



The Police Caution Comprehension Tool

Created by

Rachel Spotswoode



THE JUSTICE INTERMEDIARY

Specialist Communication Support for a fairer experience of the Law

www.thejusticeintermediary.co.uk
rachel@thejusticeintermediary.co.uk

Provide Feedback: **<https://www.surveymonkey.com/r/KJ5SMRR>**

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Introduction

Before interviewing suspects, they are read the caution and asked to confirm they understand it. But how can you be sure?

The guidance as it stands is that the officer should attempt to simplify it themselves if they feel the person may not understand the words.

This tool is created, in conjunction with Hampshire police, by an experienced Registered and Court-Appointed Intermediary with extensive experience in forensic and general mental health, Learning disability and ASD provision, a qualified teacher and passionate supporter of the police's work.

"It was developed in response to multiple requests for help directly from police officers across the south of England and regular questions during over hundred or so education sessions that I have provided over the last 8 years to several police forces" (Rachel Spotswoode)

The wording is selected to be at the ability level of an 'average' 10 year old. The reason for selecting this age is to correspond with the legal age of criminal responsibility.

Article 6 of the Human Rights Act sets out a person's right to a fair trial. It could be argued that this would be difficult to uphold without the suspect, at the earliest of stages, to be able to know, understand and be able to respond to allegations made against them. The caution could be regarded as the gateway to this article's success.

Who is the tool for?

This tool is intended to be used by interviewing officers where there is a concern about the suspect's ability to understand the caution, both as an additional, evidenced-based means of checking understanding and providing additional support for officers in making that potentially impactful decision to interview or not.

This ability can be effected by numerous factors including underlying health and cognitive issues, quality of the suspect's educational experiences, current physical and/or mental state amongst other possibilities.

Common difficulties could include Learning disabilities, Mental health issues, illiteracy, confusion, ADHD, ASD/Autism, cognitive or neurological difficulties in addition to physical health issues.

Note: a suspect does not have to have a diagnosis for this tool to be effective – it can be used with all suspects.

How to use the Tool:

- 1) Ensure your suspect is engaged and listening to you as best they can, with the legal team present if applicable.
- 2) Explain to them that you are going to read them the formal caution and then a version in more everyday language
- 3) Read the Original version

"You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence."

- 4) Read the Simplified version

(Optional introduction) "This is the instruction I have to give you before I ask you some questions. It's called the police caution."

"You don't have to tell me anything or answer any of my questions. But if you do talk with me, it is really important that you tell me now what the main points of your story are.

After we've talked in interview, if you say something different or change your story in the future, that might make it more difficult for your case if we get to court.

Whatever you do tell me, I may use it as evidence in your case."

- 5) Use these Clarification questions to check their understanding.

- Do you have to answer my questions?
- What may happen at court if you change your answers after these interviews?
- What may happen if you don't answer my questions but answer those same questions in court?
- What might I do with the information you give me in interview?

If the suspect is unable to answer these questions with clarity, this may indicate that the suspect is unable to comprehend the caution.

Please provide Feedback on your experience to enable further adaptation, assist with additional suspect engagement points and input into the development of a Suspect Intermediary Service

Email: rachel@thejusticeintermediary.co.uk

Web-based survey: <https://www.surveymonkey.com/r/KJ5SMRR>

Appendix 1 – Rachel Spotswoode Background

Rachel has worked in healthcare since the 1990s in various roles including carer, nurse, managerial positions, specialist advisor roles, training lead, specialist forensic and women's services, service / business development, compliance/quality assurance and senior governance positions. She has developed and established successful healthcare businesses/ providers and projects across the South of England.

Rachel brings her knowledge, experience and skills of the business world, law relating to disabilities & reasonable adjustments, physical and mental health, forensic psychiatry and the justice system together to improve the experience of people who become involved in the services.

Rachel has been both a MoJ Registered Intermediary and a HMCTS- appointed Intermediary for many years and has worked extensively across the range of jurisdictions. She is a visiting trainer / educator for many police forces and health services across the South of England covering topics such as engaging vulnerable witnesses, clinical conditions and what you need to know?, advanced witness courses, suspect interviewing and more.

Having a disability herself, Rachel has a deep and personal understanding of the obstacles that can arise, both for those with additional challenges and those interacting with them. She has lived the reality of physical and mental ill health within the workplace, overcoming challenges, dealing with complaints/ accusations and fighting for recognition and acceptance of people with disabilities in all arenas.

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Dr Karen

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