

VOLUNTARY ATTENDANCE POLICY

Official



NORFOLK
CONSTABULARY



SUFFOLK
CONSTABULARY

VOLUNTARY ATTENDANCE

Owning Department: Specialist Operations Command

Department SPOC: Chief Inspector, Specialist Operations Command

Risk Rating: Medium High

Legal Sign Off: 11.06.2024

JNCC: 05.06.2024

Published Date: 23.04.2025 (v2.3)

Review Date: 05.06.2027

Official

Version Number: 2.3

Page 1 of 18

VOLUNTARY ATTENDANCE POLICY

Official

Index

1. Statement of Policy	3
2. Applicability	3
3. Crime Recording and Investigation	4
4. Suspects and Establishing Suspicion.....	4
5. Voluntary Attendee	4
6. Suitability for Voluntary Attendee	5
7. Vulnerable Persons.....	6
8. Risk Assessment	8
9. Pre Voluntary Attendee Interview Preparation	9
10. Interview Recording Equipment	10
11. Interview Process.....	10
12. Unsolicited Comments	11
13. Voluntary Attendees Withdrawing Co-Operation.....	12
14. Post Interview Process.....	12
15. Common Law Police Disclosures.....	14
16. Offence Disposal.....	14
17. Biometrics	15
Applicable powers are:.....	15
18. Management and Compliance with the Voluntary Attendee Process.....	17
Appendix A: Miscellaneous Documents	18
Appendix B: Written Records of Interview Process	18

Legal Basis

Legislation specific to the subject of this policy document:

- Police and Criminal Evidence Act 1984 (PACE) and Codes of Practice (as amended May 2018) - PACE Code C 2023
- Criminal Procedures & Investigations Act 1996
- Criminal Justice Act 2003
- Policing and Crime Act 2017
- Mental Health Act 1983

Other relevant legislation which you must check this document against (required by law)

- Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
- Equality Act 2010
- Crime and Disorder Act 1998
- Health and Safety at Work etc. Act 1974 and associated Regulations
- General Data Protection Regulation (GDPR) and Data Protection Act 2018
- Freedom of Information Act 2000
- The Civil Contingencies Act 2004

Other documentation which you must check this document against:

- College of Policing – Code of Ethics
- Norfolk and Suffolk Constabularies' Standards of Professional Behaviour
- College of Policing – Authorised Professional Practice

Official

Version Number: 2.3

Page 2 of 18

VOLUNTARY ATTENDANCE POLICY

Official

Other Related Documents

- APP Detention and Custody
- Body Worn Video Policy
- Custody Policy
- Norfolk Investigation Policy
- Suffolk Crime Management Policy
- Forensic Detainee Handling Policy
- Video Identification Procedures Policy
- Common Law Police Disclosures Policy

1. Statement of Policy

- 1.1 The purpose of this policy is to provide the Officer in the Case (OIC) and supervisors guidance in relation to considerations and procedures to be followed when dealing with people who attend police stations, Police investigation Centres (PIC's) or other designated locations (police premises) on a voluntary basis to be interviewed under caution in relation to an offence they are suspected of having committing or having been involved in.
- 1.2 An officer who considers it necessary to interview a person suspected of committing an offence must consider whether an arrest is necessary (S24 PACE) in order to conduct the interview, or whether the person can be requested to attend voluntarily at a police station or PIC (S29 PACE).
- 1.3 Dealing with a suspect as a voluntary attendee at a police station, a PIC, or other designated location, can be an effective and legitimate but proportionate approach to investigating offences if used correctly.
- 1.4 This policy has been formally agreed via the approved policy development/review process. It will be maintained by the Specialist Operations Command in conjunction with the Central Policy Unit.
- 1.5 The policy is intended to promote equality, eliminate unlawful discrimination and actively promote good relations regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status.
- 1.6 Managers have a responsibility to ensure this policy is applied fairly, and unless otherwise stated, all policies and procedures are non-contractual.

2. Applicability

- 2.1 Unless otherwise stated, this policy applies to all police officers (including officers of the Special Constabulary) and all members of police staff (including police support volunteers).
- 2.2 This policy applies to both adults and young people.
- 2.3 This policy applies to voluntary attendee interviews conducted at police premises.

Official

Version Number: 2.3

Page 3 of 18

VOLUNTARY ATTENDANCE POLICY

Official

3. Crime Recording and Investigation

3.1 All crime must be recorded in line with National Crime Recording Standards (NCRS) and the minimum standards of investigation, as documented in:

- Suffolk Crime Management Policy
- Norfolk Investigations Policy

4. Suspects and Establishing Suspicion

4.1 In relation to establishing suspicion, PACE Code C 2023 of the Codes of Practice states:

“There must be some reasonable, objective grounds for the suspicion, based on known facts or information which are relevant to the likelihood the offence has been committed and the person to be questioned committed it.”

4.2 Where a person is suspected of committing a criminal offence/s details must be entered and linked on Athena.

5. Voluntary Attendee

5.1 Section 29 PACE states:

“Voluntary attendance at police station etc.

Where for the purpose of assisting with an investigation a person attends voluntarily at a police station or at any other place where a constable is present or accompanies a constable to a police station or any such other place without having been arrested—

- (a) *he shall be entitled to leave at will unless he is placed under arrest;*
- (b) *he shall be informed at once that he is under arrest if a decision is taken by a constable to prevent him from leaving at will.”*

5.2 If, at any time during the suspect’s attendance, the investigating officer determines that the suspect should not be allowed to leave because the officer suspects an offence has been committed and an arrest is necessary, then the officer should:

- Tell the suspect that they are under arrest and take them before the custody officer (Code C 2023 para 3.21);
- Caution the suspect unless they have recently been cautioned (PACE Code C 2023 para 10.4 (b)).

5.3 The officer must ensure that the necessity test is satisfied and document the decision-making process. If the necessity test cannot be fulfilled, then the suspect is free to leave at any time.

Official

Version Number: 2.3

Page 4 of 18

VOLUNTARY ATTENDANCE POLICY

Official

6. Suitability for Voluntary Attendee

- 6.1 PACE Code G 2012 requires the police to consider the necessity to arrest and whether the objectives can be met through an alternative approach. This will include where a suspect agrees to attend a police station or PIC to be interviewed.
- 6.2 Practices within custody are designed to ensure the safety of suspects and protect their rights through the use of an integrated IT system (Athena) and dedicated custody professionals.
- 6.3 Safeguarding principles are as applicable to those who are interviewed as a VA away from Custody, as are the case within Custody, but where a safeguarding issue arises the OIC must take advice from their Sergeant to agree a plan.
- 6.4 A review of PACE Codes C, E, F and H includes the following within the revised Code C as linked above:

“For voluntary suspect interviews, set out in full the rights, entitlements and safeguards that apply and the procedure to be followed when arranging for the interview to take place. The changes take account of concerns that suspects might not realise that a voluntary interview is just as serious and important as being interviewed after arrest. This applies particularly when the interview takes place in the suspect’s own home rather than at a police station. The approach mirrors that which applies to detained suspects on arrival at the police station with the interviewer standing in for the custody officer. In particular, it requires the suspect to be informed of all the rights, entitlements and safeguards that will apply before they are asked to consent to the interview and to be given a notice to explain those matters.”

- 6.5 The interviewer is required to determine whether a suspect requires an Appropriate Adult in accordance with [PACE Code C 2023 3.2\(b\)\(i\)](#). If an Appropriate Adult, Interpreter or Intermediary is required, or if access to liaison and diversion is necessary, then the appropriate course of action is to take the suspect to a PIC, owing to accessibility.
- 6.6 Voluntary interviews should, unless exceptional circumstances exist, be carried out at a Police Investigation Centre. An interviewer who is unsure of whether exceptional circumstances justify interviewing elsewhere than at a PIC, or the suitability of a location for an interview which is not on police premises should consult an officer of the rank of sergeant or above for advice.
- 6.7 In determining whether voluntary attendance is a suitable course of action the following should be considered:
 - The immediacy of the need to interview;
 - The seriousness of the offence;
 - Any associated risk to persons.
- 6.8 The necessity to arrest should be considered on every occasion.
- 6.9 Voluntary attendance is not recommended for Domestic Abuse offences.

Official

Version Number: 2.3

Page 5 of 18

VOLUNTARY ATTENDANCE POLICY

Official

- 6.10 Where a person is under the influence of drink or drugs they should not be interviewed until they are fully fit to understand the consequences of the questions asked and their answers to them. In the case of suspects dependent on alcohol or drugs it may not be that they need to be completely sober, but a professional judgement will need to be made by the interviewing officer as to the suspect's level of understanding at the time of the interview.
- 6.11 Where it is likely that property searches for evidence, forensic capture (intimate or non-intimate sample) or bail conditions are required then the use of voluntary attendance at a police station is not appropriate and the person should be arrested and taken to a PIC.
- 6.12 Safety of officers is paramount – before a person attends for voluntary interview all relevant background checks including warning markers should be assessed and any necessary control measures put in place.
- 6.13 Where identification is or could be anticipated to become an issue, or ID procedures may be required, the use of voluntary attendance at a police station is not appropriate and the person should be arrested and taken to a PIC. If identification becomes an issue during a voluntary interview and the suspect refuses to take part voluntarily in an identification capture, then it may be necessary (see Code G PACE) to arrest in order to obtain suitable photographs of the suspect. See Video Identification Procedures Policy.
- 6.14 Responsibility for the safety of suspects, officers and third parties lies with the interviewing officer in all circumstance outside of a PIC.
- 6.15 If legal advice is required the interviewer is responsible for securing its provision without delay.
- 6.16 The Athena investigation must contain a comprehensive investigation plan that includes the rationale for dealing with a suspect as a voluntary attendee. This rationale must be supported by a supervisor and documented as described in paragraph 6.17 below.
- 6.17 On or before arrival at a police station or PIC, the investigating officer will consult a supervisor who will be responsible for reviewing the assessment and ratifying the suitability for voluntary attendance, risk assessment and control measures identified by the interviewing officer, endorsing the Athena Decision log accordingly.

7. Vulnerable Persons

- 7.1 A person may be vulnerable as a result of having a mental health condition or mental disorder. However, where an individual does not have (or is not known to have) any such condition or disorder they may still be deemed vulnerable for the purposes of PACE Code C, paragraph 1.13(d).
- 7.2 An appropriate adult must be provided for any vulnerable person – if the appropriate adult cannot be identified from the suspect's family, friends or support network then this must be at a PIC, not at a weekend and subject to 24 hours' notice to the appropriate adult scheme.

Official

Version Number: 2.3

Page 6 of 18

VOLUNTARY ATTENDANCE POLICY

Official

7.3 The investigating officer must consider whether any of the factors described in paragraph 1.13(d) PACE Code C 2023 might apply to the person in question.

7.4 Paragraph 1.13(d) PACE Code C 2023 states:

“The term ‘vulnerable’ applies to any person who, because of a mental health condition or mental disorder:

- (i) may have difficulty understanding or communicating effectively about the full implications for them of any procedures and processes connected with:
 - their arrest and detention; or (as the case may be);
 - their voluntary attendance at a police station or their presence elsewhere, for the purpose of a voluntary interview;and
 - the exercise of their rights and entitlements.*
- (ii) does not appear to understand the significance of what they are told, of questions they are asked or of their replies:*
- (iii) appears to be particularly prone to:
 - becoming confused and unclear about their position;
 - providing unreliable, misleading or incriminating information without knowing or wishing to do so;
 - accepting or acting on suggestions from others without consciously knowing or wishing to do so; or
 - readily agreeing to suggestions or proposals without any protest or question.”*

7.5 The investigating officer must take into account the particular circumstances of the individual and how the nature of the investigation might affect them.

PLEASE NOTE: *Juveniles, by virtue of their age, will always require an Appropriate Adult.*

7.6 If an officer has reason to suspect that a person of any age may be vulnerable (PACE Code C, paragraph 1.13(d)), in the absence of clear evidence to dispel that suspicion that person shall be treated as vulnerable for the purposes of PACE.

7.7 To establish whether a person suspected of committing an offence is vulnerable the investigating officer must:

- Make reasonable enquires to ascertain what information is available that is relevant to any of the factors described in paragraph 1.13 (d) as indicating that the person may be vulnerable might apply;
- Make a record describing whether any of those factors appear to apply and provide any reason to suspect that the person may be vulnerable or (as the case may be) may not be vulnerable.

Official

Version Number: 2.3

Page 7 of 18

VOLUNTARY ATTENDANCE POLICY

Official

7.8 Page 26 of The Mental Health Act 1983: Code of Practice describes the range of clinically recognised conditions which can fall within the meaning of mental disorder for the purpose of paragraph 1.13(d).

7.9 Examples of relevant information that may be available include:-

- The behaviour of the person;
- The mental health and capacity of the person;
- What the person says about themselves;
- Information from relatives and friends of the person;
- Information from police officers and staff and from police records;
- Information from health and social care (including liaison and diversion services) and other professionals who know, or have had previous contact with, the person and may be able to contribute to assessing their need for help and support from an appropriate adult. This includes contacts and assessments arranged by the police or at the request of the individual or (as applicable) their appropriate adult or solicitor.

8. Risk Assessment

8.1 A check on the Police National Computer (PNC) and/or the Law Enforcement Data Service (LEDS) must be carried out to identify any risks that have been highlighted in relation to the suspect and checks on previous periods within police detention in order to identify risks or vulnerabilities.

8.2 Athena checks must be completed for each voluntary attendee to establish if there are any outstanding offences linked to the suspect and to assist with the risk assessment.

8.3 Prior to undertaking a voluntary attendance interview the investigating officer must conduct a pre-interview risk assessment (Voluntary Attendee Assessment, via Athena) to inform decision making in relation to:

- Suspect fitness for interview;
- The need for an appropriate adult, intermediary, interpreter ;
- Suitability for referral to Liaison and Diversion Services.

8.4 The risk assessment should also include any vulnerability due to mental health, learning difficulties, communication issues, current intoxication levels, substance misuse issues and levels of understanding.

8.5 If the investigating officer, the suspect or the suspect's representative raise doubts about fitness for interview then a professional opinion must be sought, and/or the interview be deferred.

8.6 The Voluntary Attendance Decision Guidance Force Forms app provides an opportunity for officers to record the rationale for their decisions around whether to interview suspects as a VA and where and prompts officers to ask the risk

Official

Version Number: 2.3

Page 8 of 18

VOLUNTARY ATTENDANCE POLICY

Official

assessment questions during the interview so that this risk assessment is fully recorded.

9. Pre Voluntary Attendee Interview Preparation

- 9.1 Once it is established that voluntary attendance is a suitable option, the suspect must be informed of the decision.
- 9.2 Care should be exercised so as not to enter into any dialogue which could be construed as coercive or an interview outside the safeguards of PACE.
- 9.3 Any discussions should be limited to the practicalities and logistics of the interview as opposed to the individual's involvement or suspected involvement in any offence.
- 9.4 The following should be explained/provided to the suspect prior to their voluntary attendance for interview:
- The purpose and aim of the interview;
 - The nature of the alleged offence, including where and when it was committed;
 - In order properly to investigate their suspected involvement, they must be interviewed under caution at a police premises;
 - Voluntary attendance may negate the necessity to arrest (exercising care to ensure there is no suggestion of coercion or misunderstanding that could lead to allegations of oppression or unfairness);
 - If they attend voluntarily, at either a PIC or a Police Station, they will be entitled to free legal advice and to have a solicitor present during the interview;
 - The date and time of the interview will take into account their needs and also the requirements of the investigation;
 - If they do not agree to attend voluntarily, or having agreed they fail to attend, or having attended they fail to remain until the interview is completed, it may be necessary to arrest them.
- 9.5 If the suspect is unknown to the police, they must be advised to bring two forms of verifiable identification to include proof of an address suitable for the service of summons if required (e.g. passport, driving licence, ID card as well as proof of address such as a utility bill) when they attend for interview. Failure to provide this may result in the necessity to arrest.
- 9.6 The information supplied to the suspect in respect of the reasons for interview must be sufficient to allow them to make an informed decision and should be consistent with that supplied to a person under arrest.
- 9.7 The suspect should not be dissuaded from seeking legal advice.
- 9.8 All suspect details must be fully updated on the Athena investigation and linked accordingly prior to commencing the voluntary interview.

VOLUNTARY ATTENDANCE POLICY

Official

9.9 Appropriate Adult, Interpreter, Intermediary, solicitor and any other support details must be uploaded and linked accordingly on Athena.

10. Interview Recording Equipment

10.1 PACE Codes C, E, F and H provide for the recording of interviews.

10.2 Where an approved recording device or suitable location are not available, and the investigating officer believes the interview should not be delayed, then the interview can, with the appropriate authorisation as below in Appendix B, be recorded by way of contemporaneous notes.

10.3 The revised codes describe the following:

Specifies the types of devices which, if authorised by the chief officer, are to be used to audio record suspect interviews for any offence type. This specification extends the range of devices that may be used. As a consequence, it will allow any suitably compliant "Body Worn Video" equipment to be used to record suspect interviews.

PLEASE NOTE: *Body worn video cameras issued to officers in Norfolk and Suffolk have been authorised for use in suspect interviews, subject to criteria described in the Body Worn Video Policy.*

11. Interview Process

11.1 PACE Code C defines an interview as:

"An interview is the questioning of a person regarding their involvement or suspected involvement in a criminal offence."

11.2 The OIC must conduct and record their pre- and post-interview risk assessments **whilst the recording device is recording**. Guidance on questions to ask during this risk assessment is available [HERE](#).

11.3 Once it is established that voluntary attendance remains a suitable option, the suspect must be informed of this decision and must be told:

- They are not under arrest;
- They are not obliged to remain with the officer;
- They have the right to free and independent legal advice.

11.4 The suspect shall also be given a copy of the notice explaining the arrangements for obtaining legal advice and told that the right to legal advice includes the right to speak with a solicitor on the telephone and be asked if they want advice.

11.5 A Duty solicitor cannot be "pre-booked" in advance of the voluntary attendance. If a duty solicitor if required the interviewing officer must contact Custody.

11.6 Where a suspect has agreed to attend voluntarily for interview, they may instruct their own solicitor prior to the agreed date/time and arrange for them to attend the interview with them.

Official

Version Number: 2.3

Page 10 of 18

VOLUNTARY ATTENDANCE POLICY

Official

- 11.7 The investigating officer, prior to undertaking a voluntary attendance interview, must establish required information in relation to Common Law Police Disclosure.
- 11.8 The interviewer is responsible for confirming that the suspect has given their agreement to be interviewed voluntarily.
- 11.9 The interviewer must ensure that other provisions of Code C, E and F PACE concerning the conduct and recording of interviews of suspects and the rights, entitlements and safeguards for suspects who have been arrested and detained, are followed insofar as they can be applied to suspects who are not under arrest.
- 11.10 An accurate record of when the suspect attends police premises must be made.
- 11.11 Police officers can ask questions to establish “suspicion” – this does not constitute an interview and does not require a caution. However, at the moment suspicion is established the caution must be administered.
- 11.12 Normal procedures for recorded interviews should be adhered to.
- 11.13 Interviews under caution should be recorded as described in Paragraph 10 of this policy unless:
- There is a failure of equipment;
- OR**
- A suitable interview room or recorder is not available, and the authorising officer considers, on reasonable grounds, that the interview should not be delayed until the failure or availability is rectified;
- OR**
- It is clear from the outset that no prosecution will follow from it.
- 11.14 All used recording media should be sealed and submitted for storage. Secure storage is available within police stations and a collection service will transport to Criminal Justice. Most interviews will be recorded digitally and stored securely online.
- 11.15 If court proceedings are being considered, at the conclusion of the interview the suspect should be “reported for consideration of prosecution”.

12. Unsolicited Comments

- 12.1 If the suspect makes unsolicited comments outside of interview, which may be relevant to the investigation, a verbatim record should be documented with the recording officer’s signature, time and date.
- 12.2 The suspect should be allowed to read and agree or disagree the contents. If the suspect confirms the accuracy of the record they should write:
- “I agree this is a true and accurate record of what I said” and add their signature, time and date.

VOLUNTARY ATTENDANCE POLICY

Official

12.3 Where the suspect disagrees with the record the recording officer should record their disagreements and ask the suspect to read the details and sign and date the entry, this should be uploaded onto Athena.

12.4 Any refusal to sign should be recorded on Athena.

13. Voluntary Attendees Withdrawing Co-Operation

13.1 Where a person attends a police premises voluntarily to be interviewed by prior arrangement, their arrest on arrival would only be justified if:

- New information has come to light since making the arrangements and arrest has become necessary, making voluntary attendance no longer a practicable option;

AND

- It was not reasonably practicable for the person to be arrested prior to attending police premises.

13.2 If a person who has attended voluntarily decides to leave before the interview is complete, the interviewing officer would, at that point, be entitled to consider whether their arrest was necessary to carry out the interview, S.24 PACE.

14. Post Interview Process

14.1 Officers need to be mindful that should any adverse incident occur after the interview has ended, then this could be subject to an IOPC investigation. Therefore, officers need to ensure sufficient detail is recorded about what took place, the condition and demeanour of the suspect prior to departing, including any ongoing referrals.

14.2 At the conclusion of the interview and whilst still recording the interview, a pre-release or post-interview risk assessment should be completed verbally with suspect, who should be provided with appropriate advice, information and opportunity for support. See Pre-Release Risk Assessment on Athena Investigation or the guidance [HERE](#).

14.3 Officers need to be aware of the suicide and self-harm risk presented by the person both during the process and post interview. Consideration should be given to supplying additional information in relation to suicide prevention, particularly relating to child sex offences

14.4 Mental health conditions and alcohol / drug misuse could make it more likely that the suspect will self-harm or commit suicide. The NHS Liaison and Diversion teams within the PIC's, or when the L&D team are not available then the local NSFT Crisis Team should be consulted in such cases.

14.5 There is a Memorandum of Understanding in place with the Samaritans in relation to those at risk of suicide and referrals can be made either during the voluntary attendance process or afterwards. The suspect's consent is required for these referrals. If a referral is agreed the details should be entered onto the Investigation

Official

Version Number: 2.3

Page 12 of 18

VOLUNTARY ATTENDANCE POLICY

Official

“referrals” tab with an Enquiry log entry referencing further information is recorded on the Referrals tab.

14.6 The Athena Enquiry Log should be fully updated with details of the account given in interview.

14.7 The Athena Enquiry Log of the Athena investigation should include the disposal plan that must be endorsed by a Supervisor by way of task request, this plan needs to set specific timescales for outstanding enquiries or for the submission of the case documents and the victim should be updated accordingly

14.8 Advice should be sought from an ERO (Evidential Review Officer) trained Sergeant/Supervisor before any decision is made to charge or report the suspect for summons.

14.9 At the conclusion of the interview the Athena Enquiry Log must include the following:

- Whether the offence was admitted;
- Details of outstanding witnesses and enquires;
- Whether fingerprints and DNA have been taken with an explanation if they have not;
- Clear advice to the suspect regarding disposal;
- Confirmation that the pre-release risk assessment has been completed.

14.10 All foreign nationals interviewed as a suspect in an investigation must have ACRO (ACPO Criminal Records Office) and Immigration Enforcement checks carried out.

14.11 Immigration Status checks may be carried out after Livescan fingerprints have been taken (ensuring the “Immigration” button is selected) by calling Immigration Enforcement’s National Command and Control Unit on 03000 134 999 and providing the following information:

- Full name (of offender);
- Any alias details;
- Date of birth;
- Place of birth (including town or province);
- Current home address (if they have one);
- Nationality;
- How long they have been in the UK;
- How they travelled to the UK;
- What their employment status is (with whom, where, for how long etc.).

14.12 Check offender’s details on i24/7 (via Custody if need be).

Official

Version Number: 2.3

Page 13 of 18

VOLUNTARY ATTENDANCE POLICY

Official

14.13 Scan and upload offender's identification documents to Athena Custody (VA) record or the Investigation if the suspect has not yet attended a PIC.

15. Common Law Police Disclosures

15.1 The Police Service can make a lawful disclosure on an individual who is reasonably believed to be to be a risk to the public within their paid or voluntary place of work and there is an urgent and pressing social need to mitigate the risks. This is called Common Law Police Disclosure (CLPD) and has replaced the Notifiable Occupation Scheme.

15.2 There is no single or definitive list of occupations for which disclosure may be considered. Disclosure is considered on a case by case basis according to the occupation / voluntary work, offence and individual circumstances.

15.3 Disclosure will be considered throughout the life of an investigation. Depending on the severity and gravity of the information, relevance to the occupation and the level of the risk presented by the individual to the general public through their employment.

15.4 Officers must seek advice from the Disclosure and Barring Team if disclosure is potentially required.

16. Offence Disposal

16.1 Following interview of a suspect as part of an investigation, the OIC will decide on the most appropriate disposal:

- No Further Action;
- Out of Court Disposal;
- Report for Summons.

16.2 Where a child or young person is interviewed, consideration should be given to Challenge for Change (Norfolk)/other Diversion (Suffolk) in conjunction with the Youth Justice Service.

16.3 Crimes will not be finalised until:

- The outcome of the interview has been fully documented on the Athena Enquiry Log;
- All outstanding enquiries have been completed or are updated accordingly;
- The suspect disposal has been agreed and authorised;
- Suspect biometrics have been captured (if applicable);
- The victim has been informed of the outcome.

16.4 Once "charging" advice has been sought, the OIC is responsible for building the correct postal requisition or out of court disposal case and submitting to Criminal Justice in the normal way. See Appendix B for link to guidance on the processes required.

Official

Version Number: 2.3

Page 14 of 18

VOLUNTARY ATTENDANCE POLICY

Official

16.5 Case submission must be done in a timely manner and officers must be aware of statutory time limits for summary only offences.

17. Biometrics

17.1 PACE provides the Police with powers to obtain photographs, non-intimate DNA samples and fingerprints without consent if the suspect has been charged with a recordable offence or has been informed that they will be reported for such an offence. Where a person has been cautioned (or conditionally cautioned) for such an offence then these samples can be obtained without consent only on the authority of a police officer of the rank of Inspector or above.

Applicable powers are:

- PACE s61(5B) – fingerprints following report for summons etc.
- PACE s61(6) – fingerprints following administration of a caution (subject to consent or Inspector's authority to assist in the prevention or detection of crime).
- PACE s63(3A) – DNA following report for summons etc.
- PACE s63(3B) – DNA following administration of a caution (subject to consent or Inspector's authority to assist in the prevention or detection of crime).
- PACE s64A(1D) – photographs following report for summons etc.
- PACE s64A(1F) – photographs following administration of a caution (subject to consent or Inspector's authority to assist in the prevention or detection of crime).
- PACE Code D – governs all matters relating to identification of persons by police officers, including obtaining biometric samples.

17.2 Once a voluntary attendee has been reported for the offence in line with an ERO decision, a case is required on Athena in order that an ASN (arrest summons number) can be generated.

17.3 Where the ERO decision is to Postal Requisition, then the OIC must create the case on Athena, select file type as "Postal Requisition" and "build" the offence – which will generate a "confirm person reported" task. By answering "yes" to this, a task will be generated for the ASN to be issued. The File "type" can later be amended to the actual disposal.

17.4 Where the ERO decision is to Caution, then the OIC must create a case on Athena, select "Caution" as the file type and "build" the offence. **DO NOT CREATE AN ASN AT THIS STAGE.**

17.5 In the case of a Voluntary Attendee, a final decision must be reached on how the case is going to be concluded before proceeding with DNA, fingerprints and photographs, as some of these actions may not be necessary, as follows:

- If a voluntary attendee is cautioned, conditionally cautioned or reported for summons for a recordable offence, take fingerprints on every occasion and

Official

Version Number: 2.3

Page 15 of 18

VOLUNTARY ATTENDANCE POLICY

Official

DNA (refer to separate decision guidance). Consent is not needed if an Inspector authorises these samples to be taken as at paragraph 17.1 above..

- If the voluntary attendee is released without charge or released 'no further action', DO NOT take fingerprints or DNA. If taken, the Fingerprints Unit will destroy them, as there is no legal authority to retain them.

17.6 If a Voluntary Attendee interview is conducted at a PIC and an ERO decision is made (Report for Summons / caution) prior to the suspect leaving, DNA and fingerprints must be obtained there and then unless it is impractical to do so. Where biometric samples are not taken immediately, a notice must be served on the offender requiring them to attend a specified PIC on a given date and time to have these samples taken.

17.7 If a Voluntary Attendee interview is conducted at a place other than a PIC or at a PIC but where a disposal decision is not made prior to the suspect leaving the PIC, a notice (link available at Appendix A) will be served on the suspect by the OIC with a requirement to attend an agreed PIC on a given date at a specified time to have a DNA sample, a photograph and fingerprints taken.

17.8 Where the ERO decision is to Caution, then this should be administered by a Custody Sergeant when the suspect attends to have their biometrics taken, which will, once the fingerprints have confirmed the suspect's identity, allow the Custody Sergeant to generate an ASN from the Custody module of Athena

17.9 The OIC will be responsible for serving the appropriate Biometric requirement notice if samples have not been taken already and, if relevant, cancellation letter and uploading this/these into Athena.

17.10 The OIC will contact the relevant PIC at the time of serving the notice, to agree between the suspect and the PIC the appropriate date and time at which to attend. OICs and Custody staff should avoid booking more than three suspects onto the calendar for each day in order to avoid impact on the processing of Detained Persons.

17.11 Should a decision be made to take No Further Action following the service of this notice, a cancellation letter should be sent. An example or template letter can be found at Appendix A.

17.12 It will remain the responsibility of the OIC to ensure the suspect complies with the written direction to attend for their DNA sample and fingerprints to be taken at the time of the agreed attendance. If they fail to comply, having been reported for a recordable offence, they can be arrested under s63 PACE and there is no need for the necessity test to be satisfied. If they have been cautioned and an Inspector has authorised the capture of biometrics without their consent then they can be arrested under the same powers

17.13 A record of the time/date/location the DNA sample and fingerprints were obtained will be updated on Athena, together with details of the person taking the DNA sample, fingerprints and the justification if any force was used.

Official

Version Number: 2.3

Page 16 of 18

VOLUNTARY ATTENDANCE POLICY

Official

17.14 Custody will notify the OIC should the suspect fail to attend on the agreed date. It will then be for the OIC to secure the suspect's attendance for biometrics, under arrest if necessary.

17.15 Op LYNDHURST biometrics guidance can be found here

18. Management and Compliance with the Voluntary Attendee Process

18.1 It is the responsibility of all supervisors to ensure that the Voluntary Attendance Policy is adhered to and effectively applied, to manage associated risks and safeguarding.

18.2 Supervisors are required to review and endorse on Athena records all decisions relating to the voluntary attendance policy.

18.3 Any adverse incident occurring after the individual has left police premises following voluntary attendance could be subject to an IOPC Investigation.

Official

Version Number: 2.3

Page 17 of 18

VOLUNTARY ATTENDANCE POLICY

Official

Appendix A: Miscellaneous Documents

Please Note: You will need to open the forms below as “Read Only” then save a copy before editing.

[Biometrics notice to be served on suspect](#)

[Biometrics attendance cancellation letter for NFA decisions \(Norfolk OIC\)](#)

[Biometrics attendance cancellation letter for NFA decisions \(Suffolk OIC\)](#)

[ACRO check forms folder](#)

[Annex to PACE Code E](#)

Appendix B: Written Records of Interview Process