



Jersey

**EXTRADITION (CODE OF PRACTICE FOR  
TREATMENT OF DETAINED PERSONS)  
(JERSEY) ORDER 2005**

**Official Consolidated Version**

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 1 January 2019 to Current



Jersey

## EXTRADITION (CODE OF PRACTICE FOR TREATMENT OF DETAINED PERSONS) (JERSEY) ORDER 2005

### Contents

<b>Article</b>	
1	Code of practice for treatment of detained persons ..... 4
2	Citation ..... 4
<b>SCHEDULE</b> <span style="float: right;"><b>5</b></span>	
1.	General ..... 6
2.	Arrest ..... 6
3.	Custody records ..... 7
4.	Custody Officers - responsibilities ..... 8
(a)	Initial action: detained persons ..... 8
(b)	Initial action: detained persons - special groups ..... 9
(c)	Documentation ..... 9
(d)	Time limits for detention and discharge of person ..... 9
5.	Detainee's property ..... 9
(a)	Action ..... 9
(b)	Documentation ..... 10
6.	Persons wanted for Jersey offences ..... 10
7.	Right not to be held incommunicado ..... 10
8.	Right to legal advice ..... 10
9.	Citizens of independent Commonwealth countries or foreign nationals ..... 10
10.	Conditions of detention ..... 11
11.	Care and treatment of detained persons ..... 11
ANNEX A <span style="float: right;">12</span>	
ARREST UNDER THE EXTRADITION (JERSEY) LAW 2004 <span style="float: right;">12</span>	
ANNEX B <span style="float: right;">13</span>	
CHECKLIST OF DUTIES FOR CUSTODY OFFICERS IN EXTRADITION CASES <span style="float: right;">13</span>	
ANNEX C <span style="float: right;">15</span>	
SUMMARY OF THE JERSEY EXTRADITION PROCESS <span style="float: right;">15</span>	
ANNEX D <span style="float: right;">17</span>	

---

EXTRADITION: WRITTEN NOTICE TO DETAINED PERSON (INCLUDING FAIR PROCESSING NOTICE)	17
<b>ENDNOTES</b>	<b>20</b>
<hr/>	
Table of Legislation History.....	20
Table of Renumbered Provisions .....	20
Table of Endnote References .....	20



Jersey

## **EXTRADITION (CODE OF PRACTICE FOR TREATMENT OF DETAINED PERSONS) (JERSEY) ORDER 2005**

**THE HOME AFFAIRS COMMITTEE**, in pursuance of Articles 94 and 120 of [Extradition \(Jersey\) Law 2004](#), and having complied with paragraph (2) of Article 94 of that Law, orders as follows –

Commencement [[see endnotes](#)]

---

### **1 Code of practice for treatment of detained persons**

The code of practice set out in the Schedule shall have effect.

### **2 Citation**

This Order may be cited as the Extradition (Code of Practice for Treatment of Detained Persons) (Jersey) Order 2005.

## SCHEDULE

(Article 1)

### [Extradition \(Jersey\) Law 2004](#)

Code of practice for treatment of persons detained under the [Extradition \(Jersey\) Law 2004](#)

(made pursuant to Article 94 of the [Extradition \(Jersey\) Law 2004](#))

#### Contents

1. General
  2. Arrest
  3. Custody records
  4. Custody officers: responsibilities –
    - (a) Initial action: detained persons
    - (b) Initial action: detained persons - special groups
    - (c) Documentation
    - (d) Time limits for detention and discharge of persons
  5. Detainee's property –
    - (a) Action
    - (b) Documentation
  6. Persons wanted for Jersey offences
  7. Right not to be held incommunicado
  8. Right to legal advice
  9. Citizens of independent Commonwealth countries or foreign nationals
  10. Condition of detention
  11. Care and treatment of detained persons
- Annex A** Arrest under the [Extradition \(Jersey\) Law 2004](#)
- Annex B** Checklist of duties for custody officers in extradition cases
- Annex C** Summary of the Jersey extradition process
- Annex D** Extradition: written notice to detained person (including fair processing note)

## 1. General

- 1.1 This Code concerns the procedures for the arrest, detention and treatment of persons wanted for extradition. These supplement the guidance in PPCE Code C.
- 1.2 The annexes are not provisions of this Code.
- 1.3 A custody officer must perform the functions in this Code as soon as practicable. A custody officer will not be in breach of this Code if delay is justifiable and reasonable steps are taken to prevent unnecessary delay. The custody record shall show when a delay has occurred and the reason.
- 1.4 This Code must be readily available at Rouge Bouillon Police Station for consultation by –
- ◆ police officers;
  - ◆ detained persons;
  - ◆ members of the public.
- 1.5 In the operation of procedures under this Code, officers should have regard to the provisions of PPCE Code C 1.4 - 1.7, 3.7 - 3.14, 10.6 and Annex E in respect of persons believed –
- ◆ to be mentally disordered or otherwise mentally vulnerable;
  - ◆ to be under the age of 17;
  - ◆ to be blind, seriously visually impaired, deaf, unable to read or speak, or have difficulty orally because of a speech impediment.
- 1.6 If this Code requires a person to be given certain information, they do not have to be given it if at the time they are incapable of understanding what is said, are violent or may become violent or are in urgent need of medical attention. But they must be given it as soon as practicable thereafter.
- 1.7 References to a custody officer include those performing the functions of custody officer.
- 1.8 Nothing under this Code permits an officer to interview a person arrested under the Law.

## 2. Arrest

- 2.1 An officer arresting a person wanted for extradition under one of the following powers in the Law (see Annex A) –
- ◆ Article 8: arrest under Part 2, following certification of an extradition request;
  - ◆ Article 10: provisional arrest under Part 2;
- shall –
- (a) Caution the person in the following terms –
- “You do not have to say anything, but anything you do say may be given in evidence.”**
- (b) Give the person a copy of the warrant as soon as practicable after arrest.

- 2.2 Minor deviations from the words of any caution given in accordance with this Code do not constitute a breach of this Code, provided the sense of the relevant caution is preserved.
- 2.3 The arresting officer need not be in possession of the arrest warrant at the time of arrest.
- 2.4 A person arrested under Article 8 of the Law, must be served with copies of the following documentation –
- ◆ the papers containing the extradition request (subject to Public Interest Immunity);
  - ◆ the certificate issued by the Attorney General.
- 2.5 If it is not practicable (e.g. due to the large volume of papers contained in the request) to serve the request on the person on arrest, officers may give copies of the documentation to the person's legal representative before or after arrest, as appropriate.
- 2.6 The officer must take all reasonable steps to ensure that the person understands that they are being arrested and why they are being arrested. The need for an interpreter will be fully assessed by the custody officer on arrival at the police station and if necessary, the process of arrest can be repeated to ensure the person understands that they have been arrested and why.

### **3. Custody records**

- 3.1 A separate custody record must be opened as soon as practicable for each person brought to a police station arrested under the Law.
- 3.2 PPCE Code C paragraph 2.3 applies.
- 3.3 In addition to the specific provisions set out in PPCE Code C, the custody officer shall record the following information on the custody record –
- (a) the person's name and aliases, date of birth, gender and nationality;
  - (b) the person's address;
  - (c) a note of the person's self-defined ethnic background;
  - (d) the Article of the Law the person was arrested under;
  - (e) the extradition offence(s) specified on the Part 2 extradition request;
  - (f) where possible, the date and location where the offence took place;
  - (g) the name of the country (e.g. Category 1 or 2) where the extradition request issues from;
  - (h) the date, time and place that the person was arrested;
  - (i) whether the person has been given the rights and notices set out in Sections 4.3 and 4.4 of this Code;
  - (j) if the person required an interpreter and/or legal representative.
- 3.4 All information recorded under this Code must be recorded as soon as practicable in the custody record unless otherwise specified.

## 4. Custody Officers - responsibilities

### (a) Initial action: detained persons

- 4.1 The person must be treated as continuing in legal custody from the point of arrest, until the person is either –
- ◆ first brought before the Magistrate; or
  - ◆ discharged (see paragraphs 4.9 (a) - (c) of this Code).
- 4.2 A checklist of the custody officer's duties under this Code is contained in Annex B.
- 4.3 When a person is brought to a police station under arrest, the custody officer must –
- ◆ assess the person's understanding of English and the need for an interpreter;
  - ◆ give the person a copy of the arrest warrant (domestic arrest warrant), if the person has not already been given a copy of the warrant by the arresting officer (see paragraph 2.1 (b) of this Code);
  - ◆ caution the person using the caution in the terms in paragraph 2.1(a) of this Code;
  - ◆ inform the person that he or she will not be interviewed about the extradition offence;
  - ◆ and make sure the person is told clearly about –
    - (a) the stages of the extradition process including the right to consent to extradition (a form of words is set out in Annex C);
    - (b) the following continuing rights which may be exercised at any stage during the period in custody –
      - (i) the right to have someone informed of his or her arrest (under Article 92(2)(c) of the Law);
      - (ii) the right to consult privately with a legal representative and that facilities to do so are available (under Article 92(2)(d) of the Law);
      - (iii) the right to consult these Codes of Practice and the PPCE Codes of Practice.
- 4.4 The custody officer must give the detainee –
- (a) a written extradition notice (Annex D) setting out –
    - (i) the rights in paragraph 4.3(b);
    - (ii) the arrangements for obtaining legal advice;
    - (iii) the caution in the terms prescribed in paragraph 2.1(a) above;
    - (iv) a fair processing notice, setting out the person's rights in respect of the use, retention and disclosure of personal data taken under the Law.
  - (b) a copy of the form setting out the stages of the extradition process, including the right to consent to extradition (Annex C);
  - (c) a written notice briefly setting out their entitlements while in custody (see PPCE Code C, Notes for Guidance 3A and 3B).

4.5 A citizen of an independent Commonwealth country or a national of a foreign country must be informed as soon as practicable about the right to communicate with their High Commission, Embassy or Consulate, as set out in PPCE Code C Section 7. The list of countries to which this applies (as at 1st April 2003) is set out in Annex F of PACE Code C.

**(b) Initial action: detained persons - special groups**

4.6 PPCE Code C paragraphs 3.7 - 3.14 apply in the operation of this Code.

**(c) Documentation**

4.7 The grounds for a person's detention shall be recorded in the person's presence, if practicable.

4.8 Action taken under paragraph 4.6 of this Code shall be recorded.

**(d) Time limits for detention and discharge of person**

4.9 Custody officers should note the specific obligations required under the Law in respect of persons arrested under an extradition arrest power.

(a) A copy of the arrest warrant (domestic arrest warrant issued under Part 2) must be given to the person as soon as practicable after arrest (Articles 9(2) and 11(2));

Note: if this provision is not adhered to, the Magistrate **may** order the person's discharge;

(b) A person arrested under Article 8 of the Law must be served copies of the extradition request and the certificate before the extradition hearing (see paragraph 2.4 of this Code);

Note: if this provision is not adhered to, the Magistrate **shall** order the person's discharge;

(c) A person arrested under Article 8 or 10 must be brought before the Magistrate as soon as practicable (Articles 9(3) and 11(3));

Note: if this provision is not adhered to and the person applies to the Magistrate to be discharged, the judge **shall** order the person's discharge.

**5. Detainee's property**

**(a) Action**

5.1 The custody officer is responsible for –

(a) ascertaining what property a detainee –

(i) has with them when they come to the police station on arrest;

(ii) might have acquired for an unlawful or harmful purpose while in custody.

(b) the safekeeping of any property taken from a detainee which remains at the police station.

- 5.2 The custody officer may search the detainee or authorise their being searched to the extent they consider necessary. Intimate searches and strip searches are allowed under Article 92(2)(b) of the Law, provided they are carried out in accordance with PPCE Code C, Annex A.
- 5.3 The custody officer may seize and retain any clothing or personal effects if there are reasonable grounds for believing that –
- (a) the person might use it to cause physical injury to themselves or another person;
  - (b) the person might use it to assist escape from lawful custody;
  - (c) it is evidence relating to the extradition offence or an offence committed in Jersey or abroad; or
  - (d) it is material relating to the identity of the person.
- 5.4 For the purposes of this Section, ‘an offence’ includes –
- ◆ the extradition offence;
  - ◆ an offence committed in Jersey;
  - ◆ an offence committed abroad.
- 5.5 An intimate or strip search under Article 92 of the Law may not be authorised for the purposes of ascertaining the person’s identity.
- 5.6 PPCE Code C, paragraphs 4.2 and 4.3 also apply in the operation of this Code.

## **(b) Documentation**

- 5.7 PPCE Code C paragraphs 4.4 and 4.5 apply.

## **6. Persons wanted for Jersey offences**

- 6.1 If, following arrest of a person under the Law, it becomes apparent that there is evidence or information connecting the person to a Jersey offence, it should be investigated in accordance with normal domestic procedures.
- 6.2 If the person is charged with the Jersey offence, the police must inform the Magistrate of the Jersey charges as soon as practicable. Under Article 25(1) of the Law, the Magistrate must adjourn the extradition proceedings.

## **7. Right not to be held incommunicado**

- 7.1 PPCE Code C, Section 5 and Annex B apply.

## **8. Right to legal advice**

- 8.1 PPCE Code C, paragraphs 6.1 - 6.5, 6.13 and Annex B apply.

## **9. Citizens of independent Commonwealth countries or foreign nationals**

- 9.1 PPCE Code C, Section 7 and paragraph 4.5 of this Code apply.

**10. Conditions of detention**

10.1 PPCE Code C, Section 8 applies.

**11. Care and treatment of detained persons**

11.1 PPCE Code C, Section 9 applies.

**ANNEX A****ARREST UNDER THE EXTRADITION (JERSEY) LAW 2004**

1.1 An officer may make an arrest under one of the following powers in the Law –

(a) **Article 8: arrest under Part 2, following certification of an extradition request**

This applies when the Attorney General has certified an extradition request from a designated territory and the Magistrate has issued an arrest warrant in relation to the person whose extradition is sought.

(b) **Article 10: provisional arrest warrant under Part 2**

This applies in urgent cases where a person is requested for extradition by a designated territory, but full documentation has not yet been received. In this circumstance, an officer may apply to the Magistrate for a provisional arrest warrant in respect of the person whose extradition is sought.

For a warrant to be issued, the officer must satisfy the Magistrate in writing and on oath that –

(i) Either –

- ◆ The person is accused in a designated territory of an offence; or
- ◆ The person is alleged to be unlawfully at large following conviction or sentence by a court in a designated territory.

(ii) The offence is an extradition offence;

(iii) The person is believed to be in Jersey or on their way to Jersey;

(iv) There is written information or evidence that would justify the issue of a warrant for the arrest of a person accused of the offence or unlawfully at large, within Jersey.

1.2 The arresting officer need not be in possession of the warrant at the time of arrest.

**ANNEX B****CHECKLIST OF DUTIES FOR CUSTODY OFFICERS IN EXTRADITION CASES**

<b>1.</b>	<b>Assess the need for an interpreter</b>	<input type="checkbox"/>
<b>2.</b>	<b>Ensure the person understands that they have been arrested and why they have been arrested</b>	<input type="checkbox"/>
<b>3.</b>	<b>Caution person in the following terms: “You do not have to say anything, but anything you do say may be given in evidence” and inform the person that he/she will not be interviewed or questioned about the extradition offence</b>	<input type="checkbox"/>
<b>4.</b>	<b>Give person a copy of the arrest warrant. Check the papers in this Code paragraph 2.4 have been served on the person</b>	<input type="checkbox"/>
<b>5.</b>	<b>Inform the person of extradition process, including the right to consent to extradition. (See form of words, Annex C)</b>	<input type="checkbox"/>
<b>6.</b>	<b>Inform person of their rights while in custody –</b> <b>(a) Right to have someone informed of the arrest and detention</b> <b>(b) Right to facilities to consult privately with a legal representative</b> <b>(c) Right to consult the Extradition Codes of Practice and the PPCE Codes of Practice</b>	<input type="checkbox"/>
<b>7.</b>	<b>Serve the person with the following forms –</b> <b>(a) The written extradition notice (Annex D) setting out –</b> <b>◆ The person’s rights while in custody</b> <b>◆ The arrangements for being afforded facilities to consult a legal representative in private</b> <b>◆ The extradition caution</b> <b>◆ The fair processing notice regarding the use retention and disclosure of personal data taken</b> <b>(b) A written notice setting out the person’s usual entitlements while in custody</b> <b>(c) A written copy of the form explaining the stages of the extradition process</b> <b>and mark the custody record as appropriate</b>	<input type="checkbox"/>
<b>8.</b>	<b>Inform person of the right to communicate with their High Commission, Embassy or Consulate (the list of countries to which this applies, as at 1st April 2003, is set out in Annex F, PPCE Code of Practice C) and mark the custody record as appropriate</b>	<input type="checkbox"/>
<b>9.</b>	<b>Ask the detainee</b> <b>(a) Whether they –</b>	<input type="checkbox"/>

	<ul style="list-style-type: none"> <li>◆ <b>Would like to be afforded facilities to consult a legal representative in private</b></li> <li>◆ <b>Want someone informed of their detention</b></li> <li>(b) <b>To sign the custody record to confirm their decisions in respect of these</b></li> </ul>	
10.	<p><b>Conduct a risk assessment and determine whether the detainee –</b></p> <ul style="list-style-type: none"> <li>(a) <b>Is, or might be in need of medical treatment or attention and/or</b></li> <li>(b) <b>Requires the presence of an appropriate adult (in accordance with paragraph 1.5 of this Code) or other special assistance</b></li> </ul> <p><b>and mark the custody record as appropriate</b></p>	<input type="checkbox"/>
11.	<p><b>Search the person to ascertain what property the detained person has with them and document this. Record the reasons for retaining any items of property, and mark the custody record as appropriate</b></p>	<input type="checkbox"/>
12.	<p><b>Ensure the following information is contained on the custody record and forward this information to the Law Officers' Department –</b></p> <ul style="list-style-type: none"> <li>(a) <b>The person's name and aliases, date of birth, gender and nationality</b></li> <li>(b) <b>The person's address</b></li> <li>(c) <b>A note of the person's self-defined ethnic background</b></li> <li>(d) <b>The provision of the Law under which the person was arrested</b></li> <li>(e) <b>The offence(s) specified on the extradition request (or, where known, the offence communicated by the requesting authority, if the person was arrested provisionally under Article 10)</b></li> <li>(f) <b>Where possible, the date and location where the offence took place</b></li> <li>(g) <b>The name of the territory (Category 1 or 2) requesting extradition</b></li> <li>(h) <b>The date, time and place that the person was arrested</b></li> <li>(i) <b>That the person has been given the required rights and notices</b></li> <li>(j) <b>If the person required an interpreter and/or facilities to consult a legal representative in private</b></li> </ul>	<input type="checkbox"/>

**ANNEX C****SUMMARY OF THE JERSEY EXTRADITION PROCESS****Persons arrested under Article 8 of the [Extradition \(Jersey\) Law 2004](#)**

*Note: this form is not an exhaustive account of the extradition process, and is not a statement of the law, but is designed to help you to understand why you have been arrested and the main stages of the extradition process.*

If you require a more detailed explanation of the process or have further questions, you should seek advice from your legal adviser.

- (1) You have been arrested under Article 8 of the [Extradition \(Jersey\) Law 2004](#).
- (2) Either (where person is accused of offences in the Requesting State) –  
Your extradition is sought by [designated territory] in relation to [offence(s)] which took place on [date/time] at [location].  
Or (where person has been convicted by the Requesting State and is alleged to be unlawfully at large) –  
Your extradition is sought by [designated territory] for the purpose of [being sentenced] or [serving a sentence of imprisonment] in relation to [offence(s) specified on the warrant].
- (3) You will be held in police custody until you are brought before the Magistrate. You will be brought before the Magistrate as soon as practicable.
- (4) There are three main stages to the extradition proceedings.
- (5) At the first stage, you will be brought before the Magistrate as soon as practicable after your arrest. The Magistrate will either remand you in custody or grant you bail.
- (6) The second stage is the main extradition hearing. This will take place within two months of you being brought before the Magistrate for the first time.
- (7) At the extradition hearing, the Magistrate will decide whether there are any reasons why you should not be extradited. The Magistrate will then either discharge you or send your case to the Attorney General for a decision as to whether you should be extradited.
- (8) If your case is sent to the Attorney General for a decision, you will have the right of appeal, but the appeal will not be heard until after the Attorney General has made his decision. If your case is sent to the Attorney General, you will either be remanded in custody or granted bail.
- (9) If the Attorney General orders your extradition to the designated territory, you have the right to appeal to the Royal Court against the decisions of the Magistrate and the Attorney General within 14 days.
- (10) If you do not appeal, you will be returned to [designated territory] within 28 days of the order to extradite.
- (11) You have the right to consent to your extradition. If you wish to consent you should consult your legal representative on the implications. You may only consent before the Magistrate.

**Provisional Arrest under Article 10 of the [Extradition \(Jersey\) Law 2004](#)**

*Note: this form is not an exhaustive account of the extradition process, and is not a statement of the law, but is designed to help you to understand why you have been arrested and the main stages of the extradition process.*

If you require a more detailed explanation of the process or have further questions, you should seek advice from your legal representative.

- (1) You have been provisionally arrested under Article 10 of the [Extradition \(Jersey\) Law 2004](#).

Either (where person is accused of offences in the Requesting State) –

Your extradition is sought by [designated territory] in relation to [offence(s)] which took place on [date/time] at [location].

Or (where person has been convicted by the Requesting State and is alleged to be unlawfully at large) –

Your extradition is sought by [designated territory] for the purpose of [being sentenced] or [serving a sentence of imprisonment] in relation to [offence(s) specified on the warrant]

- (2) You will be held in police custody until you are brought before the Magistrate. You will be brought before the Magistrate as soon as practicable.
- (3) There are three main stages to the extradition proceedings
- (4) At the first stage, you will be brought before the Magistrate as soon as practicable after your arrest. The Magistrate will either remand you in custody or grant you bail.
- (5) Provided the Magistrate has received all the necessary documentation relating to your case, within any applicable time limits, the judge will fix a date for the main extradition hearing. The main extradition hearing is the second stage of the proceedings.
- (6) The main extradition hearing will take place within 2 months of the Magistrate receiving the necessary documentation.
- (7) At the extradition hearing the Magistrate will decide whether there are any reasons why you should not be extradited. The Magistrate will then either discharge you or send your case to the Attorney General for a decision as to whether you will be extradited.
- (8) If your case is sent to the Attorney General for a decision, you will have the right of appeal, but the appeal will not be heard until after the Attorney General has made his decision. If your case is sent to the Attorney General, you will either be remanded in custody or granted bail.
- (9) If the Attorney General orders your extradition to [the designated territory], you have the right to appeal to the Royal Court against the decisions of the Magistrate and the Attorney General within 14 days.
- (10) If you do not appeal, you will be returned to [the designated territory] within 28 days of the order to extradite.
- (11) You have the right to consent to your extradition. If you wish to consent you should consult your legal representative on the implications. You may only give consent before the Magistrate.

**ANNEX D****EXTRADITION: WRITTEN NOTICE TO DETAINED PERSON (INCLUDING FAIR PROCESSING NOTICE)**

The section in capital letters is to be read to the detained person by the Custody Officer before giving the notice to the detained person.

YOU HAVE THE RIGHT TO –

1. TO BE AFFORDED FACILITIES TO CONSULT A LEGAL REPRESENTATIVE IN PRIVATE
2. HAVE SOMEONE TOLD THAT YOU HAVE BEEN ARRESTED
3. CONSULT THE CODES OF PRACTICE COVERING POLICE POWERS AND PROCEDURES
4. CONSULT THE CODES OF PRACTICE COVERING POLICE POWERS AND PROCEDURES FOR EXTRADITION

YOU MAY DO ANY OF THESE THINGS NOW, BUT IF YOU DO NOT, YOU MAY STILL DO SO AT ANY TIME WHILST DETAINED AT THE POLICE STATION

You do not have to say anything, but anything you do say may be given in evidence.

You will not be interviewed about the extradition offence.

More information is given below. The following 4 continuing rights may be exercised at any stage during the period in custody –

**1. The right to be afforded facilities to consult privately with a legal representative. (Article 92(2)(d) of the [Extradition \(Jersey\) Law 2004](#))**

You will be afforded facilities to consult privately with a legal representative at the police station at any time, day or night. It will cost you nothing.

Access to such facilities can only be delayed in certain exceptional circumstances (see Annex B of PPCE Code of Practice C)

If you do not know a legal representative to contact, ask for a list of duty legal representatives. He or she is nothing to do with the police.

**In extradition cases, the police will not interview you about the extradition offence**

If you require facilities to consult a legal representative in private, tell the custody officer at once. You can ask to be afforded such facilities at any time during your detention. Even if you do tell the police that you do not want to be afforded facilities to consult a legal representative in private, you may change your mind at any time.

Your right to be afforded facilities to consult a legal representative in private does not entitle you to delay procedures under the [Road Traffic \(Jersey\) Law 1956](#) which require the provision of breath, blood or urine specimens.

**2. The right to have someone informed of your arrest and detention (under Article 92 (2)(c) of the [Extradition \(Jersey\) Law 2004](#))**

You may on request have one person known to you or who is likely to take an interest in your welfare, informed at public expense as soon as practicable of your whereabouts. If this person cannot be contacted, you may choose up to 2 alternatives. If they too cannot be contacted, the Custody Officer has discretion on the number of further attempts required made to make contact.

This right can only be delayed in exceptional circumstances (Annex B PPCE Code of Practice C)

**3. and 4. The right to consult the PPCE Codes of Practice and the Extradition Codes of Practice**

Either or both of the Codes of Practice will be made available to you on request. These Codes govern police procedures.

The right does not entitle you to unreasonably delay any necessary action.

The right does not entitle you to delay procedures which require the provision of breath, blood or urine specimens.

**Custody Record**

The Custody Officer will keep a record of your detention. On request, when you leave police detention or are taken before a court, you or your legal representative or the appropriate adult shall be supplied with a copy of the Custody Record as soon as practicable. This entitlement lasts for 12 months after your release from police detention.

**Fair Processing Notice****Fair processing in respect of the use, retention and disclosure of personal data taken under the Data Protection (Jersey) Law 1987.**

On written request, you shall be told as soon as is practicable –

- of the identity of the data user or have this made easily available to you (this may be an individual e.g. Chief Officer, States of Jersey Police, or a registered body);
- the purpose(s) for which the data will be processed and to whom it may be passed.

Under extradition proceedings, the purpose will include establishing identity, maintaining the Custody Record, statistics and monitoring - refer to paragraph 3.3 of this Code and paragraph 1.2 of the Extradition Code of Practice for Identification. The information may be passed between law enforcement agencies, both here and abroad, and within the States of Jersey administration.

Your rights under use, disclosure and retention of photographs, fingerprints and samples are explained in paragraphs 3.13 to 3.18 and 4.17 to 4.19 of the Extradition Code of Practice for Identification.

**Individuals who make a subject access request are entitled to a copy of the information held about them. However, this right does not entitle you to this information where exemptions apply under Article 20 of the Data Protection (Jersey) Law 2005 or other exemptions apply under Part 4 of that Law, e.g. where access would be likely to prejudice the prevention or detection of crime or the apprehension or prosecution of offenders.**

The rights do not entitle you to unreasonably delay any necessary action in connection with your case.

The police are not obliged to contact the Data Protection Registrar on your behalf.

Further information can be obtained from the Data Protection Registrar on **Enquiry Line** Telephone: 01534 502062 or by Email: e.martins@gov.je

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Extradition (Code of Practice for Treatment of Detained Persons) (Jersey) Order 2005	<a href="#">R&amp;O.94/2005</a>	15 September 2005

### Table of Renumbered Provisions

Original	Current
2(1)	2
2(2)	Spent, omitted

### Table of Endnote References

*There are currently no endnote references*