

ORIGINATOR: CHIEF CONSTABLE

PAPER NO:

AP19/41

**SUBMITTED TO: ACCOUNTABILITY AND PERFORMANCE PANEL –
6 SEPTEMBER 2019**

**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, 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.

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

1.4 These principles compliment 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 Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS) undertook a 6 yearly unannounced inspection of the Command between 14 and 25 May 2018. A health check following up visit by HMICFRS of the action plan from this inspection took place on the 6th June 2019.

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 outlines resourcing for all PICs throughout the year encompassing weekends, bank holidays, and periods of high demand. The staffing for the command is currently fully established.

2.2 The custody review provided for an additional uplift in five Virtual Court Detention Officers (VCDO) from April 2019 to reflect the pressures in delivering a Video Enabled Justice (VEJ) Court model for daily remand hearings at Norwich and Ipswich magistrates. Additionally, an uplift equivalent of 3.4 custody detention officers has also been provided to support the operation of custody at peak times of Friday and Saturday night, as well as Sunday day time. These posts (8.4) have improved the command's ability to manage demand at key times.

2.3 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.

2.4 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 Black is the closure of custody, and relocation of all detainees to alternative PICs due to an operational or safety need. State Green describes when PICs are operating as business as usual.

2.5 Custody Services – Summary of Detentions in Custody

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 for the data is 1 August 2018 to 31 July 2019, unless otherwise stated.

2.7 Total Number of Detentions

The throughput of detainees for Suffolk for the period 1 August 2018 to 31 July 2019 was 10,819, based on Suffolk detainees using Martlesham, Bury and Great Yarmouth Police Investigation Centres.

2.8 Of the total throughput figures for the period, 4.75% relates to voluntary attendance and 30.91% to bail returns.

Of the total number of adults (New records only), 83% of detainees were male and 16% were female. 1% 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, seven people were detained under s.136, but who were already at the designated Police Investigation Centres (PIC) under investigation for other offences. No one was detained and brought to a PIC solely under Sec 136 of the Mental Health Act, as this is a practice which is not supported. 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.

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

Strip Searches

The total number of strip searches under Section 54 of the Police and Criminal Evidence Act between 1 August 2018 to 31 July 2019 was 998. This is broken down as follows:

Male	818 (82%)
Female	180 (18%)
Not Recorded	0

2.11 Use of Force

The total number of instances of use of force in Custody relating to Suffolk detainees, between 1 August 2018 to 31 July 2019 was 1080. Every police officer and police staff is required to submit a Use of Force report, on every occasion, but the database cannot currently differentiate when multiple use of force reports relate to the same instance or individual. A violent detainee, for example, will require significant resource, resulting in multiple reports of use of force against a single individual. Use of force per gender is broken down as follows:

Male	849 (78.6%)
Female	223 (20.6%)
Not Recorded	8 (0.7%)
Transgender	1

2.12 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.

2.13 Numbers of Children detained in Police Custody and for How Long

Total throughput of children (under 18) in police custody for the period from 1 August 2018 to 31 July 2019 was 1109 (10.3% of all throughput).

Of the total throughput of children for the period, 7.87% relate to voluntary attendance and 24.15% to bail returns.

Of the total number of children (New records only) 75.2% of detainees were male and 24.8% were female.

The average length of detention for a child (under 18) in custody was 9hrs 54 minutes.

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

During the reference period there were a total of 58 child remands requested for transfer to Local Authority care (under 18). 14 children were unable to be found accommodation by the Local Authority. 35 cases were deemed not suitable to be transferred because of a welfare, or security risk.

A Custody Safeguarding Multi-Agency Forum is held, to debrief all cases where transfer did not take place.

Numbers of Children actually transferred to Local Authority Accommodation:

9 transfers 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. There is no secure accommodation in Suffolk at this time.

3. RESPOND

- 3.1 Performance analysis has a strong focus around risk, vulnerability and safeguarding. Our audit regime ensures consistency of approach and where adverse incidents 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. Regular dip sampling of custody records is undertaken which is beneficial in maintaining and further driving up standards. Annual 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 provision, 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. A jointly commissioned academic review (by the Head of Custody and the Norfolk & Suffolk Foundation Trust) of the effectiveness of Liaison and Diversion service is taking place as from September 2019.
- 3.5 There is a 24 hour provision of an Appropriate Adult service in Suffolk, provided by the Anglia Care Trust, who also started providing a service in Norfolk as from October 2018. The Suffolk contract is to be re-tendered in January 2020 following the conclusion of the current tenure. Contract specifications are being discussed in September 2019.

4. COLLABORATE

- 4.1 The custody 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 deliver a custody model which is fit for the current and future landscape.
- 4.2 Changes to our medical service provider took place from April 2019 in unison with contract changes in Bedfordshire, Cambridgeshire and Hertfordshire and we continue to engage as an eastern regional collaboration with the provider to embed the service against the contract specification. Formal performance metrics are expected to begin to report in September 2019.
- 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.

4.4 A collaboration with UK policing partners on a new protocol for drug swallows, is currently being scoped, and engagement with the medical service provider is anticipated to develop a new policy framework for managing the risk posed to detainees who are suspected of this high risk activity.

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 Norfolk and Suffolk Custody Command has joined 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). The project is also providing costs of 20% of the uplift of Virtual Court Detention Officers, which have recently been put in place from April 2019. This is a one year funding settlement only, and further exploration of funding and benefit analysis is ongoing.

5.3 The custody command provides a Bail Management Team of two sergeants and one administrative assistant, to ensure compliance with the new bail act legislation (effective on 4th April 2017). This is still recognised as national best practice. Funding for these posts will continue until the autumn of 2020, and we anticipate Athena will be updated to manage bail in a more effective way by the summer of 2020.

5.5 Changes to PACE (Police and Criminal Investigation Act 1984) take effect in August 2019 which relate to strengthening provision for female and transgender detainees around their menstrual care. Suffolk PICs are well placed to respond to these changes, as we already have implemented private conversation opportunities with a female member of staff, and have a range of products to ensure female dignity is maintained in custody from a sanitary and hygiene perspective.

5.5 An independent Strip Search Scrutiny Panel (ISSSP) has been 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. The panel has met three times and has already had a great effect on improving rationale recording, whilst we continue to look at disproportionality against BAME at an Executive Board level. There is currently no evidence of disproportionality against BAME detainees in the strip search data which the ISSSP have concerns about.

6. HMICFRS CUSTODY INSPECTION

6.1 Between 14 and 25 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 lead returned to Suffolk on 6 June 2019 to discuss progress on the custody action plan.

6.3 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

6.4 In reviewing the formal report by HMICFRS, a summary of the meeting on 6 June 2019 is offered against each of the thematic areas below.

6.5 Leadership, Accountability and Partnerships

6.6 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.

6.7 HMICFRS Review June 2019: A use of force monitoring group and a coercive coercive powers board does now report on strip search with independent scrutiny oversight from Independent Custody visitors was commended. The Inspectors recognised the continued efforts to improve the reporting of use of force and a new database is being built to achieve that ends.

6.9 Pre-custody: First Point of Contact

6.10 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.

6.11 HMICFRS Review June 2019: The Inspectors recognised the Children's and Young Persons board being set up in Suffolk would have a significant contributory effect to sustaining the drive to reduce the criminalisation of young people, and were happy with the collaboration with Children's services to discuss the remand cases not transferred to local authority care.

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

6.13 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.

6.14 HMICFRS Review June 2019: 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. A new audit arrangement by the Head of Custody commencing in April 2019 dip sampling reviews is ongoing monthly, with learning at the heart of the approach with all Inspectors.

6.12 In the custody cell: including safeguarding and health services

6.13 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.

- 6.14 HMICFRS Review June 2019: Recognition of the efforts now to reduce the use of rip proof clothing in custody as part of a thematic change to “dignity, decency and legality” in custody will have an impact and will be subject to monitoring at Great Yarmouth PIC with a view to widening the pilot to all PICs. New Safer Detention reporting procedures for adverse incident, are in place to ensure learning is captured and reflected back in the command in a prompt way.
- 6.16 The relationships between Liaison and Diversion, the medical service provider, Turning Point and ChangeGrow Live (CGL) 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. Recommendation continues to work with partners in the mental health trust to improve response. A formal escalation route and policy is now in place.
- 6.17 Release and Transfer from Custody
- 6.18 Norfolk and Suffolk was 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.
- 6.19 HMICFRS Review June 2019: It was recognised that the Constabularies are now part of the south east England Video Enabled Justice (VEJ) programme, with an inspector appointed to the project to oversee partnership activity and improve performance. New performance metrics are being developed with partners to ensure benefits of the programme are monitored closely.

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 24 DSI referrals for Suffolk have been made to the IOPC during the reporting period, and of those, 2 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
May 2019	Male arrested for domestic related assault. Found deceased two days later.	IOPC decision is that the Force deal. Under review by PSD.
June 2019	Male arrested for assault ABH. Placed on level 2 observations but monitored on CCTV on the custody bridge. Found unresponsive and taken to hospital.	IOPC decision for local investigation. Investigation being conducted by PSD.

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