



Royal Mail Internal Information
Criminal Investigation Team

7.2 Police Custody Procedures

Version 1.0 Final

May 2012

Review Date: May 2014

Ray Pratt
Head of Investigations Policy & Standards
Royal Mail Security
Mobex
Mobile

GRO

Contents

Key Accountabilities	3
1. Introduction	4
2. Arrest	4
3. Custody “Booking In” Process	5
4. Fingerprints, DNA and Photographs	7
5. Searching of Premises and Vehicles	8
6. Custody Reviews	8
7. Interviews at a Police Station	8
8. Procedure Post Interview	9
Change Control	12
Glossary	13

Key Accountabilities

Who is accountable?	What do I have to do?	When do I have to do this?	How do I do this?
All members of Royal Mail Security	Ensure you comply with these procedures	Ongoing	As detailed within these procedures

Police Custody Procedures

1. Introduction

- 1.1 The treatment of persons detained in police custody in England & Wales is governed by the Police and Criminal Evidence Act 1984, (PACE) and the accompanying Codes of Practice (CoP). Similar provisions apply in Northern Ireland, the legislation being the Police and Criminal Evidence (Northern Ireland) Order 1989, (PACE(NI)), again with accompanying CoP. Investigators must ensure that they have a thorough understanding of the legislation and the relevant codes, in particular Code C, which deals with the detention and treatment of suspects. Different legislation applies to police custody in Scotland but fundamentally the same activities are undertaken.
- 1.2 The purpose of these Procedures & Standards (P&S) therefore is not to reiterate legislation but to inform Investigators of the practical procedures which are undertaken so that they can engage with the police in a professional manner.
- 1.3 Investigators should also be aware that the order of the different processes described in these P&S are not “fixed in stone”. The exact order will be dependant on the circumstances of the case and the practices in place at the particular police station detaining the suspect. Having said that the order is what can be expected in most cases.
- 1.4 **Panic Alarms.** Investigators should be aware that custody suites have panic alarms which can be used to summons immediate help. Normally the alarms are strips on the wall. When in custody suites Investigators should identify the particular panic alarm system in use in case it is needed.
- 1.5 **Important Note.** Some custody staff may incorrectly assume that Royal Mail Investigators have been trained as, and have the powers of, police officers. As such custody staff may ask Investigators to undertake tasks for which they have not been trained. Should an Investigator be asked to perform some task of which they are unsure, they should politely decline and ask for assistance.

2. Arrest

- 2.1 In order to effectively progress some investigations arrest becomes necessary. An arrest should be carried out by a **constable, unless the arrest criteria apply and it appears to the Investigator making the arrest, that it is not reasonably practicable for a constable to make it instead.** In any event police assistance will be requested.
- 2.2 Investigators should note that constables, like citizens, can only arrest if the arrest is necessary. However constables, unlike citizens, are able to arrest if it is necessary to allow the prompt and effective investigation of the offence(s) concerned. Full details on citizen’s powers of arrest are contained within P&S 7.1 Suspect Approach and Arrest.
- 2.3 On the arrival of the police they will ask to be briefed on the circumstances of the case. An example of the sort of briefing that a police officer will want in a Royal Mail Group Ltd (RMG Ltd) case is below;
 - 2.3.1 **An investigation is underway in to the reported losses of large amounts of greetings cards at Anytown Delivery Office.**
 - 2.3.2 **An analysis of the losses showed that the suspect had 100% access.**
 - 2.3.3 **Two “test” greeting card type letters, which the suspect was due to deliver, were prepared and placed in mail to be handled by the suspect.**
 - 2.3.4 **Observations were undertaken on the suspect which confirmed that he sorted the test items and took them out on delivery.**
 - 2.3.5 **The test items have not been delivered, yet markers to the two test addresses have been.**
 - 2.3.6 **When asked the suspect refused consent to search.**
 - 2.3.7 **I believe the suspect has the stolen test letters in his possession.**

- 2.4** The police will then ask for the Investigator to repeat the allegations in the presence of the suspect. (As the allegations are made in the presence of a suspect the police officer can include the allegations and quote the reason for the arrest in any subsequent witness statement they make, without falling foul of the “hearsay” rules.) Normally after hearing the circumstances they will either arrest, or if the suspect has been arrested by an Investigator, re-arrest the suspect.
- 2.5 Searches on Arrest (Section 32 of PACE, Section 34 of PACE(NI)).** When a person is arrested at a place other than at a police station, Section 32 of PACE gives the Police the power to search a person for anything which might be evidence of that offence or for anything that may present a danger to themselves or any other person. In addition Section 32 gives the police the power to search the premises in which the person was arrested, if they have reasonable grounds to suspect that they will find evidence of an offence. (Under Section 23 of PACE, (Section 25 PACE(NI)) the definition of premises includes vehicles).
- 2.6 Conveyed to a Designated Police Station.** Following an arrest by a police officer Section 30 of PACE, (Section 32 PACE(NI)) requires that an arrested person be conveyed to a designated police station as soon as practicable.

3 Custody “Booking In” Process

- 3.1 Custody Record.** All detainees must be seen by the custody officer as soon as practicable after arrival at the police station. The custody officer is responsible for ensuring that the detainee’s time in custody is PACE compliant and fully risk assessed. Accordingly the custody officer will open a custody record, which will be used to record any events or issues relevant to the detainee’s custody including any actions taken to ensure the detainee’s wellbeing, any actions taken in respect of the investigation and any actions in respect of the detainee’s legal rights.
- 3.2 Grounds for Arrest** The first matter to be addressed is the grounds for arrest. The arresting officer will be asked to detail their reason for arresting the detained person. Normally the arresting officer will repeat the information given to him by the Investigator in the Case (IIC). On occasions however, arresting officers have asked the IIC to remind them of the reasons and assist in briefing the custody officer on the grounds for arrest. The information given in paragraphs 2.3.1 to 2.3.7 above is an example of the type of information which the custody officer would expect.
- 3.3 Grounds for Authorising Detention.** The custody officer will then have to establish if there are grounds to authorise detention. Such grounds may include;
- 3.3.1 To allow the prompt and effective investigation of the offence or of the conduct of the detained person.**
 - 3.3.2 To secure evidence by conducting searches.**
 - 3.3.3 To secure evidence by interviewing the suspect.**
 - 3.3.4 To obtain fingerprints photographs and DNA samples**
- It is expected that in all RMG Ltd cases involving an arrest there will be grounds for detention and as such the custody officer will authorise it.
- 3.4 Person Search.** The search of a detainee prior to arrival at the custody suite does not negate the need for a subsequent search being conducted at the police station. Section 54 of PACE, (Section 55 PACE(NI)) provides a power to search a detainee on arrival and a separate power to search at any other time. The power within Section 54 applies only to the police and designated detention officers; again however in the past custody officers have asked the IIC to conduct the search. If this happens the IIC must ensure that they have the consent of the detainee, as they have no power to do so. If the detainee does not consent then the IIC should refer the person search back to the custody officer.
- 3.5** During the custody “booking in” process therefore it is normal for the detained person to be searched or re-searched, (if they were searched on arrest). During the search process items will be recovered for the following reasons;
- 3.5.1** To prevent the detainee using the item to harm themselves, or others.

- 3.5.2 To prevent items being used to assist an escape from detention.
 - 3.5.3 For safe keeping whilst the detainee is in custody.
 - 3.5.4 As potential evidence of an offence.
 - 3.5.5 To prevent the interference with evidence.
 - 3.5.6 To prevent the damage to property.
- Items removed from the suspect will be recorded on the custody record, detailing the reason for the retention.
- 3.6 Risk Assessment.** A risk assessment will be undertaken with the view of ensuring the health and safety of both the detainee and others they will come in to contact with within the custody suite. The risk assessment consists of the following;
- 3.6.1 Intelligence checks will be made on the Police National Computer (PNC) and other force records to see if the detainee has any "Warning Markers", (a full explanation of what the warning markers mean can be found in Section 2 of Appendix 1 to P&S 4.1 Risk Related Intelligence Checks)
 - 3.6.2 The detainee will then be asked questions to establish their physical and mental health along the following lines.
 - a) Have they any injuries or physical medical conditions?
 - b) Have they any mental health problems including their current mental state?
 - c) Have they seen a doctor or been to hospital in respect of any current condition?
 - d) Are they on any medication? (If they have any medication on them it should be handed to the custody officer)
 - e) Have they ever tried to self harm?
 - f) Whether they are under the influence of drink or drugs or are dependant on them?
 - g) Whether they have any allergies?
 - h) If they have any learning difficulties?
- 3.7 Fit to be Detained.** The custody officer is responsible for ensuring that any detainee is fit to be detained. If they have any doubts they must ensure that the detainee is seen by a Registered Medical Practitioner. If any Investigator has any information which is relevant to the detainees' general health they should notify the custody officer as soon as practicable.
- 3.8 Observations.** Depending on the risk assessment detainees will be subjected to a level of observation whilst in custody. The levels of observation are;
- 3.8.1 **General Observation.** Checks are carried out at least every hour.
 - 3.8.2 **Intermittent Observation.** Used if under the influence of drugs or alcohol and checked at least every 30 minutes.
 - 3.8.3 **Constant Observation.** The detainee is under constant observation but this may be done by CCTV in the cell
 - 3.8.4 **Close Proximity.** This is for detainees who are at the biggest risk and as such they are to be physically supervised in close proximity.
- 3.9 Other Persons Dependant on the Detainee.** The custody officer may also make enquiries with the detainee to establish if there is any person who depends on them, who may be left without help or care whilst they are in custody. This could include a child, or an older or disabled person. Assistance can be given to help the detainee to arrange help.
- 3.10 Legal Rights.** The detainee will be informed of their legal rights whilst in custody by the custody officer. They include;
- 3.10.1 Their right to consult with an independent Solicitor.
 - 3.10.2 The right to have someone informed of the arrest, (Investigators can request that this right be delayed if it is thought that this will lead to the loss of evidence; for example alerting someone at a premises to be searched).
 - 3.10.3 That they can consult the relevant PACE CoP.

- 3.11 Foreign Nationals** Foreign nationals are also to be informed of their right to communicate with, or inform their High Commission, Embassy or Consulate of their detention.
- 3.12** The custody officer will also establish whether the detainee requires an **appropriate adult** and/or an **interpreter**.
- 3.13 Drug Testing and Smartwater Checks.** The detainee may also be subjected to a drug use test and a test to see if they are contaminated with "Smartwater".

4. Fingerprints, DNA samples and Photographs.

- 4.1** The police have the power to take the fingerprints, a DNA sample and photographs of persons detained at a police station, for a recordable offence, if they are not already in possession of such samples. (The offences investigated by Royal Mail Security (RMS) are in the main recordable). The power to;
- 4.1.1** Fingerprint is given under Section 61 of PACE 1984, (Section 61 PACE(NI)).
 - 4.1.2** Take a DNA sample is given under Section 63 of PACE 1984, (Section 63 PACE(NI)).
 - 4.1.3** Photograph is given under Section 64 of PACE 1984, (Section 64A PACE(NI)).
- 4.2** The detainee will be informed that any fingerprints or DNA will be taken;
- 4.2.1** To make sure whether or not their fingerprints and DNA are already held on relevant databases.
 - 4.2.2** If they are not held on relevant databases to ensure that they are added.
 - 4.2.3** To prove their identity as the person arrested and detained at the police station on that particular occasion.
- The detainee will also be informed that the fingerprints and DNA may well be subject of a speculative search against fingerprints or DNA obtained following crime scene examination.
- 4.3** Most fingerprints which are taken at a police station are now taken by an electronic system called "Livescan". Livescan takes a digital image of the fingerprints which is checked against fingerprint records, whilst the detainee is in custody, to see if they are "known to police" or if they are "wanted". In order to use the Livescan system a police officer will have to enter their warrant number in to the system. Investigators should also note that the Livescan system will generate a unique number which identifies the detainee. This number should be recorded by the IIC as it should be detailed on the Non Police Agencies (NPA) forms. For further information on NPA forms see P&S 7.10 Reporting Offences to the Police (NPA Procedures).
- 4.4** Investigators must ensure that before the suspect is released from police detention the matter of obtaining fingerprints, a DNA sample and photographs have been addressed. Investigators must note however, that the power to take fingerprints, a DNA sample and photographs **without written consent is only exercisable by a constable**.
- 4.5 Other Samples.** It is also worthy of note that the police have the power, in certain circumstances, to take intimate samples such as blood or dental impressions and also to take such things as footwear impressions. Investigators should therefore be aware that such tests may be required but it is the responsibility of the police to administer these procedures.

5. Searches of Premises and Vehicles.

- 5.1** If searches of the suspect's home and vehicle have not been completed prior to the detainee being taken to the police station then **Section 18 of PACE, (Section 20 PACE(NI))** allows the police to search premises occupied or controlled by that person. (Remember **Section 23 of PACE, (Section 25 PACE(NI))** includes vehicles in the definition of premises). A Section 18 search usually requires the authority of a police inspector. (In certain circumstances a constable can search under Section 18 without an inspector's authority). Sometimes the inspector will ask to be briefed on the circumstances of the case

by the IIC. This is particularly so if there are applications to search more than one address, as the inspector will want to know the connection between the detainee and the premises to be searched.

- 5.2 Investigators should note that there is no requirement for the detained person to be present at a search; they may well be left in custody at the police station whilst the search is conducted. For further details on searching see P&S 7.5 Searching.

6. Custody Reviews

- 6.1 Normally a person can be kept in custody for a total of 24 hours, without charge, from the time detention was authorised by the custody officer. This period of time can be extended to 36 hours on the authority of a police superintendent, or extended to a period of 96 hours on the authority of a Magistrate. It is, however, unlikely in RMG Ltd cases that more than 24 hours will be needed. (This period of detention includes the time spent in custody following the initial decision to authorise detention and any further period of custody, should the detainee be required to answer police bail).
- 6.2 Although a period of 24 hours is allowed, the period of time in which a person is in custody should be the minimum amount of time needed to effectively investigate the offences in question. Accordingly, in order to ensure that the investigation is being carried out in a prompt and expeditious manner, a person's period in custody is subject to review.
- 6.3 **First Review.** The general rule is that the first review must be carried out by a police officer not below the rank of inspector and no later than six hours after detention was first authorised. The officer responsible for conducting the review should not be directly involved in the investigation. The detainee or their legal advisor can make representations to the "reviewing officer" about the need for continued detention.
- 6.4 **Second and Subsequent Review.** Following the initial review a police officer, not below the rank of inspector, must review the authority for detention no later than nine hours after the initial review. Any subsequent reviews (should the period of detention be extended by a Police Superintendent or Magistrate) must take place no later than 9 hours after the previous review.
- 6.5 **The reviewing officer may well ask questions of the IIC to ensure that the investigation is being conducted in a prompt and effective manner and Investigators should be prepared for this.**

7. Interviews at a Police Station.

- 7.1 Following the arrest of suspects in RMG Ltd cases the suspect will often be interviewed by Royal Mail Investigators, without the presence of a police officer. This of course is not an issue as Investigators are well versed in conducting suspect interviews. There are however subtle changes (in procedures and processes) which Investigators should be aware of, which are detailed below.
- 7.2 **Friend Rule.** The RMG Ltd Friend rule does not apply when Investigators are conducting suspect interviews of RMG Ltd staff that are in police custody.
- 7.3 **Fitness to be interviewed.** A custody officer should satisfy themselves that a detainee is fit to be interviewed before an interview takes place.
- 7.4 **Interview Recording Media.** There are many ways of recording interviews at police stations including magnetic tapes, CD's, DVD's and secure digital networks. If Investigators are confronted with a recording medium with which they are unfamiliar then they should seek the advice of the police. It may be that they allow the use of the Investigators portable equipment. Investigators should also establish what the treatment of the master recording will be. Some forces centrally store all master recordings; others will allow the Investigators to keep them with the case papers. Often however if Investigators use RMS seals and recording media they will allow the investigator to keep the Master copy.

- 7.5 Responsibility for Detained Person whilst being Interviewed.** When it is time to interview the suspect the IIC will be asked to make a declaration to the effect that they are aware of their responsibilities under Section 39 of PACE. This section details that the Investigator is responsible for ensuring that the detained person is treated in accordance with the PACE CoP. The IIC is also responsible for the detainee's well being during the time that they are being interviewed.
- 7.6 Legal Rights.** As detailed above in paragraph 3.10 the suspect will always be offered their legal rights when they are being booked in to custody. However the IIC is responsible for ensuring that the detainee is reminded of their legal rights at the outset and recommencement of any interview. This includes informing the detainee that the interview can be delayed whilst legal advice is sought. Accordingly if the Legal Rights Explanation GS001 form is used it will have to be amended to reflect the actual legal rights that the suspect has whilst in custody.
- 7.7 Ending the Interview.** The correct action to be taken at the end of an interview is dependant on the circumstances of the case and is as follows;
- 7.7.1 Charged with an Offence(s).** If the IIC believes there is sufficient evidence to charge the detainee with an offence(s) there is no need to inform them that they may have rendered themselves liable to prosecution. This will be made clear to them when they are charged. The suspect should however be given the second caution and the opportunity to respond to it.
- 7.7.2 Bailed to Appear Back at a Police Station.** If further enquiries are needed before a detainee is charged it may be thought that the correct course of action is to request that the detainee should be released from police custody on police bail. This means that the suspect will be required to attend the police station at a later date when they can be re-interviewed. Should it be thought that releasing a person on police bail is the appropriate course of action then the detainee should **not** be informed that they may have rendered themselves liable to prosecution at that stage, nor should they be given the second caution.
- 7.7.3 Released from Police Custody with Option of Proceeding by Summons.** If the investigation is involved and further enquiries are likely to be time consuming then it may be appropriate to release the detainee from police custody with the option of proceeding by summons. If this is the case the detainee should be informed that they may have rendered themselves liable to prosecution and given the second caution, with the opportunity to respond. It should also be made clear to the detainee before they are released from police custody that the enquiries are ongoing and the case may well proceed by summons.
- 7.7.4 No further Action.** If it is thought that there is no realistic chance of a successful prosecution then the detainee should not be informed that they have rendered themselves liable to prosecution or given the second caution. Arrangements should be made for their release from custody as soon as practicable.

Advice on the correct course of action should be sought from the Criminal Law Team (CLT) in accordance with paragraph 8.1 below.

- 7.8 Returning the Detainee to the Custody Officer Post Interview.** On returning the detainee to the custody officer the IIC must report whether or not PACE was complied with and report any incidents that occurred which may be relevant to the detainee's detention. In addition the IIC should give the custody officer a summary of the interview. That summary should include;
- 7.8.1** All offences admitted.
- 7.8.2** All matters which were denied.
- 7.8.3** If the interviewee declined to answer any questions.
- 7.8.4** Any other events such as toilet visits or refreshments given.

8. Procedures Post Interview.

- 8.1** Following an interview the IIC will have to discuss the further conduct of the case and any potential charges with the custody officer. However before doing this the IIC should endeavour to contact the Criminal Law Team (CLT) for advice. The out of hours contact for the CLT is **GRO** or **GRO**. **GRO** The potential courses of action are detailed paragraph 7.7 above.

- 8.2** Should the decision be to charge the suspect with criminal offences the IIC must make a request that the case is not referred to the Crown Prosecution Service (CPS) as it is preferred that the Royal Mail CLT will prosecute. To facilitate this it is normal practice for the IIC to sign the charge sheet and retain the CPS copy. If the IIC is signing the charge sheet some custody officers will ask the IIC to read the charges to the detainee and give them the second caution.
- 8.3 Defendants who are Charged.** Following a charge a defendant will either be remanded in custody or, more likely, bailed to appear at a Magistrates Court at the next available hearing. Conditions may be placed on a defendant bailed to appear at a Magistrates Court, for example it may be a condition that they live at a particular address, or that they are not to contact prosecution witnesses. Any defendant who is charged at a police station should be given a Notice to Person Charged or Summoned form GS044.
- 8.4** For a defendant to be remanded in custody, or have conditions placed on their bail, the custody officer must have substantial grounds to believe that the defendant may;
- 8.4.1 Fail to surrender to bail.** The defendant's domestic/personal circumstances may influence this or they may have indicated they intend to abscond.
- 8.4.2 Obstruct the course of justice and/or interfere with witnesses.** Has the defendant threatened to interfere with witnesses (or has a history of such behaviour) or will they hinder the recovery of property?
- 8.4.3 Commit offences on bail.** Is it thought that the defendant will commit further offence(s) whilst on bail?
- 8.4.4 Be at risk of harm.** Is there a threat to the defendant or are they suicidal, have a drug habit or mental disorder etc? Special consideration should be given to the welfare of young persons.
- If the IIC knows of any such issues they should make the custody officer aware.**
- 8.5 Non Police Prosecution and Antecedents Forms.** If a suspect is charged or informed that the case will proceed by summons the IIC should ensure that the NPA01 Notification of Proceedings to the Police form and an Antecedents form GS033 are completed. Investigators are also reminded that they must ensure that the detainee has provided fingerprint and DNA samples and had their photograph taken.
- 8.6 Returning from Bail.** If a suspect is released on police bail then advice should be sought from the CLT on potential charges, before they answer their bail. In addition it is often useful for IIC to telephone the relevant custody suite the day before to ensure that the correct arrangements are in place for the suspect to answer bail. On answering bail detainees will be taken back into custody and as such the provisions of these P&S apply.

Change Control

Status	Final
Version	1.0
Owner	Ray Pratt
Author	Michael F Matthews
Release Date	May 2012
Document Privacy	Internal

Authorisation

Title	Name	Signature	Date
Security	Ray Pratt		May 2012

Distribution List

Name	Version	Date
All Royal Mail Security via Security Sharepoint	V1	May 2012

Documentation History

<i>Issue</i>	V.1				
<i>Status</i>	Final				
<i>Release Date</i>	May 2012				
<i>Effective From</i>	May 2012				

Document Change History

Issue / Version	Summary of Change
V1	Document Produced

Glossary

Abbreviation or Term	Meaning
PACE	Police and Criminal Evidence Act 1984
PACE(NI)	Police and Criminal Evidence Order (Northern Ireland) 1989
CoP	Codes of Practice
P&S	Procedures and Standards
RMG Ltd	Royal Mail Group Ltd
IIC	Investigator In the Case
RMS	Royal Mail Security
PNC	Police National Computer
CLT	
CPS	

Document Summary

If you have any queries please contact:

Mick F Matthews
Royal Mail Security
6A Eccleston St
LONDON
SW1W 9LT

Postline:
STD:
E mail

