



Arrest and Detention Policy

Abstract

This policy sets out Surrey Police's approach to arrest and detention, supporting the core policing duties to protect life and property, preserve order, prevent the commission of offences, and bring offenders to justice.

It establishes a clear Force position which supports officers and staff to make objective, consistent, and defensible decisions, using arrest positively and proactively. Where arrest is lawful, necessary, and proportionate to achieve the policing purpose, officers will act promptly and without avoidable delay.

For adult suspects, there is an operational presumption of arrest where arrest would achieve the policing purpose.

For children and young people under 18, decisions must be made on the individual circumstances, with additional consideration given to the child's age, development, communication, vulnerability, welfare, safeguarding, and the timing of police action.

It may also be in the child's best interests, particularly where a serious offence has been committed, for the matter to be dealt with through arrest and detention. This ensures the offence is investigated appropriately, safeguards are considered, and the child is brought into the criminal justice system to enable assessment, intervention, and support where required.

This policy provides a framework for considering risk, safeguarding, investigative need, reasonable lines of enquiry, evidence preservation, victim and public protection, and the use of alternatives such as voluntary attendance where appropriate.

It is supported by an operational procedure, practitioner guidance, and training.

Linked Policies / Documents

This policy should be read alongside:

- [Police and Criminal Evidence Act 1984](#) and the relevant Codes of Practice, particularly [Code C](#) and [Code G](#)
- [National Decision Model](#)

Policy

1. Introduction

- 1.1 Surrey Police is committed to the lawful, necessary, and proportionate use of arrest as a core policing power. Used appropriately, arrest enables officers to take control of situations, protect victims and the public, prevent further offending, secure evidence, and progress investigations effectively.
- 1.2 For adult suspects, where a suspect has been identified there will be an operational presumption of arrest. This means arrest will be positively and proactively considered as the primary means of progressing the investigation where it would secure investigative opportunities, manage risk, protect victims or the public, or otherwise achieve the policing purpose. Where arrest is lawful, necessary, and proportionate, officers must act promptly and without avoidable delay.
- 1.3 This is an organisational expectation and operational starting point; it does not replace the individual legal test for arrest. The arresting officer must still establish reasonable grounds for suspicion and reasonable grounds to believe arrest is necessary under [PACE](#) and [Code G](#), and must be able to clearly explain the circumstances and rationale for the decision taken.
- 1.4 For children and young people under 18, the same legal test applies, but the decision must also be made on the child's individual circumstances, with additional consideration given to age, development, communication, vulnerability, welfare, safeguarding, and the timing of police action. Officers must use the 'CHILD' Aide-Memoire to structure these child-specific considerations.
- 1.5 Arrest should not be viewed simply as a means of obtaining an interview. Officers must consider the wider investigative and risk-management opportunities that arrest may enable, including victim and public protection, prevention of further offending, evidence preservation, search and seizure, forensic and digital opportunities, recovery of property, and progression of reasonable lines of enquiry.
- 1.6 Where an alternative approach is selected, including Voluntary Attendance, the officer must be able to explain why arrest is not necessary and how the approach will safely and effectively achieve the policing purpose. Voluntary Attendance Procedure must not be used for police convenience or to avoid the use of arrest. Choosing an alternative to arrest does not remove the requirement to progress the investigation diligently and expeditiously.
- 1.7 Arrest and detention are separate decisions. The arresting officer owns the decision to arrest and the grounds relied upon. The custody officer independently determines whether detention is necessary and proportionate on the circumstances presented.

2. Scope

- 2.1 This policy applies to all Surrey Police officers and staff involved in decisions concerning arrest, detention, investigation, supervision, safeguarding, or the management of detainees.

- 2.2 It covers decision-making before arrest, the use of arrest and alternative investigative approaches, presentation at custody, authorisation and continuation of detention, investigation while detained, safeguarding, supervision, recording, outcomes, and assurance.
 - 2.3 The policy applies to adults and children. The operational presumption of arrest applies to adults. Where the suspect is under 18, the additional child-specific considerations set out within this policy must be applied. Officers must use the 'CHILD' Aide-Memoire to structure these child-specific considerations.
 - 2.4 This policy should be read alongside [PACE](#), the relevant Codes of Practice, the [National Decision Model](#), applicable College of Policing Authorised Professional Practice, and other relevant Force policy and guidance.
- 3. Policy Statement**
- 3.1 Surrey Police will ensure that decisions relating to arrest and detention are lawful, objective, consistent, and defensible.
 - 3.2 The Force will monitor arrest, detention, and investigative outcomes to identify learning, impact, and any unintended consequences.
 - 3.3 This policy supports delivery of Surrey Police Our Plan and the '4 Good Things' by promoting timely and appropriate arrest, early evidence capture, quality investigation plans, effective supervisory oversight, and improved outcomes.

Procedure

1. Core Principles

- 1.1 Arrest is a significant police power and must be exercised lawfully, necessarily, and proportionately. Decisions must be based on the information known at the time, made using professional judgement, and kept under review as circumstances change.
- 1.2 Arrest is a significant interference with an individual's liberty. Officers and staff must exercise the power in accordance with [PACE](#), the [Human Rights Act 1998](#), and the principles of necessity and proportionality.
- 1.3 Decision-making under this policy must reflect the [Code of Ethics](#), particularly courage, respect, empathy, and public service. Officers must be prepared to take lawful action and account for their decisions, treat people fairly and with dignity, and act in the interests of victims, communities, and the wider public.
- 1.4 The [National Decision Model](#) remains the overarching decision-making framework. Action must also be tested against PLAN-E principles: Proportionate, Lawful, Accountable, Necessary, and Ethical.
- 1.5 Officers should consider the whole policing purpose, including risk, safeguarding, victim and public protection, investigative need, reasonable lines of enquiry,

evidence preservation, and the foreseeable consequences of acting or not acting.

- 1.6** Arrest must be considered as both an investigative and risk-management power. Officers must consider what arrest will enable, what may be lost, delayed, or frustrated without arrest, and whether another lawful approach can safely and effectively achieve the police purpose.

2. Decision-Making Framework

National Decision Model (NDM)

- 2.1** The [NDM](#) remains the overarching decision-making framework.

- 2.2** In simple terms, the [NDM](#) requires officers to:

- Understand what is happening and what is known
- Assess threat, harm, and risk
- Consider the powers and policies available
- Identify options and contingencies and take action
- Review whether the decision remains appropriate as circumstances change

- 2.3** Decisions must be based on the information available at the time and kept under review as new information emerges.

PLAN-E Principles

- 2.4** Action must also be tested against PLAN-E:

P	Proportionate	Is the proposed action reasonable when balanced against the circumstances, seriousness, risk, and desired policing outcome?
L	Lawful	Is there a clear legal power or basis for the action?
A	Accountable	Can the decision be explained and justified on the information available at the time?
N	Necessary	Is the action required to achieve the legitimate policing purpose?
E	Ethical	Is the decision consistent with professional standards, fairness, and the proper exercise of police powers?

- 2.5** PLAN-E does not create a separate legal test. It supports officers to test whether the proposed action is justified and defensible.

Code G

- 2.6** Where arrest is being considered, the officer must apply the legal test under [PACE](#) and [Code G](#). The arresting officer must establish:

1. Reasonable grounds to suspect involvement in an offence, and
2. Reasonable grounds to believe arrest is necessary

- 2.7** Simply naming a [Code G](#) necessity criterion is not sufficient. The officer must be able to explain why that criterion applies in the circumstances and what arrest will achieve.
- 2.8** When relying on ‘prompt and effective investigation’, officers must be able to explain:
- What investigative action is required
 - Why it needs to happen now
 - What arrest will enable
 - What may be lost, delayed, or frustrated without arrest

Applying the Frameworks Together

- 2.9** The [NDM](#) structures the decision, PLAN-E tests the action, and [Code G](#) provides the legal necessity for arrest.
- 2.10** For children and young people under 18, the ‘CHILD’ Aide-Memoire must also be applied, to ensure the additional child-specific considerations are properly considered.

3. Investigative and Risk Considerations

What Arrest May Enable

- 3.1** The decision must take account of what arrest will enable, what may be lost, delayed, or frustrated if arrest does not take place, and what action is required to achieve the policing purpose.
- 3.2** Officers must consider the investigative, safeguarding, and risk-management opportunities that arrest may enable, including:
- Protect victims, witnesses, vulnerable people, or the wider public
 - Prevent further or more serious offending
 - Prevent intimidation or collusion
 - Prevent disappearance
 - Preserve material before it is concealed, altered, destroyed, or disposed of
 - Facilitate lawful search and seizure
 - Enable searches of premises where the relevant power applies
 - Secure digital devices and digital evidence
 - Secure forensic opportunities, including clothing, footwear, DNA, or other material
 - Progress identification procedures
 - Recover stolen property
 - Identify and progress new reasonable lines of enquiry
 - Exploit golden-hour and other time-critical opportunities
- 3.3** The expectation for positive and proactive consideration of arrest must increase as the seriousness of the offence, level of risk, or value of immediate investigative opportunities increases.

- 3.4** [Article 2 and 3](#) considerations may strengthen the requirement for positive and proactive police action where there is an identified risk to life or of serious harm.
- 3.5** Particular consideration must be given where seriousness, risk, or time-critical investigative opportunities are present, including:
- Serious violence
 - Weapon-enabled offending
 - Serious acquisitive crime and robbery
 - Serious sexual offending
 - Serious drug supply and organised crime
 - Repeat or prolific offending
 - Offences involving significant exploitation or safeguarding risk
 - Circumstances engaging significant [Article 2 and 3](#) considerations
 - Cases where delay creates a real risk of evidence loss, further harm, intimidation, collusion, or disappearance
- 3.6** The category or seriousness of an offence does not in itself satisfy [Code G](#). Officers must still establish and articulate the individual necessity and proportionality of arrest.
- 3.7** Officers must consider the foreseeable consequences of both acting and not acting, including risk to victims, witnesses, the public, and the suspect. Safeguarding, vulnerability, and relevant [Human Rights](#) obligations must be considered alongside investigative need and public protection.
- 3.8** Investigative activity must be victim-centred and progressed diligently and expeditiously. Officers must take reasonable steps to secure and preserve evidence at the earliest opportunity and must not allow avoidable delay to undermine reasonable lines of enquiry or potential outcomes.

4. Arresting Officer Responsibilities

- 4.1** The arresting officer is responsible for the decision to arrest, and the grounds and [Code G](#) rationale relied upon. They must:
- Understand the circumstances and available information
 - Establish reasonable suspicion and clearly explain why arrest is lawful, necessary, and proportionate
 - Identify and articulate the case-specific [Code G](#) necessity
 - Consider safeguarding, vulnerability, and risk, investigative opportunities, and reasonable lines of enquiry
 - Take reasonable steps to secure and preserve evidence at the earliest opportunity
 - Keep relevant risk and welfare information under review until handover to custody
- 4.2** The arresting officer must be able to clearly explain why arrest is required. Simply naming a [Code G](#) criterion ('COPPLANID') is not sufficient. The rationale must

explain why that criterion applies to the individual circumstances and what arrest will enable.

- 4.3 Officers must take reasonable steps to secure and preserve evidence at the earliest opportunity and must progress relevant golden-hour and reasonable lines of enquiry without avoidable delay.

Presentation at Custody

- 4.4 The custody officer independently determines whether detention is necessary and proportionate.
- 4.5 Supervisors may direct investigative activity and provide appropriate oversight, but the arresting officer must formulate, own, and articulate their grounds for arrest and [Code G](#) rationale.
- 4.6 The detainee must be presented to custody for an independent detention decision. There must be no pre-custody determination or triage of detention before presentation to the custody officer. This does not prevent immediate action where exceptional circumstances, such as a safety or medical issue, require intervention.
- 4.7 Where practicable, the arresting officer themselves will present the detainee to custody. Where another officer transports or presents the detainee, that officer must be sufficiently briefed to accurately communicate the circumstances, grounds for arrest, [Code G](#) necessity, risk, and safeguarding information.
- 4.8 The officer must be able to explain why the power of arrest, and resulting deprivation of liberty, was lawful, necessary, and proportionate.
- 4.9 The circumstances of arrest and rationale must be articulated verbally, clearly, and professionally to the custody officer at the custody bridge so that the basis for the arrest and the proposed detention can be independently assessed. The detainee must be informed of the grounds and reasons in accordance with [PACE](#) and the relevant Codes of Practice.

5. Custody Officer Responsibilities

- 5.1 The custody officer has an independent statutory role and must determine whether detention is necessary and proportionate on the circumstances presented.
- 5.2 A lawful arrest does not automatically mean detention should be authorised. Equally, detention must not be refused simply because an alternative investigative approach may exist. The custody officer must independently assess whether detention is required to achieve the policing purpose.
- 5.3 Custody staff remain part of the wider policing response and will support the delivery of timely, victim-centred investigations, and effective outcomes, while maintaining the independence of the investigation decision.

- 5.4** Where detention is authorised, custody officers must support investigators and supervisors to ensure the investigation is progressed diligently and expeditiously, and that avoidable delay is minimised.
- 5.5** Where appropriate, custody officers will prompt consideration of:
- Proportionate out-of-court resolutions
 - Taken Into Consideration (TIC) opportunities
 - Intelligence Debriefs
 - Use of Force recording (initiating the NICHE custody tasking)
- 5.6** Initial detention decisions will not be referred to an Inspector for review. Inspector involvement will only be by exception where there is a specific legal, operational, or safeguarding reason. This does not affect statutory [PACE](#) review requirements.
- 5.7** Where detention is authorised, it must remain under review. [PACE](#) and the relevant Codes of Practice govern detention, reviews, and release.
- 5.8** Where detention is refused, the rationale must be clearly recorded.

6. Supervision and Investigation

- 6.1** All Surrey Police leaders must support the operational presumption of arrest for adult suspects where arrest is lawful, necessary, and proportionate, driving timely victim centred investigations that utilise suitable out-of-court outcomes where appropriate.
- 6.2** Investigations must be progressed diligently and expeditiously, whether the suspect has been arrested or is being dealt with by another lawful investigative approach.
- 6.3** Supervisors must maintain appropriate oversight, grip, and challenge of investigative progress and ensure that:
- There is a clear investigation plan
 - Reasonable lines of enquiry are identified and progressed
 - Golden-hour and other time-critical opportunities are acted upon
 - Evidence is secured and preserved at the earliest opportunity
 - Victim safeguarding and welfare are addressed
 - Avoidable delay is challenged
 - Custody time is used effectively where detention has been authorised
 - Escalation takes place where investigative progress is insufficient to the Duty Officer or, by exception, to the relevant Duty Senior Leadership Team (SLT) during office hours or Duty Critical Incident Manager (CIM) out of hours.

7. Voluntary Attendance

- 7.1** Voluntary Attendance remains an appropriate investigative option where it can safely and effectively achieve the policing purpose.

- 7.2** The officer must be able to explain why arrest is not necessary and how the alternative will safely and effectively achieve the policing purpose. Voluntary Attendance must not be used for police convenience or to avoid the use of arrest.
- 7.3** Voluntary Attendance must not be treated as the default simply because a suspect agrees to attend. Officers must consider whether arrest is required to manage risk, protect victims or the public, secure evidence, progress reasonable lines of enquiry, or otherwise achieve the policing purpose.
- 7.4** Where Voluntary Attendance is selected, the officer must be able to clearly explain where required:
- Why arrest is not necessary
 - Why Voluntary Attendance is appropriate in the circumstances
 - How the investigation will continue to be progressed diligently and expeditiously
 - How any identified risk, safeguarding, or evidential concerns will be managed
- 7.5** Choosing an alternative to arrest does not remove the requirement to progress the investigation diligently and expeditiously. Reasonable lines of enquiry, evidence preservation, victim contact, and other investigative activity must continue without avoidable delay.
- 7.6** Where Voluntary Attendance is initially assessed as appropriate, but the suspect fails to engage, delays attendance, refuses to agree a reasonable time, or otherwise frustrates the investigative process, officers must reassess necessity and proportionality under [Code G](#). Where Voluntary Attendance is no longer a practical alternative, officers must take control of the situation and act promptly rather than allow avoidable delay to impede the investigation.

8. Safeguarding and Vulnerability

- 8.1** Safeguarding and enforcement are not competing objectives. Officers and staff must consider vulnerability and safeguarding alongside investigative need, victim and public safety.
- 8.2** Safeguarding and vulnerability does not prevent arrest and detention. It may inform the necessity, proportionality, timing, and manner of police action, and any reasonable steps required to manage or mitigate identified risk.
- 8.3** Officers and staff must apply professional curiosity, consider the wider context, ask appropriate questions, and remain alert to circumstances which may indicate hidden risk, exploitation, or safeguarding concerns.
- 8.4** Relevant safeguarding concerns must be recorded, referred, and acted upon in accordance with Force safeguarding procedures (such as SIGNS)
- 8.5** Where the suspect is a child or young person under 18, the additional child-specific considerations and safeguards set out in the following section must also be applied.

9. Children and Young People Under 18 – Additional Considerations

- 9.1** Where the suspect is a child or young person under 18, the same legal test applies, but officers and staff must apply additional child-specific considerations when assessing necessity and proportionality.
- 9.2** Children must be recognised and treated as children first. Decision-making must consider the individual child alongside the offence, investigative need, risk to victims or witnesses, public protection, and the consequences of acting or not acting.
- 9.3** Officers and staff must consider:
- Age and development
 - Communication and understanding
 - Vulnerability and welfare
 - Trauma and behaviour
 - Safeguarding and exploitation
 - Fairness and adultification
- 9.4** It may also be in the child's best interests, particularly where a serious offence has been committed, for the matter to be dealt with through arrest and detention. This ensures the offence is investigated appropriately, safeguards are considered, and the child is brought into the criminal justice system to enable assessment, intervention, and support where required.
- 9.5** A child may be both a victim and a suspect, including where exploitation is present. Safeguarding and investigative needs must be considered together.
- 9.6** Professional curiosity must be applied throughout. Officers and staff must consider the wider context, relationships and setting, look beyond what is immediately visible and consider the reasons behind the child's behaviour or circumstances.

‘CHILD’ Aide-Memoire

- 9.7** The ‘CHILD’ Aide-Memoire must be used as the practical child-specific operational prompt of the [NDM](#) and PLAN-E when considering police action involving a child. It does not replace [PACE](#), [Code G](#), the [NDM](#) or professional judgement.

C	Circumstances and seriousness	<ul style="list-style-type: none">• What has happened? What do I know and reasonably suspect?• How serious is it? What is the wider context?• Consider aggravating factors including violence, weapons, serious acquisitive crime
H	Harm and safeguarding	<ul style="list-style-type: none">• Who is at risk – the child, victim, witnesses, or wider public?• What is the foreseeable risk of acting or not acting?• Is there injury, further offending, intimidation, exploitation, or other safeguarding harm to prevent? Apply professional curiosity throughout

I	Investigative necessity	<ul style="list-style-type: none"> • What does the investigation actually require now? Which Code G necessity applies? • What would arrest enable that cannot reasonably be achieved another way? • What could be frustrated, delayed, or lost without arrest?
L	Lawful and proportionate action	<ul style="list-style-type: none"> • What power or lawful basis applies? • Having considered the circumstances, harm, investigative need, and individual child, what action is lawful, necessary, and proportionate? • If arrest is necessary, arrest. If not, can VA or another lawful option safely and effectively achieve the policing purpose?
D	Development, vulnerability and welfare	<ul style="list-style-type: none"> • How should age, communication needs, trauma, exploitation, vulnerability, or welfare inform the decision? Am I still recognising and treating this person as a child? • What risks need managing or mitigating? What safeguarding action may be required? • If arrest is necessary, is the timing also proportionate?

Timing of Arrest

9.8 Where arrest is necessary, the timing must also be proportionate. Officers must consider whether a late-night or overnight arrest is justified by the risk, safeguarding, or investigative need, or whether a planned arrest at a more appropriate time will achieve the same policing purpose without compromising the investigation or public protection.

9.9 A decision to plan an arrest for a later time must not result in unnecessary delay, investigative drift, increased risk, or loss of evidence. Relevant investigative activity must continue.

Continued detention and welfare

9.10 Children must receive the safeguards required under [PACE Code C](#), including Appropriate Adult arrangements. Existing Surrey procedures relation to legal advice for children must continue to be applied.

9.11 Recognising the additional vulnerability of children in custody, where detention approaches 12 hours, a further structured review must be undertaken by the custody officer using the [NDM](#) and PLAN-E to confirm that continued detention remains necessary and proportionate, that the investigation is being progressed appropriately, and that welfare and safeguarding needs continue to be met.

9.12 The 12-hour point is a Surrey operational review safeguard and does not replace the statutory detention framework or [PACE](#) review requirements.

Remand in Police Custody

9.13 Where remand in police custody is being considered, custody staff and investigators must engage relevant partners at the earliest opportunity and

consider whether suitable alternative accommodation is available in accordance with the applicable legal and local arrangements.

- 9.14** The decision must take account of necessity, proportionality, risks to the child, victims or the public, safeguarding and welfare, and the availability of appropriate alternatives.

Outcomes and Diversion

- 9.15** The fact that a child has been arrested or dealt with by Voluntary Attendance does not determine the final disposal.
- 9.16** Where appropriate, officers and staff must consider proportionate diversionary and Youth Justice outcomes, including out of court resolutions and referral through relevant Youth Intervention / Joint Decision-Making arrangements.

Welfare and Safeguarding

- 9.17** The child's welfare and safeguarding needs must remain under consideration throughout police contact. Relevant concerns must be recorded, referred, and acted upon alongside appropriate action. Required safeguarding processes, including SIGNS where applicable, should be completed.
- 9.18** Safeguarding or victim status does not prevent arrest or remand where the decision remains lawful, necessary, and proportionate in the circumstances.

10. Recording

- 10.1** Decisions relating to arrest and detention must be clearly, accurately, and proportionately recorded.
- 10.2** The record must enable another professional to understand what was known at the time, the identified risk or investigative need, the relevant [Code G](#) necessity, and why the chosen course of action was considered lawful, necessary, and proportionate.

11. Monitoring, Assurance, and Learning

- 11.1** The implementation and effectiveness of this policy will be monitored to ensure the Force direction is being applied lawfully, consistently, and proportionately and that it is delivering the intended investigative, safeguarding, and victim outcomes.
- 11.2** Monitoring may include arrest and detention, voluntary attendance, detention duration, refused detention, investigation timeliness, bail and release under investigation, statutory time limits, repeat police contact, safeguarding activity, prosecution and diversion outcomes, Out of Court Resolutions, disproportionality and relevant complaints, professional standards themes, or partner feedback.
- 11.3** Qualitative reviews will include proportionate dip-sampling of custody records and CCTV where appropriate.

- 11.4** A structured training and continuing professional development approach to support lawful, consistent, and confident decision-making in relation to arrest and detention.
- 11.5** Learning will be informed by qualitative review, operational feedback, custody themes, complaints, and scrutiny, and used to provide feedback to practitioners and supervisors, inform training, and identify wider organisational themes.
- 11.6** Officers must be supported to take lawful, necessary, and proportionate action where the circumstances require it. Equally, decisions not to act must be capable of professional justification where there is an identifiable policing need. An unjustified failure to take lawful and necessary police action may be subject to supervisory or professional scrutiny, depending on the individual circumstances.
- 11.7** The impact and effectiveness of the overall Force approach will be monitored through relevant Criminal Justice, Custody, and operational governance arrangements. The Children and Young People Board will monitor the child-specific elements and outcomes.
- 11.8** The Board will report to the **Local Policing Accountability Board** and maintain links with relevant internal and partnership governance, including Criminal Justice and Custody, Public Protection, Stop & Search and Use of Force, Right Care Right Person, Mental Health, Youth Justice, and other relevant portfolio areas.