

Northern Ireland Appropriate Adult Scheme



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Stanley Booth MBE
Northern Ireland Appropriate Adult Scheme
Manager LLB. BSc.

Stanley.booth@mindwisenv.org

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Mission statement ;-

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TRANSFORMING LIVES AND DEVELOPING NEW VISIONS
FOR MENTAL HEALTH BY CHALLENGING STIGMA AND
DISCRIMINATION AND PROVIDING QUALITY SERVICES
AND SUPPORT.

History: The case that led to appropriate adults.

In 1972, a 'mentally handicapped' man aged 18 with a mental age of 11 and two juveniles were arrested on suspicion of the murder of Maxwell Confait. They made a series of confessions. Their subsequent convictions were quashed by the Court of Appeal ..

A subsequent inquiry found that interviews had taken place

- a) without a parent or responsible adult present,*
- b) had been unfair and oppressive,*
- c) They were not informed of their right to legal advice,*
- d) or to communicate with another person.*

The inquiry had particular concern for the 'mentally handicapped' and 'children'.

A Royal Commission on Criminal Procedure (1977-1981) later led to the Police and Criminal Evidence Act (PACE) 1984 and its Codes of Practice which established the role of the appropriate adult.

Following this schemes of support developed across the UK to alleviate the pressures that fell by default to social services, and appropriate adult projects and schemes appeared in all police areas, now they are formalised, through membership of the National Appropriate Adult Network who liaise with the Home Office to ensure continuity across the UK..

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Statistics: Northern Ireland:

MindWise mental health charity launched the Northern Ireland Appropriate Adult Scheme (NIAAS) in 2009 with funding from The Department of Justice.

We use both part time contracted and casual staff to deliver a service 24/7 365-days a year.

We attending approximately 16 custody suites,

We have support over 25,000 people, 8,000 of which were juveniles, Detainees ages range from 10 years to 92 Years
We have supported 74 different nationalities.

Interviews last from 1 minute to 96 hours, the longest to date was 3 weeks.
The average attendance period is 3 hours ,
In Belfast we remain on site 8am-11pm,
We have an overnight call out system utilised approximately 3 night per week,

We have immediate response and an online booking system for attendance up to 6 months in advance.

We have supported people being investigated by PSNI, Harbour Police, National Crime Agency, other Government Departments.
The offences range from minor behavioral matters to murder, terrorism, and serious organised crime.
This information can be read in our Annual Report found on the MindWise website.

Who can be an appropriate adult ?

Code C1.7

For a juvenile:

- ✓ parent, relative, guardian, or if juvenile is in care a member of a care authority /voluntary organisation (if in their care)
- ✓ a social worker;
- ✓ failing these, some other responsible adult aged 18 or over who is not a police officer or employed by the police.

For a person who is mentally disordered or mentally vulnerable:

- ✓ parent, relative, guardian or other person responsible for their care or custody;
- ✓ someone experienced in dealing with mentally vulnerable people who is not a police officer or employed by the policing board;
- ✓ failing these, some other responsible adult aged 18 or over who is not a police officer or employed by the police.

*It may be more satisfactory if the appropriate adult is **someone experienced or trained** in their care **rather than a relative lacking such qualifications**. But if the detainee prefers a relative their wishes should, if practicable, be respected.*

Who cannot be an appropriate adult ?

Code C 1B

A person, including a parent, relative or guardian, should not be an appropriate adult if they are-

- ✓ suspected of involvement in the offence
- ✓ the victim
- ✓ a witness
- ✓ involved in the investigation
- ✓ appear to be mentally disordered or
- ✓ otherwise mentally vulnerable
- ✓ received admissions prior to attending (discuss admissions)

There are some similarities here to Reg 13, of the Treatment of Persons in Custody in Garda Siochana Stations, Regulations 1987.

PACE Code C 1F 2015 A solicitor or independent custody visitor present at the police station in that capacity may not be the appropriate adult.

The PACE codes of practice intend the appropriate adult to be completely independent from the investigation. (P154 Blackstone's Custody officers' Manual 4th ed).

When to call an appropriate adult

If a police custody Sergeant has **any suspicion**, or is **told in good faith**, that a person of any age may be mentally disordered or otherwise mentally vulnerable or has significant communication difficulties, **in the absence of clear evidence to dispel that suspicion**, the person shall be treated as such.

This is because a 'Mentally vulnerable' person may not understand the significance of what is said, or questions or their replies.

In our experience police staff are advised by a healthcare professional, or they err on the side of caution.

What exactly does an Appropriate adult do?

The role is one of safeguarding:
Juveniles under 18 years or Mentally vulnerable adults.

As an independent observer we also safeguard and validate the police case against vexatious allegations, by the suspect. We have presented statements to the court and the Police Ombudsman on several occasions.

In one case we were commended by the ombudsman as most helpful re a death in custody as the only independent party taking detailed notes of the detainees deteriorating condition throughout the 96 hours detention.

Firstly, we establish if the person 'fit' to be interviewed.
(Code C Annex G Fitness to be Interviewed)

We observe the process and '**advising**' the detainee and facilitating '**communication**' with police, always keeping in mind the persons capacity, their mental health, their rights and general welfare.

The AA ensures police communicate with the suspected person at a level appropriate to their level understanding, to avoid misunderstandings and ultimately false or misleading confessions.
This is a complex role which can not be fully explained in detail here.

The mere presence of an Appropriate Adult changes the whole dynamic of the interview: Gísli Hannes Guðjónsson, CBE Professor of Forensic Psychology The Institute of Psychiatry of King's College London 20 /10/16 NAAN PDD London.

Professor Guðjónsson, CBE Professor of Forensic Psychology
The Institute of Psychiatry of King's College London,
describes the '*perfect storm*'

The perfect storm that can bring about a false confession requires 5 conditions:

1. The Detainee: has a weak disposition susceptible to acquiescence and suggestibility.
2. The Investigators: has a strong confident disposition.
3. The Environment how hostile is it.
4. The Detention Periods how long is it.
5. The lack of support i.e. Appropriate Adult Support / Legal Support / Medical.

Steps to avoid the perfect storm

- 1 & 2. The disposition between suspect and interviewer is addressed by Police using the PEACE interview model of structured interviewing.
3. The Lay Custody Visitors ensure the environment is suitable.
4. Rules governing the detention period is PACE, with a independent custody officer.
5. Appropriate Adult provides support and communication assistance, Solicitor provides Legal Advice.

Do people confess to crimes they didn't commit?

It is often suggested by rationally thinking people that a person would never confess to a crime they did not commit. That notion is not tenable when working with people who are mentally unwell.

The Conditions we encounter:

Learning Difficulties/ Disabilities

People prone to Suggestibility and Acquiescence, Schizophrenia, people experiencing some form of psychosis, such as hearing voices, seeing or smelling things that are not there, occasionally we encounter people that have lost touch with reality.

Bipolar Disorder,

Anxiety and Clinical Depression,

Attention Deficit Hyperactivity Disorder (ADHD)

Drug and Alcohol Misuse.

Personality Disorders and Self Harming.

Autism which requires a particular questioning style.

Also, one or more conditions existing at the same time making for very complex needs.

ACCEPTABLE ADVICE

- ✓ Advising him/her that a solicitor should be sought.
- ✓ Advising him /her as to their conduct in custody.
- ✓ Advising him/her as to their language and behaviour.
- ✓ Advise him/her particularly if a juvenile to have parents informed of their detention.
- ✓ Advising him/her to eat meals, drink fluids and sleep particularly with long detention period.
- ✓ Advising him/her as to their right to make representations to the review officer.
- ✓ Advising him/her as to the meaning and requirements of bail conditions.
- ✓ Advising him/her to cooperate with any FMO health assessment.
- ✓ Advising him/her to cooperate with a custody lay visitors enquiry as to detention conditions.
- ✓ Advising him/her if offered a youth engagement clinic and they agree, they should turn up on the given date.

NOT ACCEPTABLE

- ❖ **Legal advice (its not legal advice to explain the caution).**
- ❖ **Advising a person what questions to answer.**
- ❖ **Advising the person what to say in response to a question.**

Communication

Facilitate communication between
Police and the detained person

We acknowledge the disparity between suspect and interviewers IQ
levels

Officer: Is your house a semi or detached house?

Suspect; It just an ordinary house.

Officer: Was it just verbal?

Suspect: No just slobbering

Officer: You're in denial !

Suspect ; I swear I've never been in anything.

The interviewer assuming understanding.

You only here for phoenix and 1st account, no viper required.

The role and controversial areas

Police advise us:

You have a positive and important role,

You are not just an observer,

You are there to ensure the person, understands what is happening to them and why,

Observe the police and tell them if they are not acting properly,

Assist in communication between detained person and the police,

Ensure the detained person understands your role.

You do not give legal advice and you **do not have legal privilege.**

Confidentiality & Unsolicited Comments : They will never find the body !

Covid 19 and Solicitors: added the challenges:

Because of Covid we many occasion where there is no Solicitor present, we see an increase in preprepared statements, and pre interview phone advice, these processes bring **risk for the detainee**, and can put the AA in a difficult position.

Key Message

- Society has never been more aware of mental health issues as they are today; covid lockdowns have brought this into sharp focus.
- Mental Health issue in the Justice system is too common to be ignored.
- If you intend to offer support, it needs to be properly funded and not tokenistic.
- MindWise in N.Ireland have done this for 12 years we are willing to assist and advise on the way forward.



Thank You