

Heads of Custody and Chief Officers
Via Email

7th June 2021

Dear Colleague,

I write to you regarding the Joint Interim Interview Protocol (JIIP), which was agreed with partners to allow for remote interviews to take place in custody during the Covid-19 pandemic. When we moved to step 3 of the Government's roadmap to ease lock down restrictions in England on the 17th May 2021, the JIIP was renegotiated and amended to version 3. This replaced the previous two versions and reflected the easing of restrictions. The main change to the protocol, was that the provision to allow remote legal advice was no longer available for detainees who are children, or adults who are vulnerable.

At the end of May, I met with the signatories to the JIIP, including CPS and representatives of criminal defence legal bodies. Given that the impact of remote legal advice on the justice process is still the subject of ongoing research and therefore has not been properly assessed, it is important that we return to 'in person' advice as Covid restrictions are eased.

In the main, the feedback I received was that this protocol has been adopted well by both forces and legal representatives. There have however been some examples of forces having difficulty in obtaining the attendance of legal advisors when requested. This is obviously a risk for the interests of justice and fairness for the detainee and I have raised this as an issue of concern. We are working with all our partners including the Legal Aid Agency, Ministry of Justice, Home Office and the signatories to the protocol to try and ensure that these issues are resolved. They are not in every case directly related to Covid-19 or the JIIP, but include some much larger and long-term challenges within the legal aid system.

Other parties to the JIIP have raised some issues with me regarding our adherence to the protocol. In my recent meeting with the signatories, some examples of police non-compliance with PPE requirements were raised with me. Whilst they are isolated, I would be grateful if you would please reinforce the importance of wearing appropriate PPE. In one example, the legal representative was the only person wearing PPE in an interview. Please find enclosed the current national PPE Guidance.

When considering the method of legal advice used, we must act with fairness to the detainee while also maintaining safety. Therefore, the signatories to the protocol have agreed that in cases where a detainee is confirmed as Covid positive, or is strongly believed to be Covid positive (for example, they display Covid symptoms but cannot be tested or refused to be tested) then the use of remote legal advice remains available for these detainees under JIIP version 3.

I hope that after the Government remove all Covid-19 restrictions, the agreement of all signatories to the JIIP will be forthcoming for it to be rescinded completely. I will of course keep you updated.



I am grateful for your continuing efforts in keeping custody functioning and safe during these challenging times that have, despite the pandemic, seen near normal levels of detainees passing through custody centres.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'N. Kemp', with a stylized flourish at the end.

Nev Kemp QPM

National Police Chiefs' Council (NPCC) lead for Custody and the movement of prisoners

Deputy Chief Constable

Surrey Police