

Change of Force Policy / Procedure – Essex Police – Op TALLA	
Policy / Procedure Title	Custody legal advice incremental approach *Updated 18/05/2020*
Policy Number	PD55
Date of Change	18/05/2020
Reviewed and extended	28/01/2021
Date of next review	30/04/2021

Summary of issue requiring the change:

Clarity is sought as to the approach to be taken to ensuring solicitor contact with detainees in custody can be maintained during the COVID-19 pandemic.

Updated policy / procedure (*insert summary or insert document*)

At 1700hrs on 8th April 2020, Chief Officers determined that Essex Police would continue to adopt the NPCC guidelines and follow the national steer regarding suspect interviews under PACE, approved by Police, CPS and Law Society.

The Force position in Essex will remain PACE compliant, in that the Force will not entertain solicitors phoning in to interviews. Essex Police have paid for 18 Samsung Tablets to facilitate video conferencing with solicitors which has been approved under the new protocol previously circulated (attached). It is anticipated these will be supplied to suites with these video platforms over the weekend of 11th/12th April.

Ultimately the decision as to how to proceed will be that of custody sergeants and manager, in conjunction with the NDM and the PACE Superintendent.

Authorised by ACC Prophet 08/04/2020.

Update 20/04/2020

The electronic devices are now available in custody, and as such the engagement process with solicitors will be in line with the update on the 20/04/2020 on the attached document.

Update 18/05/20

At 1700hrs on 8th April 2020, Chief Officers determined that Essex Police would continue to adopt the NPCC guidelines and follow the national steer regarding suspect interviews under PACE, approved by Police, CPS and Law Society.

On 30th April 2020 the NPCC issued an updated document with minor changes to the previously agreed position.

The most significant of these changes was as follows:

11. In some circumstances a video link will not be possible and the parties involved may be able to facilitate an interview with a legal representative attending via **audio link**. In these circumstances, and where all parties agree, the informed consent of the suspect together with their appropriate adult (where one is required) should be obtained and

endorsed on the custody record. Where an interview proceeds with any party attending via audio link, this interview should be visually recorded by the police.

The Force position in Essex will remain PACE compliant, in that the Force will entertain solicitors phoning in to interviews where the video enabled technology is not available for any reason.

The 18 Samsung Tablets that facilitate video conferencing with solicitors has proven to be a stable platform that has been adopted by all key stakeholders and is working well.

Ultimately the decision as to whether to allow a telephone interview will be that of an Inspector to ensure that all possible avenues have been explored in the delivery of a video enabled solution. This local authorisation process is to ensure that all efforts have been made to ensure that video interviews are carried out wherever possible.

Rationale:

This approach takes account of national advice and agreement between Chief Constables and Chief Crown Prosecutors that video links should be made available for defence representatives under Code C of PACE.

The approach agreed seeks to provide every reasonable opportunity for arrested persons to receive legal advice whilst in custody, including during interviews, and provides scrutiny and governance to how this approach will be used.

Update 28/01/2021 - Review completed by T/ACC Baldwin – This is still current.

From ACC Andy Prophet – To be extended, review date 30/04/2021

ACC Authorising:	ACC Prophet	Date: 18/05/2020
Op TALLA Gold Authority:	ACC Prophet	Date: 28/01/2021