



Home Office

# Criminal investigation guidance on arrest

This guidance is based on the Immigration Acts and Police and Criminal Evidence Act 1984

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## Criminal investigation guidance on arrest

### About this guidance

<p><a href="#">Ensuring the arrest is lawful</a> <a href="#">Who can make the arrest</a> <a href="#">When and why it may be necessary to arrest</a> <a href="#">Cautioning on arrest</a> <a href="#">Powers of search after arrest</a> <a href="#">Children and vulnerable people</a> <a href="#">Using force during an arrest</a> <a href="#">Recording the arrest details</a> <a href="#">How to record the arrest</a> <a href="#">Your responsibilities to the arrested person</a> <a href="#">Arresting for further offences</a></p>	<p>This guidance tells criminal investigators in immigration enforcement criminal investigation teams in England, Wales and Northern Ireland how to make a lawful arrest.</p> <p>It applies only to staff in England, Wales and Northern Ireland who:</p> <ul style="list-style-type: none"><li>• have successfully completed specialist immigration arrest and criminal investigation training</li><li>• are employed in immigration enforcement criminal investigation teams, and</li><li>• are investigating immigration related offences.</li></ul> <p>It is based on Immigration Acts and the Police and Criminal Evidence Act 1984.</p> <p>For guidance on arrests in Scotland, see related link: Arrests in Scotland.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none"><li>• Immigration Act 1971</li><li>• Immigration and Asylum Act 1999</li><li>• Police and Criminal Evidence Act 1984.</li></ul> <p>Changes to this guidance: this page tells you what has changed since the previous version of this guidance.</p> <p>Contacts: this page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner: this page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare: this page explains your duty to safeguard and promote the welfare of children and tells you where to find out more.</p>	<p><b>See also</b> <a href="#">Changes to this guidance</a></p> <p><a href="#">Contact</a></p> <p><a href="#">Information owner</a></p> <p>Links to staff intranet removed</p> <p><b>External links</b> <a href="#">Police and Criminal Evidence Act 1984</a> <a href="#">Immigration Act 1971</a> <a href="#">Immigration and Asylum Act 1999</a></p>
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### Changes to this guidance

<p><a href="#">Ensuring the arrest is lawful</a> <a href="#">Who can make the arrest</a> <a href="#">When and why it may be necessary to arrest</a> <a href="#">Cautioning on arrest</a> <a href="#">Powers of search after arrest</a> <a href="#">Children and vulnerable people</a> <a href="#">Using force during an arrest</a> <a href="#">Recording the arrest details</a> <a href="#">How to record the arrest</a> <a href="#">Your responsibilities to the arrested person</a> <a href="#">Arresting for further offences</a></p>	<p>This page lists changes to the 'Criminal investigation guidance on arrest' guidance, with the most recent at the top.</p> <table border="1"><thead><tr><th data-bbox="490 391 831 432">Date of the change</th><th data-bbox="831 391 1532 432">Details of the change</th></tr></thead><tbody><tr><td data-bbox="490 432 831 619">18 November 2014</td><td data-bbox="831 432 1532 619">Change request:  Rewritten by the Criminal investigation operational guidance team</td></tr><tr><td data-bbox="490 619 831 1031">6 December 2013</td><td data-bbox="831 619 1532 1031">Six month review by the modernised guidance team:<ul style="list-style-type: none"><li>• New versions of downloads:<ul style="list-style-type: none"><li>○ Offences immigration enforcement investigation teams investigate</li><li>○ Powers of arrest, entry and search under immigration legislation</li><li>○ Powers of arrest, entry and search under PACE</li></ul></li><li>• Minor housekeeping changes.</li></ul></td></tr><tr><td data-bbox="490 1031 831 1106">04 July 2013</td><td data-bbox="831 1031 1532 1106">Completely revised by the modernised guidance team.</td></tr></tbody></table>	Date of the change	Details of the change	18 November 2014	Change request:  Rewritten by the Criminal investigation operational guidance team	6 December 2013	Six month review by the modernised guidance team: <ul style="list-style-type: none"><li>• New versions of downloads:<ul style="list-style-type: none"><li>○ Offences immigration enforcement investigation teams investigate</li><li>○ Powers of arrest, entry and search under immigration legislation</li><li>○ Powers of arrest, entry and search under PACE</li></ul></li><li>• Minor housekeeping changes.</li></ul>	04 July 2013	Completely revised by the modernised guidance team.	<p><b>Related links</b></p> <p><b>See also</b> <a href="#">About this guidance</a></p> <p><a href="#">Contact</a></p> <p><a href="#">Information owner</a></p>
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## Criminal investigation guidance on arrest

### Making sure the arrest is lawful

<p><a href="#">Who can make the arrest</a> <a href="#">When and why it may be necessary to arrest</a> <a href="#">Cautioning on arrest</a> <a href="#">Powers of search after arrest</a> <a href="#">Children and vulnerable people</a> <a href="#">Using force during an arrest</a> <a href="#">Recording the arrest details</a> <a href="#">How to record the arrest</a> <a href="#">Your responsibilities to the arrested person</a> <a href="#">Arresting for further offences</a></p>	<p>This page tells you how to make sure you make a lawful arrest.</p> <p><b>Lawful arrest</b> For an arrest to be lawful, you must:</p> <ul style="list-style-type: none"><li>• be investigating an immigration related offence</li><li>• be investigating an offence for which a power of arrest exists</li><li>• have reasonable grounds to suspect the person:<ul style="list-style-type: none"><li>○ has committed or attempted to commit the offence</li><li>○ is committing or attempting to commit the offence</li><li>○ is about to commit the offence, and</li></ul></li><li>• have reasonable grounds to believe the arrest is necessary.</li></ul> <p>You must then:</p> <ul style="list-style-type: none"><li>• explain to the person, in plain language:<ul style="list-style-type: none"><li>○ they are under arrest and not free to leave</li><li>○ the offence for which they have been arrested</li><li>○ the grounds for the arrest</li><li>○ why it is necessary to arrest them, and</li></ul></li><li>• give the caution.</li></ul> <p>Although not a requirement, it is good practice to demonstrate to the arrested person that the arrest is an exercise of force and they have been deprived of their liberty. You can do this taking hold of the arrested person or restricting their movement in other ways. See related link: Using force during an arrest.</p> <p>If it is not possible to give the person an explanation or caution at the time of arrest, for example, because they are violent or too drunk to understand what is being said, you must do this as soon as possible afterwards.</p>	<p><b>External links</b> <a href="#">Code G Police and Criminal Evidence Act 1984</a></p> <p>Links to staff intranet removed</p>
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If you have communication difficulties because the person has limited understanding of English, you can contact an interpreter by phone through the Bigword Interpreter system on 0800 8620624.

For more information on making an arrest, see related links:

- Code G Police and Criminal Evidence Act 1984
- Arrest aide memoire.

**Consequences of an unlawful arrest**

Even if suspects think they are under arrest, your arrest may be unlawful if you do not satisfy the above conditions. The possible consequences include:

- evidence obtained after the arrest being considered inadmissible (not allowed to be used in court)
- any use of force after the arrest being considered unlawful
- losing your case at court
- you and/or the Home Office being sued for compensation.

## Criminal investigation guidance on arrest

### Who can make the arrest

<p><a href="#">Ensuring the arrest is lawful</a> <a href="#">When and why it may be necessary to arrest</a> <a href="#">Cautioning on arrest</a> <a href="#">Powers of search after arrest</a> <a href="#">Children and vulnerable people</a> <a href="#">Using force during an arrest</a> <a href="#">Recording the arrest details</a> <a href="#">How to record the arrest</a> <a href="#">Your responsibilities to the arrested person</a> <a href="#">Arresting for further offences</a></p>	<p>This section tells you about who can make an arrest.</p> <p>If you have successfully completed the specialist immigration arrest and criminal investigation training and work in an appropriately authorised role in an immigration enforcement criminal investigation team, you are:</p> <ul style="list-style-type: none"><li>• a designated officer, and</li><li>• allowed to use arrest and criminal investigation powers.</li></ul> <p>As a designated officer, you must only use the power of arrest if you are following the criteria for making a lawful arrest, see link on left: Making sure the arrest is lawful.</p> <p>You must have the reasonable grounds to make a lawful arrest, otherwise you cannot be ordered to make an arrest.</p> <p>For more information on your powers of arrest, entry and search, see related links:</p> <ul style="list-style-type: none"><li>• Powers of arrest, entry and search under immigration legislation</li><li>• Powers of arrest, entry and search under PACE</li><li>• Making sure the arrest is lawful</li><li>• When to arrest and why it is necessary.</li></ul> <p>For the types of offences most commonly investigated by designated officers see related link: Offences immigration enforcement investigation teams investigate.</p> <p>If other offences come to light you must consult your line manager or the police.</p>	<p><b>In this section</b> <a href="#">When to arrest and why it is necessary</a></p> <p><a href="#">Search powers after arrest</a></p> <p><b>Downloads</b> Links to staff intranet removed</p>
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## Criminal investigation guidance on arrest

### When and why it may be necessary to arrest

<p><a href="#">Ensuring the arrest is lawful</a> <a href="#">Who can make the arrest</a> <a href="#">Cautioning on arrest</a> <a href="#">Powers of search after arrest</a> <a href="#">Children and vulnerable people</a> <a href="#">Using force during an arrest</a> <a href="#">Recording the arrest details</a> <a href="#">How to record the arrest</a> <a href="#">Your responsibilities to the arrested person</a> <a href="#">Arresting for further offences</a></p>	<p>This page tells you if you need to arrest a person and why it might be necessary.</p> <p>As the arresting officer it is your responsibility to decide if there are reasonable grounds to suspect that the person:</p> <ul style="list-style-type: none"><li>• has committed or attempted to commit an offence</li><li>• is committing an offence</li><li>• is about to commit an offence.</li></ul> <p>For more information on whether to arrest, see related link: Arrest aide memoire.</p> <p>Section 145 of the Immigration and Asylum Act 1999 states that when using a specified power of arrest, questioning, search or seizure:</p> <ul style="list-style-type: none"><li>• English and Welsh immigration officers must follow the Police and Criminal Evidence Act 1984 (PACE), and</li><li>• Northern Ireland immigration officers must follow the Police and Criminal Evidence (Northern Ireland) Order 1989 codes of practice.</li></ul> <p>For further information on the legislation, see related links:</p> <ul style="list-style-type: none"><li>• Section 145 of the Immigration and Asylum Act 1999</li><li>• Police and Criminal Evidence Act 1984, and</li><li>• The Police and Criminal Evidence (Northern Ireland) Order 1989.</li></ul> <p><b>Necessity to arrest</b></p> <p>To make an arrest, you must have reasonable grounds to believe that the arrest is necessary for one or more of the following reasons:</p> <ul style="list-style-type: none"><li>• To find out the person's name and address, if you:</li></ul>	<p><b>In this section</b> <a href="#">Search powers after arrest</a></p> <p><b>Related links</b> <a href="#">What is a lawful arrest</a></p> <p><b>Downloads</b> Links to staff intranet removed</p> <p><b>External links</b> <a href="#">Section 145 of the Immigration and Asylum Act 1999</a> <a href="#">Police and Criminal Evidence Act 1984</a> <a href="#">The Police and Criminal Evidence (Northern Ireland) Order 1989</a> <a href="#">Arrest criteria under PACE code G</a></p>
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- do not know the details, or
- cannot easily find the details out.
- If you doubt the details they have given you are their real name or address.
- To prevent the person:
  - causing physical injury to themselves or any other person
  - suffering physical injury
  - causing loss or damage to property
  - committing an offence against public decency, or
  - causing an unlawful obstruction of the highway.
- To protect a child or other vulnerable person.
- To allow the prompt and effective investigation of the offence.

You must satisfy yourself that an arrest is lawful, see link on left: Making sure the arrest is lawful.

As a designated officer your reason for arresting someone will often be 'to enable the prompt and effective investigation of the offence'.

You need to justify why you think the investigation would be frustrated, unreasonably delayed or otherwise hindered if the person was not arrested. Examples include a belief that the person:

- would not attend voluntarily for interview
- has made false statements and/or presented false evidence
- might steal or destroy evidence
- might contact or collude with co-suspects or conspirators.

For further information see related links:

- Arrest aide memoire
- ACPO position statement necessity to arrest
- Arrest criteria under PACE code G

## Criminal investigation guidance on arrest

### Cautioning on arrest

<p><a href="#">Ensuring the arrest is lawful</a> <a href="#">Who can make the arrest</a> <a href="#">When and why it may be necessary to arrest</a> <a href="#">Powers of search after arrest</a> <a href="#">Children and vulnerable people</a> <a href="#">Using force during an arrest</a> <a href="#">Recording the arrest details</a> <a href="#">How to record the arrest</a> <a href="#">Your responsibilities to the arrested person</a> <a href="#">Arresting for further offences</a></p>	<p>This page tells you how and when to give the caution following an arrest.</p> <p><b>The purpose of the caution</b> A caution is given on arrest so that the arrested person understands:</p> <ul style="list-style-type: none"><li>• that if they say anything they will not potentially incriminate themselves</li><li>• there may be consequences of failing to answer questions, and</li><li>• what they say following the caution may be given in evidence at court.</li></ul> <p><b>The effect of a caution</b> Although what is said before the caution can be admissible as evidence in court, anything said after the caution is almost always admissible. There are exceptions to this, but they are not relevant to you at the time of the arrest.</p> <p><b>When to give a caution</b> At the time of the arrest or, if this is not practicable as soon afterwards as reasonably practicable, for example, if the person is violent or too drunk to understand, you must:</p> <ul style="list-style-type: none"><li>• caution the person</li><li>• confirm they understand the caution, if you are in any doubt you must:<ul style="list-style-type: none"><li>○ explain the caution in simple terms</li><li>○ make a note of the explanation you have given</li></ul></li><li>• note any significant:<ul style="list-style-type: none"><li>○ silences, or</li><li>○ statements.</li></ul></li></ul> <p><b>The terms of the caution</b> You must give the caution contained in section 10.5 of code C to the Police and Criminal Evidence Act 1984 (PACE) :</p> <p>'You do not have to say anything, but it may harm your defence if you do not mention when</p>	<p><b>External links</b> <a href="#">Code G Police and Criminal Evidence Act 1984</a>  <a href="#">Code C Police and Criminal Evidence Act 1984</a></p> <p><b>Downloads</b> Links to staff intranet removed</p>
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questioned something which you later rely on in court. Anything you do say may be given in evidence’.

You must make sure the individual understands the meaning of the caution. You can use your own words to explain it if necessary, as minor deviations of the caution are acceptable, provided the meaning is retained.

Simply put, the caution has three elements:

- the person does not have to say anything at all, it is entirely their choice
- a court can (but will not necessarily) draw its own conclusions if the person:
  - declines to answer questions when interviewed, but later comes up with answers to those same questions, and they could have given them when first asked, or
  - answers questions, then later comes up with different answers to the same questions
- anything that is said may be given in evidence, whether that is to the person’s advantage or disadvantage.

If you have communication difficulties because the person has limited understanding of English, you can contact an interpreter by phone through the Bigword Interpreter system on 0800 8620624.

For more information see related link: Code C Police and Criminal Evidence Act 1984.

## Criminal investigation guidance on arrest

### Powers of search after arrest

<p><a href="#">Ensuring the arrest is lawful</a> <a href="#">Who can make the arrest</a> <a href="#">When and why it may be necessary to arrest</a> <a href="#">Cautioning on arrest</a> <a href="#">Children and vulnerable people</a> <a href="#">Using force during an arrest</a> <a href="#">Recording the arrest details</a> <a href="#">How to record the arrest</a> <a href="#">Your responsibilities to the arrested person</a> <a href="#">Arresting for further offences</a></p>	<p>This page tells you when you can use your search powers following an arrest.</p> <p><b>Searching arrested persons</b> Section 32 of the Police and Criminal Evidence Act 1984 (PACE) gives you power to search an arrested person if you have reasonable grounds to believe they may:</p> <ul style="list-style-type: none"><li>• be a danger to themselves or others</li><li>• have items which might be used to assist an escape, or</li><li>• possess evidence relating to the offence.</li></ul> <p><b>Searching premises following arrest: section 32 PACE</b> This section gives you the power to search for evidence of the offence at any premises where the person was:</p> <ul style="list-style-type: none"><li>• when arrested, or</li><li>• immediately before arrest.</li></ul> <p><b>Searching premises following arrest: section 18 PACE</b> This section gives you the power to search premises that are:</p> <ul style="list-style-type: none"><li>• occupied, or</li><li>• controlled</li></ul> <p>by a person who is under arrest for an indictable offence (an offence which can or must be tried at a crown court). You must have reasonable grounds to suspect that you may find evidence, other than anything subject to legal privilege (see below) which relates to:</p> <ul style="list-style-type: none"><li>• that offence, or</li><li>• some other indictable offence similar to or connected with that offence.</li></ul>	<p><b>In this section</b> <a href="#">When to arrest and why it is necessary</a></p> <p><b>Downloads</b> Links to staff intranet removed</p> <p><b>External links</b> <a href="#">Section 32 PACE</a> <a href="#">Section 18 PACE</a></p>
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If you need the arrested person to be present whilst you search the premises you can carry out a section 18 search before you take them to the police station. You do not need to get authority from a senior person beforehand but you must:

- make a note of why it is necessary
- inform Her Majesty's inspector (HMI) as soon as practicable, and
- make sure it is noted on the person's custody record.

For example, if the person is willing to show you where in the premises the evidence is located, and the premises are on the way to the police station.

**Items subject to legal privilege**

Legal professional privilege includes all communications that relate to the provision of legal advice between a lawyer and their client or any other person representing their client.

However, if you find Items that could be used by that person in furtherance of criminal purpose they are not subject to legal privilege. For example, their solicitor has provided them with false documents to use to gain leave to enter into the UK

For further information on your search powers, see the related links:

- Powers of arrest, entry and search under immigration legislation
- Powers of arrest, entry and search under PACE
- Section 32 PACE
- Section 18 PACE.

## Criminal investigation guidance on arrest

### Children and vulnerable people

<p><a href="#">Ensuring the arrest is lawful</a></p> <p><a href="#">Who can make the arrest</a></p> <p><a href="#">When and why it may be necessary to arrest</a></p> <p><a href="#">Cautioning on arrest</a></p> <p><a href="#">Powers of search after arrest</a></p> <p><a href="#">Using force during an arrest</a></p> <p><a href="#">Recording the arrest details</a></p> <p><a href="#">How to record the arrest</a></p> <p><a href="#">Your responsibilities to the arrested person</a></p> <p><a href="#">Arresting for further offences</a></p>	<p>This page tells you the special requirements you must use when arresting children and vulnerable people.</p> <p>In England and Wales, section 34 of the Crime and Disorder Act 1998 sets the age of criminal responsibility (the age below which someone is considered too young to be guilty of an offence) as 10 years. Section 118 of the same act extends this provision to Northern Ireland.</p> <p>For further information see related links:</p> <ul style="list-style-type: none"><li>• Section 34 Crime and Disorder Act 1998</li><li>• Section 118 Crime and Disorder Act 1998.</li></ul> <p><b>Children</b></p> <p>Children under the age of criminal responsibility:</p> <ul style="list-style-type: none"><li>• cannot be guilty of any offence, and</li><li>• must not be arrested for an offence.</li></ul> <p>For the purposes of criminal proceedings, you must arrest a child as an adult if you have:</p> <ul style="list-style-type: none"><li>• a power of arrest, and</li><li>• reasonable grounds to suspect the child of committing an offence.</li></ul> <p><b>Vulnerable people</b></p> <p>A vulnerable person could include a person who is:</p> <ul style="list-style-type: none"><li>• a child</li><li>• physically disabled</li><li>• mentally disabled</li></ul>	<p><b>External links</b></p> <p><a href="#">Section 34 Crime and Disorder Act 1998</a></p> <p><a href="#">Section 118 Crime and Disorder Act 1998</a></p> <p><a href="#">Code C Police and Criminal Evidence Act 1984</a></p>
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- blind or seriously visually impaired
- deaf
- unable to read, or
- unable to speak or has difficulty speaking because of a speech impediment.

**Arranging for an appropriate adult**

Due to the sensitivity of taking a young or vulnerable person into custody, you must inform the appropriate Her Majesty's inspector (HMI) or senior investigation officer (SIO) as soon as possible. Your HMI or SIO must make sure you follow all procedures correctly, particularly regarding appropriate adults.

Under paragraphs 1.4 to 1.7, Code C of the Police and Criminal Evidence Act 1984 you must arrange for an appropriate adult to accompany anyone you suspect, or are told in good faith, is:

- vulnerable, or
- a child.

For further information see related link: [Code C Police and Criminal Evidence Act 1984](#).

An appropriate adult for a child is a:

- parent
- guardian
- person representing a local authority or voluntary organisation if the child is in care
- social worker of a local authority
- if none of the above are available, a responsible adult aged 18 or over who is not a police officer or employed by the police.

An appropriate adult for a vulnerable person is:

- a relative
- a guardian
- someone responsible for their care or custody, or

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|  | <ul style="list-style-type: none"><li>• someone experienced in dealing with mentally disordered or mentally vulnerable people but who is not a police officer or employed by the police.</li></ul> |  |
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## Criminal investigation guidance on arrest

### Using force during an arrest

[Ensuring the arrest is lawful](#)  
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[How to record the arrest](#)  
[Your responsibilities to the arrested person](#)  
[Arresting for further offences](#)

This page tells you when you can use reasonable force if you are arresting someone.

Using reasonable force will either exercise a power conferred under the Police and Criminal Evidence Act 1984 (PACE), or in certain other circumstances.

#### Reasonable force

When using force you must consider if the circumstances make it:

- necessary, and
- reasonable.

Neither 'necessary' nor 'reasonable' are defined, so you must use your own common sense and good judgement when you make a decision as to whether and how much force you need to use. In particular, you must consider:

- any other ways to exercise the power without using force, and
- if so, are they:
  - possible
  - desirable, and
  - likely to succeed.

If your decision is that force is necessary, you must:

- use no more force than you need to exercise the power
- reduce or increase the use of force as soon as the need for it changes.

For more information and examples on using reasonable force, see related links:

- Using 'reasonable force'
- Reasonable Force

#### Related links

Links to staff intranet removed

#### External links

[Reasonable Force](#)

[CPS guidance to self-defence](#)

[Section 3 Criminal Law Act 1967](#)

[Section 117 PACE](#)

- Reasonable force - the law and statutory powers.

### **Common law**

The common law permits you to use reasonable force to defend yourself, property or a person you are responsible for, for example:

- your colleagues,
- arrested persons, or
- members of the public.

For more information see related link: CPS guidance to self-defence.

### **Section 3 Criminal Law Act 1967**

Under this section you can use reasonable force to:

- prevent a crime being commissioned
- result in or assist the lawful arrest of:
  - an offender
  - a suspected offender, or
  - a person unlawfully at large.

For more information see related link: Section 3 Criminal Law Act 1967.

### **Section 117 Police and Criminal Evidence Act 1984 (PACE)**

Under this section you can use reasonable force allowed in the PACE to exercise this power if you are:

- exercising a power allowed by the PACE Order 2013 (for example, a power of arrest or search), and
- you do not need the authority of someone else (other than an immigration or police officer) to exercise it.

For more information see related link: Section 117 PACE.

## Criminal investigation guidance on arrest

### Recording the arrest details

<p><a href="#">Ensuring the arrest is lawful</a> <a href="#">Who can make the arrest</a> <a href="#">When and why it may be necessary to arrest</a> <a href="#">Cautioning on arrest</a> <a href="#">Powers of search after arrest</a> <a href="#">Children and vulnerable people</a> <a href="#">Using force during an arrest</a> <a href="#">How to record the arrest</a> <a href="#">Your responsibilities to the arrested person</a> <a href="#">Arresting for further offences</a></p>	<p>This section tells you what arrest details you must record.</p> <p>You must provide a full and detailed account of the circumstances of the arrest, including anything you think is relevant. Your record of arrest must include:</p> <ul style="list-style-type: none"><li>• All relevant times, including the day, date, time and place of:<ul style="list-style-type: none"><li>○ the arrest</li><li>○ caution</li><li>○ arrival at police station</li><li>○ when your notes were started and completed.</li></ul></li><li>• If the person's state or behaviour means the reason for arrest and/or caution could not be given at the time:<ul style="list-style-type: none"><li>○ a full description of their state or behaviour</li><li>○ why it was impracticable to give the information and/or caution, if not obvious</li><li>○ when and where it was given, and</li><li>○ a full description of their state or behaviour at the point it was given.</li></ul></li><li>• The location where your account was written and any people present.</li><li>• A brief case history.</li><li>• Any relevant case or file references.</li><li>• Details of the arrested person:<ul style="list-style-type: none"><li>○ name</li><li>○ address</li><li>○ date of birth</li><li>○ nationality</li><li>○ occupation</li><li>○ gender, and</li><li>○ physical description.</li></ul></li><li>• If the arrested person is not the original target of your enquiries, you must still make reference to the suspect you were searching for.</li><li>• Your legal power to:</li></ul>	<p><b>In this section</b> <a href="#">How to record the arrest</a></p>
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- make the arrest
- search the person, and
- search the premises.
- The location of the arrest and a description of the scene.
- Details of all who were present.
- A record of what was said at the scene, and who said it.
- Any force used to:
  - enter the premises
  - arrest, and
  - search the offender.
- The justification for using force.
- The behaviour of the arrested person at the scene.
- Any injuries or illness, or the fact there were no injuries following use of force.
- Any relevant documents:
  - found
  - seized, and
  - how you got them.
- Any damage caused and steps taken to repair and secure damaged property.
- How the arrested person was taken to a police station.
- The police custody record number.

A useful way of describing a location in your notes is by using the following.

'TOM': a term for outdoors which stands for:

- The place (for example the street, road or town).
- Outside.
- Metres and direction from the nearest junction.

'TWO': a term for indoors which stands for:

- The place (for example the number, name or street).
- What kind of premises.

This guidance is based on Immigration Acts and Police and Criminal Evidence Act 1984

	<ul style="list-style-type: none"><li>• Owned or occupied by.</li></ul>	
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## Criminal investigation guidance on arrest

### How to record the arrest

<p><a href="#">Ensuring the arrest is lawful</a></p> <p><a href="#">Who can make the arrest</a></p> <p><a href="#">When and why it may be necessary to arrest</a></p> <p><a href="#">Cautioning on arrest</a></p> <p><a href="#">Powers of search after arrest</a></p> <p><a href="#">Children and vulnerable people</a></p> <p><a href="#">Using force during an arrest</a></p> <p><a href="#">Recording the arrest details</a></p> <p><a href="#">Your responsibilities to the arrested person</a></p> <p><a href="#">Arresting for further offences</a></p>	<p>This page tells you how to record the arrest.</p> <p>You must sign every entry you make in your arrest notes. Your notebook signature must have your:</p> <ul style="list-style-type: none"><li>• first name and surname</li><li>• grade, and</li><li>• warrant number.</li></ul> <p>Your notes must be completed:</p> <ul style="list-style-type: none"><li>• in black ball point pen</li><li>• using the 24 hour clock, and</li><li>• using block letters when writing:<ul style="list-style-type: none"><li>○ names</li><li>○ days</li><li>○ dates</li><li>○ times</li><li>○ places</li><li>○ addresses, and</li><li>○ compass points.</li></ul></li></ul> <p>You must follow the ‘no ELBOWS’ notebook rule:</p> <ul style="list-style-type: none"><li>• Erasures.</li><li>• Leaves torn out.</li><li>• Blank spaces.</li><li>• Overwriting.</li><li>• Writing between lines, and</li><li>• Statements not written in direct speech.</li></ul>	
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	<p>You must stamp your notes with an automatic time recorder (ATR) so you can prove when you made your notes. This stamps original notes with indelible ink which confirms the:</p> <ul style="list-style-type: none"><li>• time</li><li>• day</li><li>• date, and</li><li>• station code.</li></ul> <p>If an ATR machine is not available you must get your notes signed off by a chief immigration officer (CIO) or higher investigation officer (HIO).</p> <p>Not all Home Office or police stations have ATR machines. If your area does not, you must make sure your record of arrest statement includes the time and date when it was written.</p>	
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This guidance is based on Immigration Acts and Police and Criminal Evidence Act 1984

## Criminal investigation guidance on arrest

### Your responsibilities to the arrested person

<p><a href="#">Ensuring the arrest is lawful</a></p> <p><a href="#">Who can make the arrest</a></p> <p><a href="#">When and why it may be necessary to arrest</a></p> <p><a href="#">Cautioning on arrest</a></p> <p><a href="#">Powers of search after arrest</a></p> <p><a href="#">Children and vulnerable people</a></p> <p><a href="#">Using force during an arrest</a></p> <p><a href="#">Recording the arrest details</a></p> <p><a href="#">How to record the arrest</a></p> <p><a href="#">Arresting for further offences</a></p>	<p>This page tells you your responsibilities to the arrested person until they are booked into custody.</p> <p><b>Arresting officer’s responsibilities include:</b></p> <ul style="list-style-type: none"><li>• Taking the arrested person to the nearest available custody suite or immigration detention centre as soon as practicable.</li><li>• A duty of care to the arrested person until they are booked into custody. It is your responsibility to make sure you are sensitive of their safety and/or wellbeing. For example letting them go to the toilet or get a drink.</li><li>• Informing the custody officer as soon as possible if the person suffers from an illness or injury.</li><li>• Clearly explaining the reasons for arrest to the custody officer so they can authorise further detention.</li></ul> <p><b>The custody officer’s responsibilities include making sure the arrested person is told their rights to:</b></p> <ul style="list-style-type: none"><li>• have someone informed of their arrest</li><li>• free and independent legal advice</li><li>• consult privately with a solicitor</li><li>• consult a copy of the Police and Criminal Evidence Act 1984 (PACE) Codes of Practice.</li></ul> <p>For further information, see related link: PACE Codes of Practice.</p>	<p><b>External links</b></p> <p><a href="#">PACE Codes of Practice</a></p> <p><a href="#">Detention - conditions and duration</a></p>
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## Criminal investigation guidance on arrest

### Arresting for further offences

[Ensuring the arrest is lawful](#)  
[Who can make the arrest](#)  
[When and why it may be necessary to arrest](#)  
[Cautioning on arrest](#)  
[Powers of search after arrest](#)  
[Children and vulnerable people](#)  
[Using force during an arrest](#)  
[Recording the arrest details](#)  
[How to record the arrest](#)  
[Your responsibilities to the arrested person](#)

This page tells you what you must do if you have reasonable grounds to suspect an arrested person has committed further offences.

For example, you have arrested someone for possessing a forged identity document and when you search their address for further evidence, you find blank passports and Home Office stamps. You might then have reasonable grounds to suspect the person of possessing items for use in making false identity documents.

Section 31 of the Police and Criminal Evidence Act 1984 (PACE) states you must further arrest (arrest someone again) if they:

- have been arrested for an offence
- are at a police station as a result of that arrest, and
- are released from that arrest, they are liable to arrest for some other offence.

Although this requirement applies to people who are already at a police station, it is good practice to further arrest and caution the person when the evidence comes to light. This makes sure you:

- do not forget to further arrest the person
- can note any reply to the caution for that offence, including any significant statement
- can use any further power of search triggered by the further arrest.

If you further arrest a person, the:

- relevant time is the same as the time of the original arrest, and
- maximum period of detention is not affected.

For more information see related link: [Section 31 Police and Criminal Evidence Act 1984](#).

**External links**  
[Section 31 Police and Criminal Evidence Act 1984](#)

## Criminal investigation guidance on arrest

### Contact

	<p>This page explains who to contact for more help with a specific query about 'Criminal investigation guidance on arrest' guidance.</p> <p>If you have read this guidance and still need more help with this category, you must first ask your line manager.</p> <div style="border: 2px solid red; padding: 5px; text-align: center;"><p>Official sensitive – do not disclose – start of section</p><p>The information in this page has been removed as it is restricted for internal Home Office use only.</p><p>Official sensitive – do not disclose – end of section</p></div> <p>Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must contact the criminal investigation operational guidance team, using the related link, who will ask the GRaFT to update the guidance, if appropriate.</p> <p>The GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the related link: Email: Guidance, rules and forms team.</p>	<p><b>Related links</b></p> <p><a href="#">Changes to this guidance</a></p> <p><a href="#">Information owner</a></p> <p><b>External links</b></p> <p>Links to staff intranet removed</p>
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## Criminal investigation guidance on arrest

### Information owner

This page tells you about this version of the 'Criminal investigation guidance on arrest' and who owns it.

Version	3.0
Valid from date	18 November 2014
Guidance owner	Martin Huxley
Cleared by director	David Pennant Sonia Dower
Director's role	Director Crime directorate Director Strategy and intelligence directorate
Clearance date	26 June 2013
This version approved for publication by	Chris Foster
Approver's role	Acting deputy director - criminal investigations
Approval date	2 October 2014

Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must contact the criminal investigation operational guidance team, using the related link, who will ask the GRaFT to update the guidance, if appropriate.

The GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the related link: Email: Guidance, rules and forms team.

#### Related links

[Changes to this guidance](#)

[Contact](#)

#### External links

Links to staff intranet removed