

ORIGINATOR: CHIEF CONSTABLE

PAPER NO: AP21/58

**SUBMITTED TO: ACCOUNTABILITY AND PERFORMANCE PANEL –
19 NOVEMBER 2021**

**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 Custody services provide the starting point for most criminal investigations managed by Suffolk Constabulary.

1.3 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, dignified 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.

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

1.5 There are six PICs in total, four in Norfolk and two in Suffolk, which have an overall capacity of 146 Cells.

1.6 The two Suffolk PICs are based at Martlesham (30 cells) and Bury St Edmunds (24 Cells). Persons arrested in the east of the county are taken to Great Yarmouth PIC (30 cells).

2 MANAGE DEMAND

2.1 The staffing of the PICs is dictated by The Custody Deployment Plan which was reviewed and revised in February 2019. It outlines resourcing for the entire year and focusses on key days where demand on the custody provision is anticipated to be higher than usual, for example Weekends and Bank Holidays.

2.2 The operational management of custody each day is the responsibility of the 'Custody Bronze' Inspector. This Inspector will be one of the 6 PIC inspectors across both counties and the 'Custody Bronze' role is covered between the hours of 0700-0000 every day on a rota basis. Where incidents need to be managed by a senior officer, they will get raised to the relevant force Silver for the day.

2.3 Daily Management Meetings are chaired by 'Custody Bronze' and these provide an opportunity to raise and discuss operational demands. These are then compared with available resourcing and staff allocation to ensure demands and priorities are met. Flexibility exists to move staff between PICs as need arises.

2.4 The demand created by detainees, charged and remanded in police custody awaiting their court appearance is managed by Virtual Court Detention Officers (VCDO) who are present in

both Suffolk PIC's. The VCDO's are responsible for delivering the Video Enabled Justice (VEJ) Court model for daily remand hearings at Ipswich Magistrates Court.

- 2.5 A system is in place to triage the transport of any person arrested before being brought into custody. The 'Ring before your Bring' scheme directs an arresting officer to contact custody from the scene of the arrest. This allows for the flow of detainees into each PIC to be managed whilst being focussed on the risks and vulnerabilities of each person. This call also is a fantastic opportunity for the custody sergeant to review the necessity of the arrest and to identify if the arrested person could and should be dealt with outside of the custody environment by use of the voluntary attender process.
- 2.6 Should any PIC identify that the needs of existing detainees or the volume of detainees being brought into custody would present a risk, they may operate under either an Amber or Red state in conjunction with an assessment by the Custody Bronze Inspector. State Amber describes a managed service through the Control Room - as each detainee is arrested the PIC where they can best be safely accommodated is identified and communicated to arresting officers. State Red indicates a temporary closure owing to detainee numbers. State Black is the closure of custody and results in the relocation of all detainees to alternative PICs. Black status is generally implemented owing to an operational or safety need. State Green describes when PICs are operating as business as usual.

Custody Services – Summary of Detentions in Custody

- 2.7 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 transferred to Local Authority Accommodation.

PCC Report – Data

- 2.8 The reporting period for the data is 1 August 2020 to 31 July 2021, unless otherwise stated.

Total Number of Detentions

- 2.9 The throughput of detainees for Suffolk for the period 1 August 2020 to 31 July 2021 was 9,620, down 756 on the previous year, based on Suffolk detainees using Martlesham, Bury and Great Yarmouth Police Investigation Centres.
- 2.10 Of the total throughput figures for the period, 6.43% relates to voluntary attendance. This is very similar to last years figures (6.99%) despite a push on interviewing outside of custody.
- 2.11 8853 (92%) of the total throughput were adults with 767 (8%) being juveniles (under 18).
- 2.12 Of the total number of adults 83% of detainees were male and 17% were female. 0.2% were not recorded. This is an identical split to the previous year.

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

- 2.13 Health Act 1983. Whilst it is a practice that is not supported, on both of these occasions there were no Section 3 beds available and these individuals were in custody purely whilst awaiting a bed to become available. These cases are referred to colleagues in the Norfolk and Suffolk Foundation Trust. Police stations are no longer deemed as a primary place of safety (although they legally can be). Health authority locations have primacy for such detentions.

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

Strip Searches

- 2.14 The total number of strip searches under Section 54 of the Police and Criminal Evidence Act between 1 August 2020 to 31 July 2021 was 773, a reduction of 51 from the previous year. This is broken down as follows:

2.15

Male	662 (85.6%)
Female	110 (14.2%)

Use of Force

- 2.16 The total number of instances of use of force in Custody relating to Suffolk detainees, between 1 August 2020 to 31 July 2021 was 261. Note - This figure removes duplicate records which occur when multiple officers are involved in a use of force incident involving one detainee. Use of force per gender is broken down as follows:

Male	191 (73%)
Female	66 (25%)
Not Recorded	4 (2%)

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

- 2.17 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.

Numbers of Children detained in Police Custody and for How Long

- 2.18 Total throughput of children (under 18) in police custody for the period from 1 August 2020 to 31 July 2021 was 767 (8% of all throughput).
- 2.19 Of the total throughput of children for the period, 13.8% relate to voluntary attendance.
- 2.20 Of the total number of children 79% of detainees were male and 20% were female.
- 2.21 The average length of detention for a child (under 18) in custody was 9 hours and 11 minutes, over an hour less than the previous reporting period of 10hrs 21 minutes.

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

- 2.22 During the reference period there were a total of 25 child remands requested for transfer to Local Authority care (under 18).
- 2.23 In 10 cases accommodation was available but it was not practical to move the juvenile. Due to court being virtual within the PICs, there was 6 occasions where the requirement to bring the juvenile in front of the court made it impractical / not sufficient time to arrange a move to local authority accommodation.
- 2.24 A Custody Safeguarding Multi-Agency Forum is held to debrief all cases where transfer did not take place. This meeting is attended by the custody Inspector who holds the vulnerable persons portfolio.

Numbers of Children actually transferred to Local Authority Accommodation:

- 2.25 There were no transfers that took place in the period reported. As above, this is subject to Executive review with Heads of Children's Services to provide better availability of accommodation options for children subject of remand.

3 RESPOND

- 3.1 The management structure of Custody is made up of a Chief Inspector (Head of department), six PIC Inspectors and a Custody Development officer (Police Staff). These are referred to as the Senior Leadership Team (SLT)
- 3.2 The PIC Inspectors and the Custody development officer all own individual portfolio's which are:-
- Training;
 - Operations Management;
 - Wellbeing;
 - Audits and Scrutiny;
 - Vulnerable persons;
 - Managing Offenders;
 - Contracts Management.
- 3.3 The SLT meet monthly to discuss portfolio updates and to monitor overall performance. This meeting is chaired by the Head of the department. Additionally, at this meeting any new national custody practises which are being introduced are discussed and adopted.

Partners

- 3.4 The NHS Liaison and Diversion (L+D) provision, came into operation in May 2015 and has teams working across all PICs to conduct enhanced risk assessments on detainees. The emphasis is around removing the influences that causes them to commit crime therefore reducing reoffending. L+D are commissioned to operate between the hours of 8am-7pm, 7 days a week. A New Twilight Liaison and Diversion (L+D) service started at Martlesham PIC in October 2020 offering the same service throughout the evening hours. This has improved the number of detainees seen whilst in custody, meaning these individuals do not have to be followed up by the team at a later date.
- 3.5 The Appropriate Adult service in Suffolk is provided by the Anglia Care Trust. The team of AA's operate up to 2300hrs everyday but can provide 24-hour provision with the authority of a Police Superintendent.

4 MODERNISE

- 4.1 In 2021, Custody introduced the portfolio holder for Managing Offenders. This position has been introduced to oversee the management of several key Joint Justice priorities including Bail Management, , restorative justice, use of civil orders and encouraging officers to use voluntary attendance where appropriate. The managing offenders lead is also leading the phased roll out of out of court disposals (OCD) across both forces. This strategic piece of work compliments the national drive to reduce the number of offenders going through the court system.
- 4.2 An independent Strip Search Scrutiny Panel (ISSSP) was convened across Norfolk and Suffolk, made up from Independent Custody Visitors. They meet quarterly to review the use of Section 54 PACE powers which allow Sergeants to authorise the strip search of a subject who they suspect may have objects on them which may be evidential or cause them harm. This panel has been given further 'high risk' areas to scrutinise, and under the guidance of the portfolio holder they now also assess appropriate usage of rip proof clothing and the use of force within custody. Two panels have been held in 2021, and the results are encouraging and beneficial. The use of strip search, rip proof clothing and the use of force is justified in most cases, and the feedback from the panel has been adopted for ongoing development of the department.

5 COLLABORATE

- 5.1 In 2019 we entered into a five force (Norfolk, Suffolk, Bedfordshire, Hertfordshire and Cambridge) contract for external, embedded medical provision within the five main Police Investigation Centres (PICs). This is managed through the 7 Force Procurement Team and the relevant Heads of Custody or appropriate staff. We are now in the final 2 years of the contract with CRG.
- 5.2 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.

6 HMICFRS CUSTODY INSPECTION

- 6.1 The previous HMICFRS inspection of custody was carried out in 2018 and has been previously reported upon to the panel.
- 6.2 However, in November 2020 HMICFRS undertook an additional inspection on a selected group of Constabularies. The aim of the inspection was to share any good practise in relation to the response to the Covid pandemic. Norfolk and Suffolk Constabularies PICs were selected and our Covid response plan was examined.
- 6.3 The Custody Command hosted the HMICFRS Inspectors and attended multiple interviews and discussion groups. It is fair to say that our Covid response plan stood up very well to scrutiny and a number of our practises were cited in their final national report as recommended best practise.

7 COVID-19

- 7.1 The second wave in the Covid Pandemic impacted custody significantly more than the first wave. This time around we experienced multiple resourcing challenges as the infection rates within both counties were far higher than previously and the loss of staff through sickness or self-isolation was a challenge which we continue to manage.

- 7.2 If too many staff were absent, a PIC would need to be closed or run at a reduced service to ensure the safe detention of persons held within. By working with the learning and development team, a Police Constable to Detention Officer training course was created and several police constables were trained up to offer resilience for the resourcing model. By the utilisation of these emergency resources and careful management of Covid positive detainees the PICs have remained open through the pandemic.
- 7.3 Solicitor consultations were conducted remotely in many cases to assist with risk management and social distancing, and interviews with solicitors and detainees have utilised TEAMS technology. Some PACE interviews have also been conducted remotely through use of technology. This practise has now ceased and all non-phone based legal advice is carried out face to face.
- 7.4 The Independent Custody Visitor Scheme was suspended until the end of the year for physical visiting but was maintained with a proactive approach of telephone conferencing (unannounced) with the Custody Inspectors. This worked well and enabled continued independent assessment of those detained within police custody which the scheme delivers.
- 7.5 The use of Personal Protective Equipment (PPE) has continued across all PIC locations and staff now use aprons, goggles, gloves and surgical masks. The level of equipment required has been dictated by NPCC guidance which has been followed at all times.

8 DEATH AND SERIOUS INJURY INCIDENTS

- 8.1 A review of the serious incidents which have occurred in relation to detainees arrested or recently released from PICs within Suffolk constabulary show that 26 cases met the criteria of being declared a Death or Serious Injury (DSI). All cases are reviewed by the Professional Standards Department and of these 26 cases, 3 were formally referred to the Independent Office for Police Conduct (IOPC). The below table shows all 26 cases, and the investigation type which followed.

Month/Year	Incident Summary	How case was managed
08/2020	Suspect arrested for sexual grooming of a child. Took overdose day before he was due to respond to bail. Survived with no lasting damage. (Bury PIC)	Not referred, noted on force file only, didn't meet criteria for referral to IOPC
08/2020	Detainee became unresponsive during booking in procedure. Regained consciousness during ambulance attendance and became abusive. (Martlesham PIC)	Not referred, noted on force file only, didn't meet criteria for referral to IOPC
09/2020	Detainee temporarily lost consciousness in cell. HCP initiated first aid and CPR, regaining consciousness. Detainee taken to hospital and refused treatment. (Martlesham PIC)	Referred to IOPC, but their assessment declares not requiring investigation and returned to Force to deal with as they see fit.
10/2020	Detainee states officers stamped on his hands resulting in broken fingers, some point between arrest and arrival at custody. Complaint outcome = Service was acceptable (Martlesham PIC)	Local investigation by Force PSD
10/2020	Detainee consumed drugs hidden on his person whilst in holding cell. Taken to hospital (Bury PIC)	Local investigation by Force PSD
10/2020	Detainee lost consciousness in cage en-route to PIC. Detainee became unwell during booking in procedure. Custody CCTV shows detainee possibly placing something in his mouth whilst in holding cell. Breathing but not responsive,	Local investigation by Force PSD

	ambulance called and detainee taken to hospital. Full recovery. (Bury PIC)	
10/2020	Detainee with known cardiac problems experienced tightness in chest and was taken to hospital where no cardiac issues were identified. (Bury PIC.)	Not referred, noted on force file only, didn't meet criteria for referral to IOPC
11/2020	Detainee complained of soreness to shoulder. Examined by HCP, appears detainee received broken clavicle during arrest. (Martlesham PIC.)	Local investigation by Force PSD
12/2020	Detainee falls in cell and not seen by DO until next visit (15 minutes after fall.) Detainee seen by HCP and taken to hospital. Bleed on the brain, although possibly old, rather than received whilst in police care. (Martlesham PIC)	Local investigation by Force PSD
01/2021	Suicide risk identified to detainee through custody risk assessment. Detainee RUI'd. The following day detainee left home address threatening suicide; upon returning home collapsed. Taken to hospital and fell into coma. Causational link between serious injury and police contact from the PIC. (Martlesham PIC)	Referred to IOPC, but their assessment declares not requiring investigation and returned to Force to deal with as they see fit.
01/2021	Detainee suffered a major seizure approximately 10 minutes after release from custody. Detainee did not disclose anything relevant during risk assessments. Detainee suffered memory loss as a result of medical episode. (Bury PIC)	Not referred, noted on force file only, didn't meet criteria for referral to IOPC
02/2021	Male on bail for rape attempted to hang himself 2+ months after release (Bury PIC)	Referred to IOPC, but their assessment declares not requiring investigation and returned to Force to deal with as they see fit.
02/2021	Detainee collapsed in cell. Treatment provided by HCP before male taken to hospital by ambulance. Male returned to custody the same day after release from hospital. (Martlesham PIC)	Local investigation by Force PSD
02/2021	Suspect arrested for rape and domestic assault died by suicide less than 4 days after release from custody Causational link to death. (Bury PIC)	Referred to IOPC, but their assessment declares not requiring investigation and returned to Force to deal with as they see fit.
03/2021	Detainee did not disclose to custody about a pre-existing heart condition. Detainee collapsed in his cell from a heart attack. Conveyed to hospital. Tested and released back into custody. Elevated heart condition due to cocaine ingestion prior to arrest /detention. (Bury PIC)	Referred to IOPC, but their assessment declares not requiring investigation and returned to Force to deal with as they see fit.
03/2021	Detainee appeared to lose consciousness in Custody. However upon medical examination it is most likely he feigned the condition. (Bury PIC)	Not referred, noted on force file only, didn't meet criteria for referral to IOPC
04/2021	Detainee suffered broken leg during at some point around the time of arrest. Complaint of leg pain in custody, taken to hospital. (Bury PIC)	Local investigation by Force PSD
04/2021	Detainee found un-responsive in cell. Taken to hospital, cause was opiate overdose. Custody CCTV shows detainee swallowing concealed items from his person in cell. Discharged from hospital (Martlesham PIC.)	Referred to IOPC

05/2021	Detainee banged head against floor losing consciousness – observed whilst on L3 observations. Treatment provided by HCP and detainee taken to hospital. Suspicion from doctors that symptoms were feigned. (Bury PIC)	Referred to IOPC
05/2021	Detainee found unresponsive in cell. Care provided by HCP and ambulance, not known lasting effects. (Bury PIC)	Local investigation by Force PSD
05/2021	Juvenile detainee became unresponsive when entering the PIC after banging head on car door. Detainee taken to hospital and discharged after assessment. (Martlesham PIC)	Not referred
06/2021	Incident occurred in August 2019 - Detainee complained of pain to leg caused during arrest. Seen by HCP and ambulance contacted before conveyance to hospital. Allegation of being left in a cell for 4+ hours without treatment – determination = service unacceptable. (Martlesham PIC)	Local investigation by Force PSD
06/2021	6 hours after being RUI'd for child sex offences, suspect attempts suicide sustaining multiple fractures. (Great Yarmouth PIC)	Referred to IOPC
06/2021	Male arrested excess alcohol; taken to hospital and released. Negative evidential breath test and released. Male re-admitted to hospital 3 days later – death expected imminently. (Martlesham PIC)	Referred to IOPC, but their assessment declares not requiring investigation and returned to Force to deal with as they see fit.
07/2021	Member of the public attended PIC and asked to use toilet. After noticing male had not emerged, DO attended toilet to find male had attempted to hang himself. Male was conscious and breathing and only suffered superficial injuries. (Bury PIC)	Not referred, noted on force file only, didn't meet criteria for referral to IOPC
07/2021	Detainee became unresponsive in cell, treated by HCP and ambulance and taken to hospital. Full recovery expected. (Martlesham PIC)	Local investigation by Force PSD

9 FINANCIAL IMPLICATIONS

9.1 No financial implications

10 OTHER IMPLICATIONS AND RISKS

10.1 No other implications or risks