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**SUBMITTED TO: ACCOUNTABILITY AND PERFORMANCE PANEL –
20 NOVEMBER 2020**

**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

A Brief Description of the Role and Responsibilities of Custody Services

- 1.1 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.
- 1.2 Norfolk and Suffolk Constabularies have successfully operated the collaborative co-located Police Investigation Centres (PICs) since 2011.
- 1.3 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.

2. MANAGE DEMAND

- 2.1 The Custody Deployment Plan was reviewed and revised in February 2019. 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 2019 to 31 July 2020, unless otherwise stated.

2.7 Total Number of Detentions

The throughput of detainees for Suffolk for the period 1 August 2019 to 31 July 2020 was 10,376, based on Suffolk detainees using Martlesham, Bury and Great Yarmouth Police Investigation Centres.

- 2.8 Of the total throughput figures for the period, 6.99% relates to voluntary attendance and 1.52% 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, six 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 2019 to 31 July 2020 was 824. This is broken down as follows:

Male	688 (83.5%)
Female	136 (16.5%)
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 2019 to 31 July 2020 was 267 removing duplicate records which occur when multiple officers are involved in a use of force incident. Use of force per gender is broken down as follows:

Male	200 (75%)
Female	60 (22%)
Not Recorded	5 (2%)
Transgender	2(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 2019 to 31 July 2020 was 964 (9.3% of all throughput).

Of the total throughput of children for the period, 11.8% relate to voluntary attendance and 1.9% to bail returns.

Of the total number of children (New records only) 78% of detainees were male and 22% were female.

The average length of detention for a child (under 18) in custody was 10hrs 21 minutes.

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

During the reference period there were a total of 32 child remands requested for transfer to Local Authority care (under 18). 24 children were unable to be found accommodation by the Local Authority. 7 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.

2.15 Numbers of Children actually transferred to Local Authority Accommodation:

1 transfer 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 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 Services (HMICFRS) 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 New Twilight Liaison and Diversion (L&D) service is due to start at Martlesham Police Investigation Centre (PIC) in October 2020 offering the same service throughout the evening hours .
- 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. 24 hour provision is provided for all young people and any overnight Adult provision is agreed by Custody Bronze and or a Superintendent.

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 In 2019 we entered into a five force (Norfolk, Suffolk, Bedfordshire, Hertfordshire and Cambridge) contract for external, embedded medical provisions 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 currently in the process of getting the contract into the 'year 2 model' for Norfolk and Suffolk which sees even more embedded healthcare practitioners within the PICs, including multiple senior practitioners and a doctor on shift 24/7 to cover the two counties.
- 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 new protocol for drug swallows and packers has been implemented across the Command which manages 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 Constabularies Joint Custody Command continue to operate Video Remand Courts using the GTL software developed and available through participation in The Video Enabled Justice (VEJ) Programme, under the steerage of Senior Responsible Officer (SRO) Sussex PCC Katy Bourne OBE. Since late March 2020, and in response to Covid-19, their operation has increased from five to six days per week, with over 99.9% of police remand defendants appearing by video compared to around 80% pre Covid-19. Discussions are ongoing at a national level in respect of the funding and logistic requirements for policing, if Video Remand Hearings are to be supported from police custody. Alongside this a joint VEJ Forces/HM Courts & Tribunals Service (HMCTS) review is underway to consider the continued use of GTL/VEJ software, the HMCTS Cloud Video Platform or a hybrid of the two.
- 5.3 The Joint 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 is continuing up the end of the financial year and we anticipate Athena will be updated to manage bail in a more effective way in 2021.
- 5.4 Changes to PACE (Police and Criminal Investigation Act 1984) took place in August 2019 which relate to strengthening provision for female and transgender detainees around their menstrual care. Suffolk PICs have responded to these changes and 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. This is now included on all Risk Assessments for detainees.
- 5.5 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. There is currently no evidence of disproportionality against BAME detainees in the strip search data, which the Independent Stop Search Scrutiny Panel (ISSSP) have concerns about, and Custody Sergeants now enter a full rationale on the Custody Logs around their decision making for authorising strip search.

6. HMICFRS CUSTODY INSPECTION

- 6.1 The previous HMICFRS inspection of custody was carried out in 2018, where some recommendations were made for improvement and outlined in the corresponding report to the Panel in 2019. An action plan was put in place and all of the recommendations were tracked and have now been implemented, with evidence supporting this.
- 6.2 Whilst there have been no further inspections in Suffolk, HMICFRS has recently inspected the joint Norfolk and Suffolk Covid provisions at the Police Investigation Centre (PIC) in Wymondham. HMICFRS was very complimentary about the custody provisions, and recognised that their recommendations were taken on board. With the new Head of Custody now in place, a new tracking model has been introduced for HMICFRS recommendations made

both to the Constabulary, and nationally, to ensure that both Constabularies are as proficient as they can be within custody.

7. COVID-19

- 7.1 A COVID-19 Custody Contingency Guide was Implemented for the duration of the OP Response 20 Critical Incident which is a Standard Operating Procedure for how to manage Detainees in Custody during this period. This included Arrests, Detainee Management, Cleaning and Site Management and Social Distancing and included a number of key changes to the normal working practises of the Custody, but has not affected the core principles of safer detention .
- 7.2 Solicitor consultations have been conducted remotely in many cases to assist with risk management and social distancing, and Interviews with solicitors and detainees has utilised SKYPE with video access for PACE Interviews .
- 7.3 The Independent Custody Visitor Scheme was suspended until September 2020 for physical visiting but was maintained with a proactive approach of telephone conferencing with the Custody Inspectors.
- 7.4 Drug Testing on Arrest (DTOA) was suspended during this period of COVID-19 but was reintroduced in August 2020 .
- 7.5 Health Care Professionals (HCP's) have been utilised to triage all detainees with the Sergeants before detention was authorised, allowing appropriate measures to be put in place where necessary .
- 7.6 Pace Inspector Reviews were conducted by Video Link, where practical, and telephone reviews were being used as a measure to prevent unnecessary movement within the PIC and in accordance with PACE Code C para 9.7 . We have now returned to normal PACE Inspector Reviews .
- 7.7 The use of Personal Protective Equipment (PPE) has increased amongst the PIC locations, and the adjustments that have been made in relation to prioritisation of usage and staff/detainee welfare.
- 7.8 Resilience and staffing levels were tested throughout the COVID Period but no PIC was closed in this period due to COVID-19.
- 7.9 A Custody Business Recovery and Renewal Plan will focus on Daily Business Recovery , People Focus & Welfare, Learning Evaluation and Partnership Focus.

8. DEATH AND SERIOUS INJURY INCIDENTS

- 8.1 A review of the Death or Serious Injury (DSI) referrals to the Independent Office for Police Conduct (IOPC) has been conducted. A total of 33 DSI referrals for Suffolk have been made to the IOPC during the reporting period, and of those 9 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.

8.2 Details of these cases are as follows:

Date recorded	Summary	Outcome
August 2019	Detention of the detainee was authorised and once in the medical room collapsed, lost consciousness and was transferred to hospital.	IOPC decision – force deal. No further action.
September 2019	The detainee was released from custody and took their own life approximately 36 hours later.	IOPC decision – local investigation. Public complaint received and not upheld.
November 2019	Detainee collapsed whilst being booked into custody. Ambulance was called and the detainee died whilst on route to hospital following a cardiac arrest.	IOPC independent investigation. No further action.
November 2019	Detainee was released from custody and shortly after attempted to take their own life.	IOPC decision – local investigation. Learning was identified in relation the risk assessment concerning having a conversation with the detainee about being released into the care of a family member/other suitable person.
December 2019	The detainee was released under investigation from custody and found deceased 2 weeks later after taking their own life.	IOPC decision – force deal. No further action.
February 2020	The detainee was released under investigation from custody and took their own life 2 days later.	IOPC decision – local investigation. Public complaint received and it was determined the Police acted appropriately.
March 2020	The detainee attempted to self-harm whilst in custody.	IOPC decision – local investigation. Report submitted to the IOPC and no further action.
June 2020	Whilst in custody the detainee became apparently unresponsive and was transferred to hospital.	IOPC decision – local investigation. Report submitted to the IOPC and no further action.
July 2020	The detainee was charged and given bail by the virtual court. They were released and found a couple of hours later in the local area having taken an overdose.	IOPC decision – force deal. No further action. Police had been engaging with the detainee on their release to assist with transportation and housing however the detainee decided to leave.

8.3 The following two cases were identified as having taken place within the custody area prior to the detainee being booked in:

Date recorded	Summary	Outcome
August 2019	The arrested person fell unconscious in the holding area prior to being booked into custody.	IOPC decision – force deal. No further action as there was no indication the actions of any officers caused or contributed towards the person losing consciousness.
January 2020	The person arrested became unwell and appeared to lose consciousness whilst in the van dock area of the PIC and was transported to hospital by ambulance.	IOPC decision – force deal. No further action as the loss of consciousness appeared to relate to drug consumption prior to arrest and officers provided appropriate aftercare.

8.4 A check was conducted of a further 48 general files recorded during the time period identified with the sub category of DSI. The following cases were not referred to the IOPC but having reviewed them, they involved individuals who were either on bail or released under investigation or had recently been in custody:

Date recorded	Summary	Outcome
October 2019	The detainee returned to answer bail and was released under investigation, taking their own life a month later.	No referral made to the IOPC as there was no causal link – No further action.
October 2019	The detainee was released on police bail and was found deceased the following day having taken an overdose.	No referral made to the IOPC as there was no causal link – No further action.
November 2019	The detainee was released from custody NFA and took their own life 6 days after being released.	No referral made to the IOPC as there was no causal link – No further action.
January 2020	The detainee attempted to take their own life 3 days after being released from custody.	No referral made to the IOPC as there was no causal link – No further action taken.
June 2020	The detainee was released from custody and 17 days later caused themselves serious injury.	No referral made to the IOPC as there was no causal link between the detainee's most recent arrest and the injury – No further action taken.

9. FINANCIAL IMPLICATIONS

9.1 No financial implications

10. OTHER IMPLICATIONS AND RISKS

10.1 No other implications or risks

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