

ORIGINATOR: CHIEF CONSTABLE

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**SUBMITTED TO: ACCOUNTABILITY AND PERFORMANCE PANEL –
18 NOVEMBER 2022**

**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 Police and Crime Commissioner (PCC) is asked to consider the progress made by the Constabulary, and raise issues with Chief Constable as appropriate to the PCC's role in holding the Chief Constable to account.

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 September 2022. 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 is no longer managed by Virtual Court Detention Officers (VCDO) who were present in both Suffolk PIC's.

This facility has been withdrawn with all detained people needing to attend court in person. It is the responsibility of SERCO and the court to ensure that detainees are transported to the appropriate court. This service is at times inconsistent. Records of breaches of service level agreement are being made to ensure Serco and the court are held to account.

- 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 is opportunity for the custody sergeant to review the necessity of the arrest and 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 or volume of existing detainees present a risk, they may move to operate under an Amber or Red state in conjunction upon 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.
- 2.7 Biometric Detention Officers (BDO) have been recruited to improve standards of evidence capture. Part of their role will be to undertake drug testing on arrest for offences where drugs may have been a contributing factor. The results of these tests can be used to divert offenders into rehabilitation courses. This role also assists in providing valuable information relating to the links between drugs and criminality.

Custody Services – Summary of Detentions in Custody

- 2.8 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

- 2.9 The reporting period for the data is 1 August 2021 to 31 July 2022, unless otherwise stated.

Total Number of Detentions

- 2.10 The throughput of detainees for Suffolk for the period 1 August 2021 to 31 July 2022 was 10,153, up 553 detainees from the previous year. This data is based on Suffolk detainees using Martlesham, Bury and Great Yarmouth Police Investigation Centres. The change in volume is likely in part to be due to the previous reporting period being during pandemic lockdowns.
- 2.11 Of the total throughput figures for the period, 5.19% relates to voluntary attendance. This is very similar to last year's figure (6.43%).

- 2.12 9365 (92.2%) of the total throughput were adults, 788 (7.8%) juveniles (under 18). This is the same percentage as previous reporting period and remains low nationally.
- 2.13 Of the total number of adults 83% of detainees were male and 16% were female. 1% were not recorded. This is an identical split to the previous year.

Mental Health

- 2.14 There were no instances where police custody was used as a place of safety under Section 136 of the Mental Health Act. However, there were occasions where detainees were sectioned under Section 136 of the Act following arrest relating to Police and Criminal Evidence Act (PACE) matters. This occurred when it became clear that detainee was suffering from mental ill health. These cases are referred to colleagues in the Norfolk and Suffolk Foundation Trust. Police stations are no longer deemed a primary place of safety (although they legally can be), with Health Authority locations having primacy for such detentions.
- 2.15 Following consultation with Constabulary Mental Health Co-ordinators, a dashboard has been created to allow tracking of detainees who have been subject to all formal Mental Health Assessments, assessment wait times, decisions, and subsequent movement into relevant authority area beds. There are significant current issues with bed availability within the Norfolk and Suffolk Foundation Trust resulting in some lengthy stays in custody for detainees suffering with mental ill health. It is becoming increasingly common practice for individuals who have been detained under the mental health act to remain in custody, utilising common law powers for several days despite universal recognition this is not appropriate. The longest recorded stay to date was 8 days.

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

Strip Searches

- 2.16 There were a total number of 653 strip searches under Section 54 of the Police and Criminal Evidence Act between 1 August 2021 to 31 July 2022, a reduction of 120 from the previous year which was already on a declining trend. This is broken down as follows:

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| Male | 556 (85.1%) |
| Female | 97 (14.9%) |

Use of Force

- 2.18 The total number of instances of use of force in Custody relating to Suffolk detainees, between 1 August 2021 to 31 July 2022 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:

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

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

- 2.19 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

- 2.20 Total throughput of children (under 18) in police custody for the period from 1 August 2021 to 31 July 2022 was 788 (7.8% of all detainees).
- 2.21 Of the total throughput of children for the period, 11% relate to voluntary attendance.
- 2.22 79% of juvenile detainees were male, 21% were female, identical to the previous reporting period.
- 2.23 The average length of detention for a child (under 18) in custody was 10 hours and 20 minutes, approximately an hour longer on average than previous reporting period of 9 hours and 11 minutes.

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

- 2.24 During the period there were a total of 31 child remands requested for transfer to Local Authority care (under 18).
- 2.25 In all cases, the juvenile was not moved to alternative accommodation due to insufficient capacity from the local authority, or impractical to move due to the timeliness of the arrest to present to court from custody.
- 2.26 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.

Number of Children transferred to Local Authority Accommodation:

- 2.27 There were no transfers that took place in the reporting period. 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 on 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 Twilight Liaison and Diversion (L+D) service is currently subject to review with a view to offering an enhanced diversionary service to custody users.

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.

3.6 Independent Custody Visitors (ICV) work closely with the management team. They provide invaluable assistance in ensuring that standards of detention remain high and give legitimacy to the detention process. ICV's identify ways that a detainees stay can be made more comfortable and assist in continued innovation in relation to care.

4 MODERNISE

4.1 In 2021 Custody introduced the portfolio role 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 Scrutiny Panel (ISP) has met 4 times in 2022. The Panel reviews the use of rip proof clothing, strip searching of detained persons, disproportionality in the use of powers and any other areas of custody where additional scrutiny is required.

4.3 The Panel's role is to act as a constructive friend to the Constabulary and to assist in improving standards, trust and confidence in the Police. The most recent report highlights that whilst there are still some areas for improvement, issues are being tackled and the use of both rip proof clothing and strip searching is generally well justified.

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 year of the contract with CRG. This service has its own challenges with contractual obligations relating to embedded health care not always being fulfilled. An escalation process is in place.

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 HIS MAJESTY'S INSPECTORATE OF CONSTABULARY AND FIRE & RESCUE SERVICES (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 The recent HMICFRS inspection relating to children and young persons has identified some areas for consideration.

6.3 An escalation policy is required in relation to young persons who are remanded following charge. There is an obligation placed upon the Local Authority to provide housing provision which is normally not available. It is suggested that child friendly cells are created (all cells are approved for use with children, but decoration is being considered).

6.4 The HMICFRS recommend that a dedicated Custody Officer is responsible for being the single point of contact for each child in custody, to look to generate trust and gain information associated to exploitation and vulnerability.

6.5 The Custody Command Team review all HMIC reports relating to custodies within other forces to ensure that we assess their areas for improvement against our own practices. We then implement any necessary changes to ensure that our operating processes reflect what is identified as best practice.

7 COVID-19

7.1 Covid 19 still impacts service delivery within Custody. Staff are encouraged to remain off work when identified Covid positive, thereby reducing the likelihood of infecting others.

7.2 If a detained person is Covid positive, cells are cleaned and remain out of action for a period of days allowing time for the virus to no longer be transmittable.

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 within the period 1 August 2021 and 31 July 2022 identified 22 cases and of those, 12 were referred to the Independent Office for Police Conduct (IOPC) and were assessed as either suitable for local investigation by the Professional Standards Department (PSD) or returned to the Force to deal with.

| Month/Year | Incident Summary | IOPC decision |
|----------------|---|---|
| September 2021 | The detainee was arrested and taken straight to hospital before being transported to custody. Whilst in custody they became unresponsive, and an ambulance was called. The detainee was awake and engaging with officers when ambulance arrived and was taken to hospital. (Bury PIC) | Not referred. Did not meet criteria for referral to the IOPC. |
| October 2021 | Detainee reported blood in their urine whilst in custody but claims they were ignored. On release was advised to attend hospital. The detainee was assessed | Referred to the IOPC and assessed as |

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| | by the health care practitioner and the service provided was acceptable. (Martlesham PIC) | suitable for Local investigation |
| October 2021 | Before being booked into custody and whilst in the police vehicle the detainee became unwell and appeared to be having a seizure. Medical care was given the health care practitioner and detainee was taken to hospital by ambulance. (Bury PIC) | Referred to IOPC, but their assessment declares not requiring investigation and returned to Force to deal with as they see fit |
| October 2021 | The detainee headbutted the rear cage of the police van during transportation and the wall during the booking in process. When taken to the cell the detainee appeared to become unresponsive but reacted to physical stimulus. Taken to hospital then returned to custody. (Bury PIC) | Not referred. Did not meet criteria for referral to the IOPC. |
| November 2021 | Detainee was arrested for public order offence and taken to custody. When booked in it was established the detainee had taken drugs. They were transported to hospital and released back to custody after a refusal to allow hospital staff to take a blood test. The detainee was later found unresponsive in the cell and taken back to hospital. On return to custody the detainee stated they had consumed tablets prior to entering custody. (Bury PIC) | Referred to IOPC, but their assessment declares not requiring investigation and returned to Force to deal with as they see fit |
| November 2021 | The detained person made a disclosure of two non-recent suicide attempts made a month after their arrest stating they were a direct result of being arrested. (Martlesham PIC) | Referred to IOPC, but their assessment declares not requiring investigation and returned to Force to deal with as they see fit |
| December 2021 | The detainee was arrested for a serious sexual assault and a few hours after release from custody attempted to take their own life. (Martlesham PIC) | Referred to IOPC, but their assessment declares not requiring investigation and returned to Force to deal with as they see fit |
| January 2022 | During a strip search in custody, it was believed the detainee had plugged drugs and was taken to hospital. (Bury PIC) | Not referred. Did not meet criteria for referral to the IOPC. |
| January 2022 | The detainee received a head injury during arrest and was taken to custody rather than being conveyed to hospital. (Martlesham PIC) | Referred to the IOPC and assessed as suitable for Local investigation |
| January 2022 | The detainee was arrested and taken to custody. The following day whilst still in custody the detainee was difficult to rouse and taken to hospital. (Martlesham PIC) | Referred to the IOPC and assessed as suitable for Local investigation |
| February 2022 | When the detainee was booked into custody, they stated they'd had a fall prior to arrest but sustained no injury. Later taken to hospital due to appearing | Not referred. Did not meet criteria for referral to the IOPC. |

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| | confused and identification of a bump to head. (Bury PIC) | |
| February 2022 | Detainee appeared to be having a fit in cell, was taken to hospital and returned after treatment. (Martlesham PIC) | Not referred. Did not meet criteria for referral to the IOPC. |
| March 2022 | Detainee was arrested, appeared intoxicated and declined to take part in risk assessment. Visited in cell and could not be roused. Treated in cell by the health care practitioner for drug overdose and taken to hospital. Returned to custody after treatment. (Bury PIC) | Referred to the IOPC and assessed as suitable for Local investigation |
| March 2022 | Detainee was booked into custody where they appeared intoxicated. Taken to cell and checked shortly after where it was established they had a drugs overdose and lost consciousness, taken to hospital. (Bury PIC) | Not referred. Did not meet criteria for referral to the IOPC. |
| March 2022 | Detainee had an epileptic seizure when being released from custody. Seen by ambulance and taken home after treatment. (Bury PIC) | Not referred. Did not meet criteria for referral to the IOPC. |
| March 2022 | Detainee was assessed by the health care practitioner on arrival to custody due to their behaviour, an ambulance was called and they were taken to hospital. Their partner advised the detainee had been drinking, had previously attempted suicide and thought they may have taken tablets. (Bury PIC) | Not referred. Did not meet criteria for referral to the IOPC. |
| March 2022 | Detainee arrested and taken to custody, no force used during arrest. Bruising and minor injuries to head and neck were identified during the booking in process and with existing health condition the custody Sgt determined the detainee should be taken to hospital. (Bury PIC) | Not referred. Did not meet criteria for referral to the IOPC. |
| April 2022 | Detainee stated officers used excessive force whilst being taken to the cell and sustained a fracture to their hand. (Martlesham PIC) | Referred to the IOPC and assessed as suitable for Local investigation |
| April 2022 | Detainee was being booked into custody where they showed signs of the effects of drugs misuse and appeared to lose consciousness. The detainee was transported to hospital. (Martlesham PIC) | Referred to IOPC, but their assessment declares not requiring investigation and returned to Force to deal with as they see fit |
| June 2022 | The detainee was being booked in and appeared to lose consciousness. Following examination, the detainee was returned to custody. (Martlesham PIC) | Referred to IOPC, but their assessment declares not requiring investigation and returned to Force to deal with as they see fit |

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| July 2022 | The detainee attended custody reception to hand themselves in for an offence. On arrest and whilst still in reception, the detainee collapsed and loses consciousness. (Bury PIC) | Not referred. Did not meet criteria for referral to the IOPC. |
| July 2022 | The detainee had been charged and was remanded. Visited in cell and speech was slurred and eyes rolling, appeared to drift in and out of consciousness, was thought to be having a seizure and was taken to hospital. (Bury PIC) | Referred to IOPC, but their assessment declares not requiring investigation and returned to Force to deal with as they see fit |

9 FINANCIAL IMPLICATIONS

9.1 No financial implications

10 OTHER IMPLICATIONS AND RISKS

10.1 No other implications or risks