

Defining the Role of the Appropriate Adult

SIPR Evidence & Investigation Network Seminar
Obtaining Evidence from Vulnerable Witnesses
15th October 2008, Aberdeen

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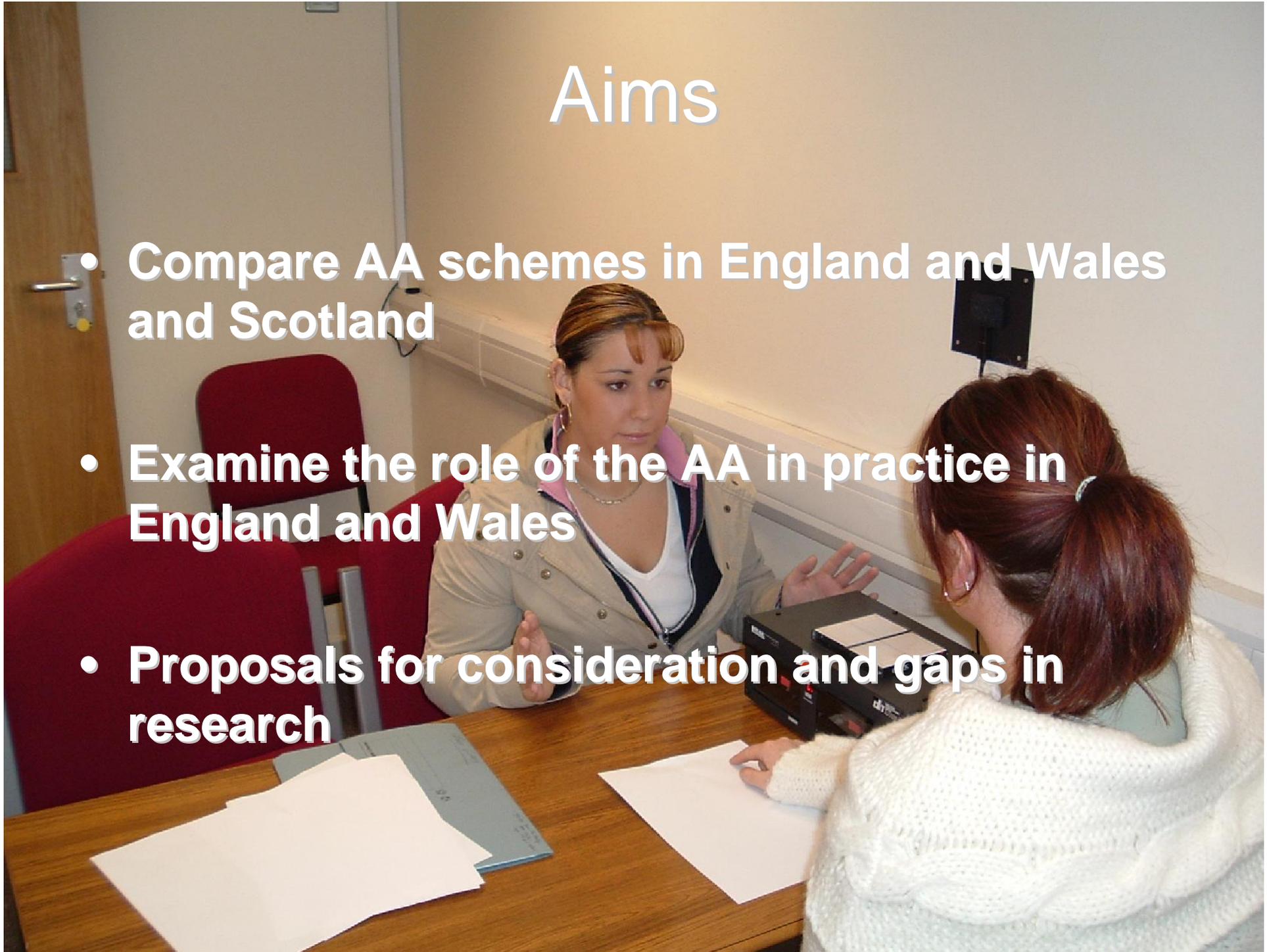
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Aims

- Compare AA schemes in England and Wales and Scotland
- Examine the role of the AA in practice in England and Wales
- Proposals for consideration and gaps in research



AA scheme	England and Wales	Scotland
Applies to juveniles	✓	✗
Applies to mentally vulnerable	✓	✓
Applies to suspects	✓	✓
Applies to victims/witnesses	✗	✓
Attends police procedures	✓	✓
Attends court	✗	✓
Statutory duty	For juveniles only	✗
Role performed by professionals	✓	✓
Role performed by parents/relatives	✓	Only in exceptional circumstances
National training programme	✗	✓
Official definition of the role	Ambiguous and contradictory	More detailed, but still some problems

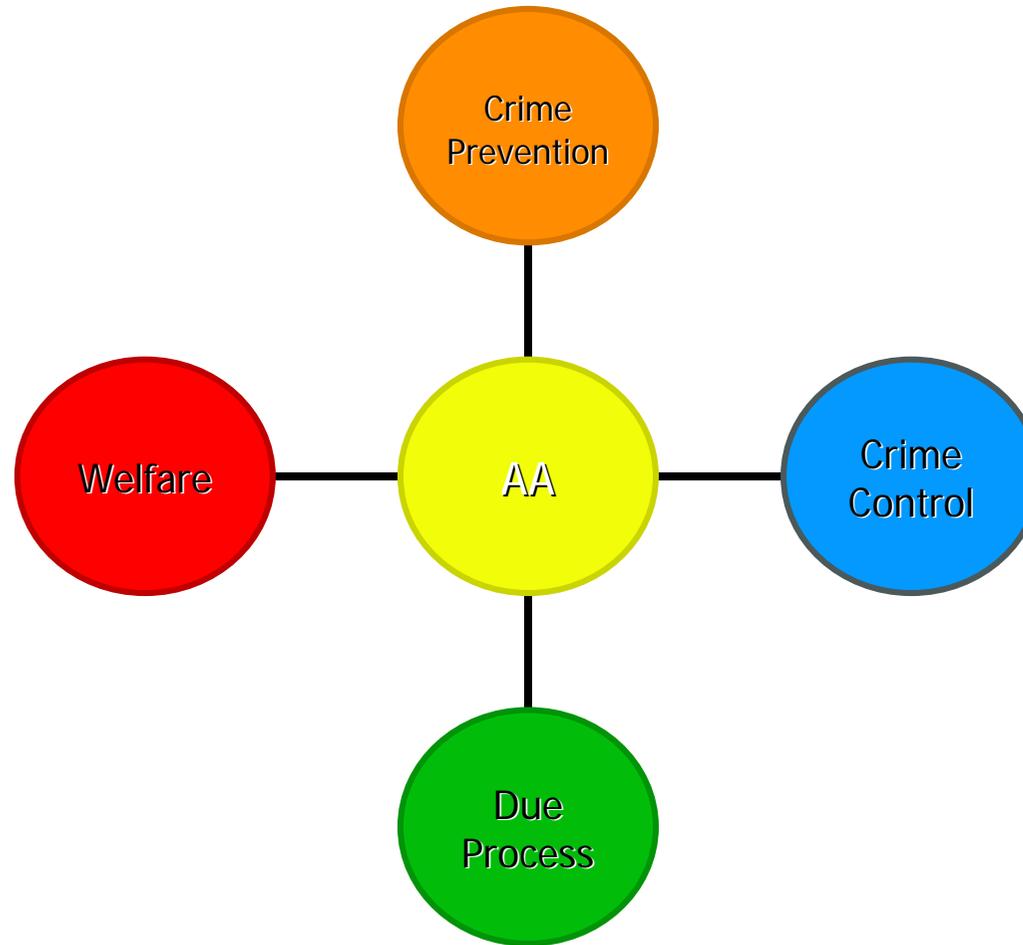
Official Role of the AA in England and Wales

- they are not expected to act simply as an observer; and
- the purpose of their presence is to:
 - advise the person being interviewed;
 - observe whether the interview is being conducted properly and fairly;
 - facilitate communication with the person being interviewed (*PACE Code 11.17, Home Office, 2008*)

Official Role of the AA in Scotland

- The primary role of the appropriate adult is to facilitate communication, in addition to this their presence may also provide support and reassurance for an individual with a mental disorder (witness, victim, suspect, accused) at police interview, specific forensic procedures or examination, precognition and at court.
- It is not the function of an appropriate adult:-
 - to advise the person being interviewed whether or how to answer any questions.
 - to object to any questions being asked except for the purpose of facilitating communication between the police and the interviewee.
 - to tell the police if they think a particular line of questioning is unfair.
 - to offer support after interview or help arrange ongoing referrals.
- (*Guidance on Appropriate Adult Services in Scotland, November 2007, paras 2.5-2.6*)

Social Construction of the Role



<i>Nature of contribution by volunteer AAs in police interviews</i>	<i>% of interviews</i>
Pointed out police questioning unfair	18.6
Checked young person understood question(s)	16.3
Stopped interview	14.0
Checked young person understood caution	11.6
Comforted young person	11.6
Asked police for clarification of special warning	9.3
Advised young person to take legal advice	7.0
Asked for question(s) to be clarified	7.0
Reminded young person that s/he had elected 'no comment' interview	7.0
Asked police for clarification (other)	7.0
Other	25.7



Welfare Role

- “Very good- good rapport with [YP] and police. [YP] continued to engage and came to [voluntary organisation] with me.”
- Private consultation with suspect
 - Offering advice on advocacy and benefits
 - “I don't talk to anyone about it (abuse) but I'm talking to you now.”
 - Requesting small, dry clothes
- Volunteers allowed identification procedures to take place without ‘appropriate consent’ and before charge, where it was the police’s intention to subsequently charge the YP

Crime Prevention Role

- “How do I support 11 year old who is bored and wants something to do to prevent him offending?—call back in 30 minutes—gave information on what can be done”
- “...find out from young people, what they think would help them or would've prevented their offending behaviour. This needs to be discussed sensitively and without presuming guilt.” (*AA meeting minutes*)

Construction of the Role of the AA

- Where provisions were clear, volunteer AAs tended to exercise their rights to the letter
- Where requirements were ambiguous, volunteer AAs' interpretations were in line with due process and welfare interests
- Volunteer AAs also engaged in activities beyond those listed in the Codes and these are welfare and crime prevention orientated
- Due process and welfare can be *for* crime control

AA's main tasks	f	% of cases
'Facilitate communication'	18	49
Ensure VP's rights upheld	16	43
Ensure VP understands	12	32
Concern for VP's welfare/wellbeing	11	30
'Support' VP	11	30
Ensure 'fairness'	9	24
Ensure correct police procedure followed	8	22
Give 'advice/guidance'	7	19
Act expeditiously	2	5
Act impartially	2	5
Advocacy	2	5
Other	2	5
Total	100	270

Proposal	Current position in England and Wales	Current position in Scotland
Mandatory presence of a legal adviser	✘	✘
Only professional AAs	✘	✓
Optional presence of a parent/relative	✘	Only exceptional circumstances
AAs for juveniles and ‘clearly defined’ mentally vulnerable	✘	✘
Clearly defined welfare role for AA	✘	✓
Standardised training	✘	✓

Gaps in research

- Study AA role in practice and police interviews, particularly in Scotland
- Explore different needs of YPs/MVPs and suspects/witnesses to, if necessary, identify distinct roles for AAs
- Evaluation of procedures for identifying when an AA is needed and AA training