

FREE CHAPTER from 'A Practical Guide to Advising Clients at the Police Station' by Colin Stephen McKeown-Beaumont

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CHAPTER ONE

ENTERING THE CUSTODY SUITE – READING THE CUSTODY RECORD ETC

Well done! You have actually managed to gain entry to the custody suite. I'm told that this is no mean feat. Having gained access you are now at what I would call 'base camp' and the only way is up.

The Custody Officer

The first thing I would do is make myself known to the officer in the case – he/she may well have been the person that brought you through to the custody suite in any event. I would then make myself known to the Custody Officer on duty and ask that my details be put on the custody record including the very important details of my mobile phone number in order that contact could be made with me once I had left.

I would then ask the Custody Officer whether or not he/she knew anything about the case above and beyond that which had been endorsed on the custody record (by way of information having been input into the computer). The vast majority of police stations today have everything computerised. Most of the time the Custody Officer will not be able to assist in any way but it is always worth asking.

The Custody Record

I would then ask the Custody Officer for a print-out of the custody record in order that I could have a quiet and uninterrupted read of it. It may be that the officer would not be willing to print out the whole of the record (which includes the log) but only print off the front sheet containing the client's details etc. it is important to appreciate that the custody record comprises the log of everything that has happened in the case and it may therefore be necessary to stand next to the computer in order to go through the task of taking the relevant pieces of information from each page on the screen. It may be rather time-consuming but it must be done and it is vitally important if the client has been detained at the police station for any considerable length of time.

Remember that it is one of the few rights that you have at the police station as the legal adviser in the matter:

Code C 2.4 of the police station Codes of Practice made under the Police and Criminal Evidence Act 1984 (PACE) reads as follows:

'A solicitor or appropriate adult must be permitted to inspect a detainee's custody record as soon as practicable after their arrival at the station and at any other time whilst the person is detained. Arrangements for this access

must be agreed with the Custody Officer and may not unreasonably interfere with the Custody Officer's duties.'

It is really important to read the custody record in an intelligent way and to draw from it those matters which are relevant and pertinent to the matter in hand.

Here are 6 good reasons for reading the custody record:

1. The time of the suspect's arrival at the police station where he is wanted for questioning (see PACE Section 41 for the circumstances which commence the PACE clock – we sometimes refer to this as the 'relevant time' – the examples are all listed in Section 41)
2. The time the suspect's detention was authorised by the Custody Officer (see PACE Section 40) – don't confuse Section 40 and 41 – Section 40 deals with 'relevant time' and Section 40 deals with 'review time' and the 2 concepts are quite different
3. It should be noted on the custody record whether or not your client's clothing has been taken from him/her – there are many reasons as to why a client's clothing may be taken – it may be for forensic purposes – it may be because the item of clothing is relevant as a piece of evidence e.g. a distinctive T-shirt captured on CCTV
4. The client's state and demeanour upon arrest – were they intoxicated through alcohol? – Were they influenced by drugs? – it may be that they were in such a state that they did not even know they had left the store without paying or entered a building at all – do be aware of crimes of basic intent and crimes of specific intent and of the role that intoxication may play
5. The custody record should state whether or not an Inspectors authority has been obtained in order to carry out searches under Section 18 of PACE – you may well wish to enquire of the disclosure officer what, if anything, was found on those searches
6. Has the client seen the Dr or healthcare professional and, if they have, what, if anything has been prescribed to them by way of medication

I'm not going to labour the point – do read the custody record in an intelligent way – the things you will be looking for in relation to someone arrested for burglary will be quite different from the things you are looking for in relation to someone arrested for driving whilst disqualified.

Take your time! This is an important document and you must be given adequate time and space in order to take on board the relevant information. If you feel you are being badgered then your response must be both polite and firm. You will let the officer know when you are ready to have a chat concerning disclosure in the case once you have extracted the important information required from the custody record.

Do not write anything on the custody record (in the event of being in a police station where the custody record is contained on a clipboard). It is not for you to write on the custody record and you will only upset the police if you do so. You may, at any time, request that something be endorsed on the custody record. It is entirely a matter for the police as to whether or not they follow your request and make the relevant endorsement. If they do not make the relevant endorsement no doubt you will make a note in your own notes that you made the request but that it was refused.

When you have finished reading the custody record look around you – is there anyone in the custody suite from whom you could learn useful information before going on to have a chat with the disclosure officer. It may be that there are other lawyers in the custody suite representing people who have also been arrested in the same matter. There may be an appropriate adult about. There may be the doctor or other healthcare professional. Always keep your eyes and ears open in the custody suite. Be alert to obtaining information from others without, of course, acting in any way unethically.

You are now ready to obtain information from the disclosure officer and it is time to have a chat and to move on to Chapter 2.