



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-03249

**Keyword:** Human Resources

**Subject:** CUSTODY OFFICERS

### Request and Answer:

*I have decided to disclose records in answer to questions 3, 5, 6 and 7 in full;*

*In relation to questions 1, 2, 4, 8, 9 and 10, the cost of complying with your request for information in answer to all of these questions would exceed the "appropriate limit" as stated in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004, which is currently set by the Secretary of State at £450.*

*I have considered whether I can be of any assistance in terms of helping you refine your request to bring it under the cost limit. This might be possible if you were to restrict your request to a smaller geographical area such as one or two PSNI Districts.*

*Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.*

*In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice in relation to questions 1, 2, 4, 8, 9 and 10, and the request has therefore been closed.*

### Question 1

How many police officers are currently performing their duties as custody officers?

### Answer

The cost of complying with your request for information would exceed the "appropriate limit" as stated in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004, which is currently set by the Secretary of State at £450.

### Question 2

At how many locations are police officers performing their duties as custody officers based?

### Answer

The cost of complying with your request for information would exceed the "appropriate limit" as stated in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004, which is currently set by the Secretary of State at £450.

### Question 3

What are the ranks of police officers who are performing their duties as custody officers?

### Answer

Please see the answer to question 6 below.

#### **Question 4**

What is the total cost of employing the police officers who currently perform their duties as custody officers?

#### **Answer**

The cost of complying with your request for information would exceed the "appropriate limit" as stated in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004, which is currently set by the Secretary of State at £450.

#### **Question 5**

What are the legal powers of police officers who currently perform their duties as custody officers?

#### **Answer**

The primary legislation imparting custody officers their (role specific) legal powers is the Police and Criminal Evidence (NI) Order 1989 (commonly known as PACE). This legislation specifically prescribes the duties of a custody officer. It structures the legal provisions and powers of custody officers' in their dealings with detained persons (prisoners).

There are also amending legislations (Acts or Orders which have introduced new powers or revised existing powers to the original PACE Order) directly relevant to the legal powers of custody officers. A list of amending legislation can be found at the commencement of the PACE Order.

PACE remains the legal structure by which all powers and legal matters relating to criminal investigations are conducted by custody officers.

Some detained persons (prisoners) may be held at a Police Station in pursuance of non-criminal investigations. This would include persons detained on foot of Court Orders (e.g. warrants) or persons detained in respect of Border Agency Authority (immigration powers). These persons, whilst not technically PACE prisoners are still accorded the same rights and privileges as PACE detainees. In these instances the Custody Officer may be utilising powers conferred by the Courts or the Immigration Act.

Also any other powers that are available to a police officer, regardless of duty/function.

#### **Question 6**

How many of the police officers who currently perform their duties as custody officers are reserve officers?

#### **Answer**

Article 37 of the Police and Criminal Evidence (NI) Order 1989 (PACE) decrees that "A custody officer for a designated police station shall be appointed by the Chief Constable: or by such other police officer as the Chief Constable may direct". It further proscribes that "No police officer may be appointed a custody officer unless he is of at least the rank of sergeant"

Allowance is made in article 37 of PACE that an officer of any rank may perform the functions of a custody officer, if a custody officer is not readily available to perform them. In practice no reserve officers are appointed as custody officers.

#### **Question 7**

What are the legal and other responsibilities of police officers who currently perform their duties as custody officers? (In relation to 'other responsibilities' you provided the following clarification;"I would be interested in any functions performed not as a result of law but from custom and practise. I would also like to know the relationship in law between the arresting officer, how the power of arrest becomes the power of detention when transferred to the custody Sergeant and how that is transferred to the police officer acting as a custody officer.")

#### **Answer**

The legal responsibilities of custody officers are outlined within Part V of the Police and Criminal Evidence Order 1989 (beginning at Article 35).

The commencement of Part V of PACE deals specifically with the transfer of the responsibility for the custody of an arrested person from an arresting police officer, to the custody officer, once the custody officer has made a determination to continue the arrested person's detention at a police station.

Custody officers maintain responsibility for the welfare and safekeeping of persons detained at police stations. These responsibilities are as outlined within the PACE Codes of Practice Section C and also the Home Office and ACPO Guidance on the Safer Detention and Handling of persons in Police Custody.

Other responsibilities of custody officers may include the management of various administrative tasks as detailed by their

local Commander.

**Question 8**

What are the years of service and rank of all the police officers currently performing the duties of custody officers?

**Answer**

The cost of complying with your request for information would exceed the "appropriate limit" as stated in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004, which is currently set by the Secretary of State at £450.

**Question 9**

Has any police officer of any rank, of full time or reserve status ever been returned, after performing their duties as a custody officer to other duties and not been retrained in the use of side or long arms, or any of the other new technologies or protective assets available to the police service? (In relation to 'protective assets', you provided the following clarification; "By this I mean any upgrading of any tactics or revised standard operating procedures, equipment defensive or offensive that may have been introduced during the time that a police officer may have served as a custody officer, but for which he did not receive training due to his operational duties as a custody officer.")

**Answer**

The cost of complying with your request for information would exceed the "appropriate limit" as stated in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004, which is currently set by the Secretary of State at £450.

**Question 10**

Has any police officer who served as a custody officer, who left those duties to undertake severance retraining ever been redeployed to other duties without having been retrained in the use of side or long arms, or any of the other new technologies or protective assets available to the police service?

**Answer**

The cost of complying with your request for information would exceed the "appropriate limit" as stated in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004, which is currently set by the Secretary of State at £450.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk)

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ <http://www.psnipolice.uk/>

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.