and exercise. Also contains guidance on restraints in cell and arrangements for children.
9. **Care and treatment of detained persons** - details regarding access to healthcare, medication and what must be documented in the custody record.
10. Cautions
11. Interviews – general
12. Interviews in police stations
13. Interpreters
14. Questioning - special restrictions
15. **Reviews and extensions of detention** – contains detail on who should review detention, when and how.
16. Charging detained persons
17. Testing persons for the presence of specified Class A drugs

Note: There are appendix documents at the end of the Code for dealing with intimate and strip searches, provisions relating to vulnerable persons and delays in notification of whereabouts and access to legal advice and a variety of other topics.

PACE Code H contains very similar information, set out to the same index as the above.

Why should ICVs know about PACE Code C?

PACE Code C is where the rights and entitlements come from which form the foundations of custody visits.

Whilst ICVs do not need to be experts on PACE Code C, it is a useful reference document and ICVs should be aware of its contents to refer to, or to increase knowledge of the legislative framework for the detention of people in police custody.

What is the APP?

The APP is the Authorised Professional Practice online guidance for policing. It is produced, maintained and updated by the College of Policing. Police forces are not compelled by law to follow the APP and its contents, although they are expected to have regard to the APP in discharging their duties. The inspectorates examine and note compliance with the APP in their reports.

The APP covers a wide range of activities in policing such as police use of firearms, investigations in child sexual abuse and the management of intelligence information. There is a specific APP for detention and custody. The College states that this has been developed by using pre-existing guidance, legislation and expert opinion. The guidance is significantly more detailed than PACE Code C.

You can look at the full index of the APP online [here](#). The below represents the top level categories from the APP, detainee care being of particular note for ICVs.

What does the APP cover?

1. Custody Management and Planning
2. Response arrest and detention
 - 2.1 Moving and transporting detainees
3. Risk Assessment
4. Control, restraint and searches
5. **Detainee care**
 - 5.1 **Alcohol and drugs**

5.2 Equality and individual needs

5.3 Children and young persons

5.4 Mental ill health and learning disabilities

6. Deaths in custody
7. Buildings and facilities
 - 7.1 CCTV

Why should ICVs know about the APP?

The APP represents the best practice model for the police. It is a useful document for ICVs to access to establish baselines of best practice detainee care. It can also be used to look for information on other areas of custody to increase learning for ICVs.

As with PACE Code C, ICVs are not expected to be experts in the APP but may wish to further their own learning on police guidance for the custody environment.

Where ICVA produces bitesize training on a topic, we endeavour to include the relevant information from both PACE and the APP. This briefing is intended to give an overview of both in general.