



## **ACPO Position Statement:**

### **Urgent Interviews**

**National Investigative Interviewing**

**Strategic Steering Group (NISSG)**

## Introduction

Urgent interviews are often seen as an interview conducted exclusively in Counter Terrorism Investigations but their use is often relevant to more usual criminal investigations. Urgent interviews can be conducted either prior to arrival at the police station or once at the police station and prior to receiving any requested legal advice but they should not be confused with questioning concerning general officer safety prior to searches of persons, vehicles or property or with questioning to aid the effectiveness of a search.

Urgent interviews should not be seen as an opportunity to ask lines of investigation questions **it must be remembered that questioning must cease once the relevant risk has been averted or the necessary questions have been put in order to attempt to avert that risk.**

## Background

The legislation setting out the circumstances under which these interviews can be conducted can be found at:

### Crime

- Para 11.1 Code C PACE<sup>1</sup> - Prior to arrival at police station
- Para 6.6 Code C PACE - After rights but prior to any requested legal advice
- Para 11.18 Code C PACE - Vulnerable suspects: urgent interviews at police stations

### Terrorism (if arrested under S.41 Terrorism Act 2000)

- Para 11.2 Code H PACE - Prior to arrival at police station
- Para 6.7 Code H PACE - After rights but prior to any requested legal advice
- Para 11.11 Code H PACE - Vulnerable suspects: urgent interviews at police stations

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<sup>1</sup> Police and Criminal Evidence Act 1984

The requirements of Section 76 and 78 PACE apply equally to urgent and non-urgent interviews.

## **The ACPO Position**

### *Urgent Interviews Prior to Arrival at Police Station*

In certain circumstances it may be appropriate to plan for conducting an urgent interview. The exact nature of what is to be covered within it should be made clear.

In unplanned situations, however, officers can consider whether it is necessary to conduct an urgent interview immediately after arrest and prior to arrival at a police station. Such an interview does not need to be authorised by a Superintendent but the officer conducting the interview should be satisfied one or more of the grounds exist at the time of the arrest.

The line of questioning should reflect the grounds for the interview e.g. *"You have been arrested on suspicion of kidnap and the victim has not been found, where is .....*". There is no requirement to caution the suspect again for the purposes of an urgent interview prior to arrival at the police station.

A brief reference to the fact that an urgent interview has taken place should be made on the custody record when the suspect arrives at the police station.

### *Interviews at Police Stations*

#### *Interviews Prior to Requested Legal Advice*

When a detainee requests legal advice on their arrival at the Police Station no interviews can take place until they have received that advice unless the grounds exist as listed under Code C Para 6.6 or Code H Para 6.7. When legal advice is requested and an urgent interview is necessary an officer of the rank of superintendent or above (but not necessarily one independent of the investigation) will need to authorise it. The authorising officer must record each of relevant grounds and the time of the authority on the custody record. A separate authority is required for each detainee and, where possible, should be

attached to the custody record. If the authorising officer is unable to attend the custody suite a record should be made on the custody record setting out what has been authorised, the time the authority has been given and the name of the authorising officer.

Interviewers must be made aware of each of the grounds that have been given for the urgent interview to be conducted and the interview must commence without delay once the authority has been given. Attempts must be made to contact the legal adviser who should be informed that the interview has been authorised and will not be delayed for the purpose of consultation.

### *Caution/Introduction*

The decision to caution the detainee is a decision for the officer in charge of the investigation and should be based on the circumstances that exist at the time of the interview being conducted. If the detainee is to be cautioned prior to the 'urgent interview' being conducted the old, no inference caution should be used. The detainee should be provided with an explanation which gives the reasons for conducting the interview. An example of a suitable form of words is shown below:

*I am aware that you have requested a solicitor. However, I have been authorised to conduct an urgent interview with you as there is a real concern for (insert words relevant to the authority e.g. the safety of the public). You will get the opportunity to speak to a solicitor later.*

*I must caution you that you not have to say anything, but anything you do say may be given in evidence. That means you don't have to answer my questions but if you do, your answers may be told to the court if you are later charged.*

Once a detainee has had the opportunity to have a legal consultation and indicates that they have had sufficient time to consider legal advice they should be cautioned using the full/new caution as the opportunity to draw inferences from silence will then apply. The difference between the cautions should be clearly explained to the detainee.

### *Monitoring*

Urgent interviews conducted at a police station should, where possible, be subject to remote monitoring. This will ensure that any information from the detainee can be relayed to the officer in charge of the investigation without the need to break the interview.

### *Other Considerations*

Consideration must be given and documented as to whether the need for interview prior to legal consultation overrides the need for prior forensic examination of the suspect.

### *Management of Legal Advisers*

In cases where an urgent interview has been authorised practice suggests that the following should be taken into account:

- If there is a break in the interview a telephone consultation should be considered;
- If the legal adviser arrives at the police station while the interview is being conducted the authorising officer should be informed. There is no requirement for a different authority but consideration should be given to allowing legal access during a break in the interview;
- Any contact that the detainee has with their legal adviser should be recorded on the custody record.

### *Ongoing Rights*

There may, on some rare occasions, be a necessity to authorise an urgent interview several hours into the period of detention. PACE Code C states that a detainee who has been permitted to consult a legal adviser shall be entitled to have them present during interviews unless one of the consequences as previously listed in this document exists (paragraph 6.8 Code C). An urgent interview can, therefore, be authorised if the legal adviser is not present at the police station when new information comes to light that might lead to one of the listed consequences if the interview is delayed.

## **Acknowledgement**

This position statement was prepared by DS Ian Tremble, an ACPO Approved Interview Adviser from the Metropolitan Police Service.

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