

ORIGINATOR: CHIEF CONSTABLE

PAPER NO: AP18/55

**SUBMITTED TO: ACCOUNTABILITY AND PERFORMANCE PANEL -
19 OCTOBER 2018**

**SUBJECT: JOINT CUSTODY SERVICES, SERVICE DELIVERY AND
PERFORMANCE UPDATE**

SUMMARY:

1. This report provides an update from Joint Custody Services identifying key performance information and any significant operational or organisational issues.
2. There are no significant financial implications to note within this report.

RECOMMENDATION:

1. The Accountability and Performance Panel is asked to note the content of the report.

1. INFORMATION

1.1 A Brief Description of the Role and Responsibilities of Custody Services

1.2 The key roles and responsibilities that relate to the custody service are defined by the principles within the nationally published Authorised Professional Practice for Detention and Custody and include:

- There is a strategic focus which promotes the safe and decent delivery of custody;
- Detention is appropriate, investigators and custody staff operate lawfully and in accordance with relevant legislation;
- Detainees are treated with dignity and respect taking account of their diverse needs. Detainees have access to emergency medical care, health and social care services as necessary;
- All areas of the custody suite used by detainees are clean and safe, meeting required standards.

1.3 Norfolk and Suffolk Constabularies have successfully operated the collaborative co-located Police Investigation Centres (PICs) since 2011.

1.4 These principles complement the National Police Chiefs Council (NPCC) National Strategy for Police Custody; to develop a nationally consistent and transparent custody operation that is safe, effective and efficient.

1.5 A new Custody Commander, T/Chief Inspector Lou Provart took post on 3rd September 2018.

2. MANAGE DEMAND

2.1 The Custody Deployment Plan has been subject to revision in advance of changes from April 2019 in the recent custody review. It will outline resourcing for all PICs throughout the year encompassing weekends, bank holidays, and periods of high demand. An update on the review is later in the report. The staffing for the command is currently fully established.

2.2 Daily Management Meetings are held which inform resourcing and staff allocation to meet daily demands and priorities. Flexibility exists to move staff between PICs as need arises.

2.3 The Athena computer system is recognised for its significant benefits in bringing together the totality of information about people, places, offences and intelligence which allows us to work across the region to ensure we better understand risks and make better informed decisions. The system does occasionally cause some concern due to the stability of the platform, particularly since Beds, Herts and Cambs have turned on the system, which has caused crashing or slow running. Whilst this was expected, feedback from custody to the Athena team is provided, however we recognise that improvements are being made all the time which will assist the stability of the platform. Contingency plans exist through manual paper processes should the system unexpectedly fail or be withdrawn for planned upgrades.

2.4 A system is in place to allow the management of the flow of detainees into each PIC whilst being focussed on the risks and vulnerabilities of each person. Should any PIC identify that the needs of detainees or the volumes coming into custody would present a risk, they may operate under either an Amber or Red state in conjunction

with an assessment by the Duty Custody Bronze Inspector. State Amber is a managed service through the Control Room to identify each detainee as they are arrested, and where they can best be safely accommodated. State Red is the temporary closure to new detainees arriving at a PIC. State Green describes when PICs are operating as business as usual.

2.5 Custody Services – Summary of Detentions in Custody: April 2018 to August 2018

The following section shows Custody information based on:-

- Total number of detentions
- Use of Police Custody as a Place of Safety under Section 136 of the Mental Health Act 1983
- Levels of Strip-searching, Use of Force and Other Control Measures
- Use of Police Custody as a Place of Safety under the Children Act 1989
- Numbers of Children detained in Police Custody and for How Long
- Numbers of Children to be transferred to Local Authority Accommodation under the Police and Criminal Evidence Act (PACE)
- Numbers of Children actually transferred to Local Authority Accommodation

2.6 PCC Report – Data

The reporting period chosen for the following was April 2018 to August 2018 as requested, unless otherwise stated.

2.7 Total Number of Detentions

The throughput for Suffolk for the period April 2018 to end of August 2018 was 6,303. This compares to 6769 in the same reporting period of 2017 which is a 6.8% reduction.

2.8 Of the total throughput figure for the period, 8.7% relates to voluntary attendance and 7.1% to bail returns.

Of the total number of adults (new records only), 85.8% of detainees were male and 15.6% were female. 0.02% were not recorded.

2.9 Use of Police Custody as a Place of Safety under Section 136 of the Mental Health Act 1983

During the period, no person detained under s.136 was taken to a Police Investigation Centre (PIC).

2.10 Levels of Strip-searching, Use of Force and Other Control Measures

Strip Searches (Norfolk and Suffolk Combined)

Male	1,194
Female	252
Not Recorded	0

Use of Force (Norfolk and Suffolk Combined)

Male	752
Female	147
Not Recorded	4
Transgender	1

2.11 Use of Police Custody as a Place of Safety under the Children Act 1989

Excluding any young person (under 18) arrested and brought into police custody, there were no instances where police custody has been used as a place of safety under the Children Act 1989.

2.12 Numbers of Children detained in Police Custody and for how long

Total throughput of children (under 18) in police custody for the period from April to August was 525 (8.3% of all throughput).

Of the total throughput of children for the period, 13% relate to voluntary attendance and 7.2% to bail returns.

Of the total number of children (new records only) 78.7% of detainees were male and 21.3% were female.

2.13 Numbers of Children to be transferred to Local Authority Accommodation under PACE:

During the reference period there were a total of 15 child remands (under 18), for whom no beds were identified as being available or suitable for transfer into.

A Custody Safeguarding Multi-Agency Forum is held, and work is ongoing with the Youth offending Team (YOT) to progress this matter with the local authority.

3. RESPOND

3.1 Performance analysis has a strong focus around safeguarding and vulnerability and our audit regime ensures consistency of approach and where failings are identified these are picked up to ensure learning is embedded as a cycle of continuous improvement.

3.2 We conduct daily auditing to ensure safety and cell standards are met and regular dip sampling of custody records which are beneficial in maintaining and further driving up standards. Biannual full PIC inspections are carried out to ensure compliance against the Authorised Professional Practice for Detention and Custody.

3.3 We review Her Majesty's Inspectorate of Constabulary, Fire and Rescue Service Custody Inspection reports across the United Kingdom, to ensure we benchmark our custody facilities and processes against the current HMICFRS criteria and respond to other lessons learnt, particularly those within the Independent Office of Police Conduct reporting.

3.4 The NHS Liaison and Diversion project came into operation in May 2015 and has teams working across all PICs to conduct enhanced risk assessments on detainees. This includes extended operating hours from 8am-7pm 7 days a week. The teams have access to multiple referral routes for detainees. The emphasis is around removing the influences that causes them to commit crime therefore reducing reoffending.

3.5 There is a 24 hour provision of an appropriate adult service in Suffolk, provided by the Anglia Care Trust, who are also taking on the provision in Norfolk from October 2018. Work continues with the local authority and youth offending team in Norfolk to provide the same which will give parity of service across all PICs.

4. COLLABORATE

- 4.1 We are in the midst of a custody review, with options currently out for consultation with staff, concluding in mid-October. The review has been necessary to implement an efficient and cost effective operating model that meets demand now and in the future, and to recognise the greater use of virtual courts, the introduction of Bail Act changes, national concerns in respect of the use of Voluntary Attendance processes and will aim to implement a custody model which will be fit for the current and future landscape.
- 4.2 We are continuing to work with Bedfordshire, Cambridgeshire and Hertfordshire regarding our anticipated new medical provisions, (current tender expires April 2019). The tendering process is being evaluated and ready to report by the end of October 2018.
- 4.3 A joint Mental Health policy regarding detention in custody has been agreed with an escalation process when the provision of secure accommodation or transport is not immediately available.

5. MODERNISE

- 5.1 Virtual Courts are proving very beneficial to the wider Justice Services community, particularly for those within the Ministry of Justice when looking at the capacity of their courts to hear cases. The benefits of Virtual Courts are being nationally assessed due to the cost transfer from Her Majesty's Courts to forces.
- 5.2 Following the decision of the Policing and Fire Minister, Nick Hurd, in September 2017, when he announced an £11 million pilot in the South East of England to test and trial a wider Video Enabled Justice project, (which is led by the Sussex PCC Katy Bourne), custody command has recommended joining this project to Joint Chief Officers Team (JCOT), which has been recently approved.
- 5.3 Following changes in the bail legislation (effective on 4th April 2017) which provides a presumption all persons not charged will be released under investigation unless proportionate and necessary reasons prevents this bail, it can now only be awarded for 28 days (Inspector Authority). Bail can then be extended to 3 months with a Superintendent's authority, and then an application to a court to extend beyond that. Bail monitoring has therefore become a central part of our core custody duties.
- 5.4 The custody command provides a Bail Management Team of two sergeants and one administrative assistant, to ensure compliance with the new legislation. This is still recognised as national best practice.
- 5.5 Following an interim report as part of the custody review, a decision has been made through JCOT, to provide an additional two years of funding for these posts whilst changes to Athena are developed to incorporate it into daily business.

6. HMICFRS CUSTODY INSPECTION

- 6.1 On 13 May 2018, HM Inspectorates of Prisons and Constabulary and Fire and Rescue Services arrived to carry out an unannounced inspection of Norfolk and Suffolk custody provision. This is part of an ongoing six year rolling programme with the last Inspection being carried out in 2012 shortly after the Police Investigation Centres were opened.

6.2 The Inspection is broken down into five inspection areas:

- Leadership, Accountability and Partnerships
- Pre-custody: first point of contact
- In the custody suite: booking-in, individual needs and legal rights
- In the custody cell: including safeguarding and health services
- Release and transfer from custody

6.3 Leadership, Accountability and Partnerships

6.4 Norfolk and Suffolk Constabularies were found to have good, clear governance structures for custody as well as an embedded collaboration agreement. The estate and facilities are noted as being good. Effective Independent Custody Visitor (ICV) schemes were found in both Norfolk and Suffolk, however the force needed to improve mechanisms around the recording and auditing of use of force in custody suites to ensure it was safe and proportionate.

6.5 Response: A use of force monitoring group around coercive powers does now report on strip search, and wider use of force is subject of an inspector led audit, and mechanisms are being put in place to bring these to the leadership team at every two months for review.

6.6 Both forces had a clear strategic focus on protecting and diverting vulnerable people which all staff understood with specific schemes in place. However the inequality of provision between the two forces was highlighted – for example, the drug testing provision in Suffolk.

6.7 Pre-custody: First Point of Contact

HMICFRS highlighted a good understanding of vulnerability especially around mental health and only arresting children as a last resort with good range of alternative diversions arrangements.

6.8 In the custody suite: Booking-in, individual needs and legal rights

Custody staff were found to be respectful with detainees with high quality interactions noted. Staff were found to treat detainees calmly and with patience in what were noted to be highly challenging circumstances and met the specific needs of the individuals as required. Risk assessments were individually tailored and legal rights were observed well, however concerns were raised over the quality and content of the Inspectors' reviews being carried out. It was felt that in some instances, the Inspectors did not explore the welfare of the detainee and subsequently failed to update detainees that reviews had been carried out. The findings expressed concern that reviews were carried out by 'acting' Inspectors and that they were frequently undertaken too early and by telephone or when the detainee was asleep.

6.9 Response: Inspectors have been provided with additional supporting guidance on reviews, and are subject to audit by the Head of Custody on a rolling programme. The issue of Acting Inspectors has been raised with the Executive for further consideration.

6.10 In the custody cell: including safeguarding and health services

HMICFRS found the governance around the use of force was not effective and in the cases they reviewed not all officers had submitted use of force forms with detention log entries not always clear. During the Inspection staff were seen to deal with challenging detainees patiently and de-escalated demanding situations well. 12

cases were referred back to the management team to review in more depth to gain organisational learning.

6.11 Response: Each case is currently being reviewed with the individuals and with Learning and Development to ensure future reflection in Personal Safety Training as appropriate.

6.12 Staff were found to be alert to safeguarding issues and made appropriate referrals but existing Force Policy needs to be followed, notably relating to the detention of young people and the engagement with appropriate in a more timely manner during the detention process as well as during the processes for the obtaining of fingerprints and delivery of rights and entitlements.

6.13 The relationships between Liaison and Diversion, G4S, Turning Point and Change Grow Live in custody were effective and the clinical environment in custody was excellent. However HMICFRS found some detainees were waiting too long for mental health assessments to be carried out by partners.

6.14 Release and Transfer from Custody

Norfolk and Suffolk is the first inspection undertaken by the HMICFRS which has a virtual court process embedded in the custody process. HMICFRS noted that despite efforts of custody staff and their continued engagement with other Criminal Justice partners, an unacceptably high number of detainees were kept in custody longer than necessary awaiting transfer, thereby creating avoidable stress and increased level of risk to detainees and potentially custody staff.

6.15 Overall the inspection was excellent with many positive areas highlighted and only two areas for concern. HMICFRS also commented on a number of points where Norfolk and Suffolk Constabularies could improve even further on the care and provision given to detainees in the suites.

6.16 Response: An action plan has been formulated to respond to the areas commented on in the report to ensure the continued provision of a high standard of care to detainees whilst in custody.

7. DEATH AND SERIOUS INJURY INCIDENTS

7.1 A review of the Death or Serious Injury (DSI) referrals to the Independent Office for Police Conduct (IOPC) has been conducted. A total of 14 DSI referrals for Suffolk have been made to the IOPC during the reporting period (1st September 2017 to 31st August 2018) and of those, three are linked to custody, either by way of the incident occurring in one of the Police Investigation Centres or that the incident occurred following release from custody.

7.2 Details of these cases are as follows:

Date recorded	Summary	Outcome
January 2018	Female arrested on 15.01.18 for drunk and disorderly. Injury sustained whilst attempting to remove jewellery	IOPC decision – local investigation. Report sent to IOPC and no further action decision
July 2018	Male arrested 16.03.18 for sexual offence, public order and harassment and was on bail. Further arrested 01.06.18 but taken straight to	IOPC decision – Independent investigation and enquiries ongoing.

	hospital and not to custody. Failed to respond to bail and found deceased two days later	No further comment will be provided about this whilst the investigation continues
July 2018	Male arrested on 19.07.18 on suspicion of rape and released under investigation. Found deceased on 31.07.18	IOPC decision – Force will deal. No further action decision as no causal link

8. FINANCIAL IMPLICATIONS

8.1 No financial implications

9. OTHER IMPLICATIONS AND RISKS

9.1 No other implications or risks

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	No
Has the PCC's Chief Finance Officer been consulted?	No – as no financial implications noted
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	No – there are no issues likely to impact on either diversity or human rights implications
Have human resource implications been considered?	Yes – no HR implications identified.
Is the recommendation consistent with the objectives in the Police and Crime Plan?	Yes – the report makes reference to Objective 4 – 'caring for victims and vulnerable people'
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	No – there are no issues likely to impact on multi-agency governance arrangements.
Has communications advice been sought on areas of likely media interest and how they might be managed?	No
Have all relevant ethical factors been taken into consideration in developing this submission?	Yes