

# Expectations for Police Custody

## Consultation response on revised draft

This document sets out our response to the [consultation published in October 2015](#) by HM Inspectorate of Prisons (HMIP) and HM Inspectorate of Constabulary (HMIC).

## About Unlock

Unlock is an independent, award-winning charity for people with convictions which exists for two simple reasons. Firstly, we assist people to move on positively with their lives by empowering them with information, advice and support to overcome the stigma of their previous convictions. Secondly, we seek to promote a fairer and more inclusive society by challenging discriminatory practices and promoting socially just alternatives.

## Summary of our response

- Through our helpline and online support, we regularly hear from people who have been issued with formal cautions (or other police disposals) where they were wholly unaware at the time of the implications that the outcome may have on their future employment prospects and other areas of life such as volunteering and travel.
- There is a lack of consistent information provided by the police to an individual before they accept some kind of police disposal.
- These are often individuals who, had they been aware of the implications, would not have accepted the disposal. This could be because:
  1. A driving factor behind accepting the disposal was “to get out of the police station”, rather than as a result of accepting their guilt in relation to the offence in question.
  2. The offence they’ve accepted the disposal for may have specific implications and, if charged, they would have been charged for a less serious offence:
    - a. For example, an individual may be cautioned for assault occasioning actual bodily harm, but if charged, may be only charged with common assault. The more serious offence would, even if resulting in a caution, always appear on standard and enhanced criminal record checks for employment purposes, whereas a common assault conviction would be eligible to be filtered in the future.
- We believe this is an area that should be clearly featured as part of the expectations of police custody.

## Consultation questions

We have provided responses to selected questions.

### 1. Do you agree that the scope of custody inspections should be extended to include the first point of contact (i.e arrest/pre-arrest)?

Yes.

### 3. Do you think there is anything else we should examine in inspections of police custody to strengthen the focus on vulnerability and risk?

- Yes, with a particular focus on Section 3 – “Individual and Legal rights.”
- There is reference to how “staff explain to detainees, in a language they can understand, documents that have important consequences or that address rights of appeal.”
- There is no consistent guidance used by police forces when explaining the consequences of a police caution or other disposal.
- Guidance that is used is often generic and not directly related to the specific individual involved.
- Guidance is not available in Easy Read format – examples we have seen are long, complex and use small text. They can be difficult to understand.
- Many people accept a caution or other police disposal without having received independent legal advice.

There is also reference in Section 3 – “Staff show an understanding of equality and diversity” to the need for “provision for detainees to have access to information in a language and format they can easily understand for example easy read format”.

- Guidance is not available in Easy Read format – examples we have seen are long, complex and use small text. They can be difficult to understand.

**Recommendation: Inspections should assess what information and guidance individuals receive before they accept a police caution or other disposal. This guidance should be tailored to the individual in question and should, in particular, set out the consequences, including the potential long-term impact on employment, volunteering and travel.**

## 5. Are there any further comments you would like to make on the proposed new criteria for inspection of police custody?

There are others involved in the police custody process that may also have a role in responding to the concerns we've raised in this response. In particular, legal advisors and appropriate adults. At present, neither appear to have sufficient remit, knowledge or resources to fully cover off the points we've raised above, and it's also the case that these individuals are not always present in every case.

As a result, it may be appropriate for the joint inspection to consider the role that these individuals, and others involved in the police custody process, can play in ensuring that the indicator – “detainees understand and receive their rights while in police custody” - is properly assessed during inspections.

## More information

**Written by** Christopher Stacey | Co-Director, Unlock  
**Contact** 07557 676433 | 01622 230705 | [christopher.stacey@unlock.org.uk](mailto:christopher.stacey@unlock.org.uk)  
**Address** Maidstone Community Support Centre, 39-48 Marsham Street, Maidstone, Kent, ME14 1HH  
**Web** [www.unlock.org.uk](http://www.unlock.org.uk) | [@unlock2000](https://twitter.com/unlock2000)  
**Last updated** December 2015