


Support the role of custody sergeant or face damaging consequences

 The role of the police custody sergeant is challenging, demands experience in the service and a whole raft of legal expertise; they make crucial decisions under pressure as to whether to detain a prisoner or let them go free.

But this role is now under threat. The Government has included plans, in the Serious Organised Crime and Police Bill, to give chief officers the authority to enable them to designate 'staff custody officers'.

It takes several hundred pages of PACE and the Codes of Practice to determine and build on the 'experience' of a custody sergeant. The police officer determines the bona fides of the arrest, the continued justification of detention whilst that investigation is carried out and the welfare of the suspect whilst in police custody. They frequently deal with extremely vulnerable people, such as those with mental illness. That same officer has a statutory responsibility to ensure the boundaries of investigation laid down by Parliament are adhered to by investigating officers, often senior in rank. Can you really train the professionalism, experience, respect and often authority required for such a role?

The proposal to civilianise the role was first muted in 'off the wall' thinking suggested by Sir Ronnie Flanagan, HM Inspector of Constabulary, in the thematic inspection *Workforce Modernisation*. Such a theory was not however 'evidenced' in this document, other than to suggest, "literally hundreds of sergeants are in custody roles which, if resourced by police staff, would enable



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release of experienced supervisors at a time when 'front-line' supervisory experience is at a premium."

Hardly the most authoritative of evidence, when the custody sergeant role is clearly recognised by practitioners within the service as 'front-line' and is further respected by all those same ranks as the conduit between arrest and conduct of investigation prior to charge. Indeed, that respect goes far wider into the legal profession who would challenge with justifiable vigour, in defence of the accused, the suggestion that a custody sergeant had allowed provisions within the Police and Criminal Evidence Act to be breached in the quest for an admission or subsequent evidence leading to conviction.

Such was the lack of evidence on which the legislators drafted the Bill, compounded in recent weeks by non less than the retiring Chief HMIC Sir Keith Povey, who stated that the whole custody function should be 'hived off' from the normal police function.

He said that particularly now

that the CPS has taken over the charging role, and whilst accepting that 'experience' in the custody role is required states that 'you could train police staff to do that'.

But the charging role was never the function of the custody sergeant in the first place. It is therefore extremely disappointing that officers of such great seniority in service exude an apparent naivety as to the function of the officer.

This is particularly relevant in light of evidence over the past few years where many concerns have been expressed, throughout the service, as to the lack of specialist training, deaths in custody being a prime example together with implications of Human Rights legislation and the introduction and supervision of police support gaolers.

There has also been the introduction of pilots; variations of CPS charging schemes; drug and alcohol testing programs to name but a few of the roles encompassed in this primary policing function over the past few years.

Look back in the interim to the Runcimen Royal Commission which recommended the basic legislative framework of PACE in 1984, the report commented on the importance of the custody role and concluded: "It is important that the police should take full responsibility for the integrity of the evidence gathered, during the interview process as in other ways. This will only happen if they remain accountable for ensuring that such evidence is reliable because everything possible has been done to prevent the suspect from coming under unfair pres-

sure. To make another body responsible for the custody officer role would mean a serious risk that the police would no longer regard the responsibility for ensuring fair treatment of suspects as being theirs. In our view therefore everything possible should be done to develop and strengthen the performance by the police of the custody officer role. We strongly recommend that the custody officer should continue to be a police officer of at least the rank of sergeant.

I challenge those who encourage 'hiving off' the job to 'evidence'. What has changed to make those findings, encompassed, as they are in an Act of Parliament and encapsulating in law the fairness and professionalism of the investigative process, different in 2005?

It is simply not good enough to rely on management theory of 'robbing Peter to pay Paul', in the quest to shore up the faltering number of substantive sergeants by removing them from custody roles.

We invite the Government to take heed from the evidence of the practitioners: if 'reform' of the Criminal Justice System is to succeed in its many facets. The 'diamond' is the professional investigation of crime carried out in a fair and just manner. This substantiates the integrity of conviction in a court of Law.

Do the Government really believe that chief officers should be allowed the temptation to put that 'integrity' at risk by splitting the 'diamond'? It could well shatter in the hands of an amateur and become dangerously flawed.

