

ORIGINATOR: CHIEF CONSTABLE

SUBMITTED TO: OFFICE OF THE POLICE AND CRIME COMMISSIONER

SUBJECT: JOINT CUSTODY SERVICES, SERVICE DELIVERY AND PERFORMANCE
UPDATE – NOVEMBER 2023

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 for monitoring/oversight purposes.
- .

1 BACKGROUND

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.
- All detained persons have access to support from Liaison and Diversion (L+D) with a focus on support and preventing re-offending.

1.4 There are six Police Investigation Centres (PICs) in total, four in Norfolk and two in Suffolk, which have an overall capacity of 146 Cells.

1.5 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 OVERVIEW

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. There is a current review of Custody being taken to ensure that it remains fit for current demand.

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 On occasions the deployment plan is not met. To ensure safe detention is still available the Custody Bronze will authorise the use of a “managed service” at the relevant PIC. This in essence means that the capacity of the PIC will be temporarily reduced. If its capacity were to be met any further detained persons would be diverted to another PIC.
- 2.5 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.

Custody Services – Summary of Detentions in Custody

- 2.6 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

- 2.7 The reporting period for the data is 1 August 2022 to 31 July 2023, unless otherwise stated.

Total Number of Detentions

- 2.8 The throughput of detainees for Suffolk for the period 1 August 2022 to 31 July 2023 was 10,561, up 408 detainees from the previous year. This data is based on Suffolk detainees using the six PICs across Suffolk and Norfolk Police Investigation Centres.
- 2.9 Of the total throughput figures for the period, 5.13% relates to voluntary attendance. This is very similar to last year’s figure (5.19%).
- 2.10 9365 (93%) of the total throughput were adults, 788 (7%) juveniles (under 18). This is a similar percentage as previous reporting period and remains low nationally.
- 2.11 Of the total number of adults 81% of detainees were male and 18% were female. 1% were not recorded. This is a similar split to the previous year.

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

Strip Searches

- 2.12 There were a total number of 457 strip searches under Section 54 of the Police and Criminal Evidence Act between 1 August 2022 to 31 July 2023, a large reduction of 196 from the previous year which was already on a declining trend. It is worth noting that a number of these also include the new College of Policing’s Authorised Professional Practice requirement of

recording changes of clothes (even in private) as a strip search. In terms of gender and age splits, this is broken down as follows:

Gender / Age	Strip Searches
Female	68
Under 18	4
18 - 29	19
30 - 39	29
40 - 49	14
50 - 59	2
Male	389
Under 18	36
18 - 29	188
30 - 39	99
40 - 49	44
50 - 59	19
60 - 69	3
Grand Total	457

- 2.13 The proportionate use of strip search is reviewed by the independent scrutiny panel which has enabled learning to be shared and best practice identified. Suffolk and Norfolk have been identified as an exemplar force regarding its provision of a scrutiny panel. 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.
- 2.14 Rip Proof clothing was use on 59 occasions during the reporting period. This type of clothing is used to ensure the safe detention of individuals who present harm to themselves whilst in the custody environment. Norfolk and Suffolk PICs are praised in national forums for the way in which rip proof clothing is used.

Use of Force in Custody

- 2.15 There are 832 Area for Improvements (AFI) incidents during between 01 August 2022 and 31 July 2023 in police PICs, but of those, only 782 are classed as use of force.

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

- 2.16 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.

3 KEY BUSINESS/RISKS

- 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 every six weeks 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. During this review period we have a service until 00:00, however in most cases this is a remote service for all PICs except Great Yarmouth where the worker is stationed.

PIC	Seen by L&D
Bury St. Edmunds PIC	1060
Adult	924
Juvenile	136
Great Yarmouth PIC	957
Adult	865
Juvenile	92
Martlesham PIC	903
Adult	771
Juvenile	132
Grand Total	2920

3.5 The Appropriate Adult (AA) 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. The table below identifies the number of times appropriate adults were required during the reporting period (Suffolk detainees only)

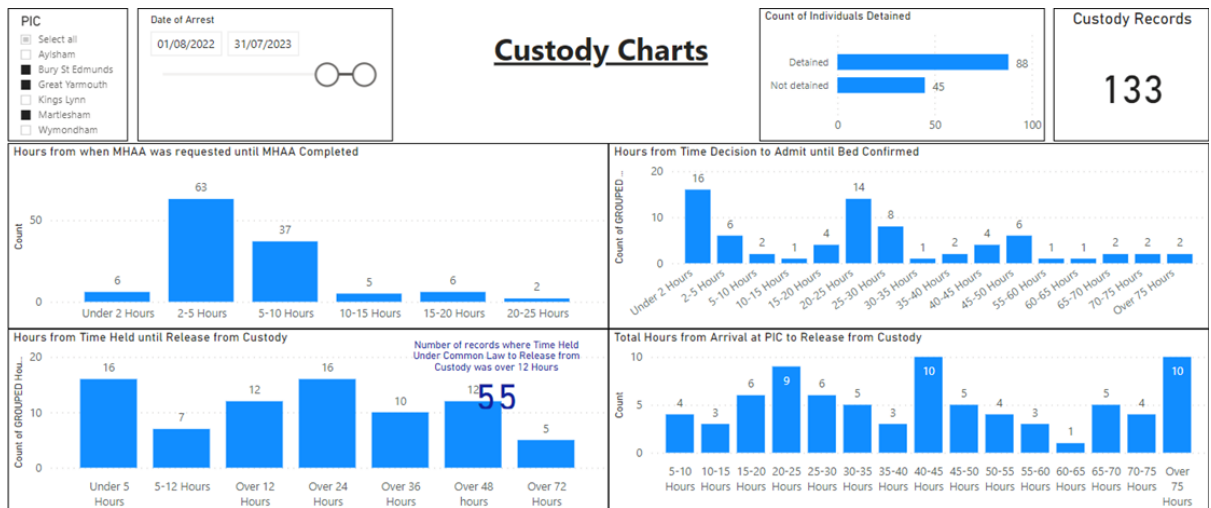
Pic	Detainees requiring an AA
Bury St Edmunds	386
Great Yarmouth	175
Martlesham	400
Total	961

- 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. ICVs identify ways that a detainees stay can be made more comfortable and assist in continued innovation in relation to care.
- 3.7 In 2019 we entered into a five force (Norfolk, Suffolk, Bedfordshire, Hertfordshire and Cambridge) contract for external, embedded medical provision within the five main 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 Castlerock Recruitment Group (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.
We are currently in the process of procurement for a new service from April 2024.

Mental Health

- 3.8 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.
- 3.9 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.
- 3.10 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.
- 3.11 Norfolk and Suffolk manage mental health in a manner which is not consistent with other Constabularies. Persons remaining in custody whilst waiting for beds is not commonplace within wider Policing.

Mental Health – based on Martlesham, Bury and Great Yarmouth (Unable to split by constabulary)



Numbers of Children detained in Police Custody and for How Long

- 3.12 Total throughput of children (under 18) in police custody for the period from 1 August 2022 to 31 July 2023 was 741 (7% of all detainees), this is a reduction from the previous reporting period.
- 3.13 Of the total throughput of children for the period, 12% relate to voluntary attendance.
- 3.14 81.6% of juvenile detainees were male, 18.2% were female, similar to the previous reporting period.
- 3.15 The average length of detention for a child (under 18) in custody was 11 hours, approximately 40 minutes longer than previous reporting period.
- 3.16 All children who attended custody were provided with a solicitor unless they were to opt out with good reason (this is a reversal of the right to opt to have a solicitor appointed free of charge)

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

- 3.17 During the period there were a total of 51 child remands requested for transfer to Local Authority care (under 18). This is an increase of 20 since the last reporting period.
- 3.18 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.
- 3.19 Since the last reporting period (and as of September 2023), Suffolk do have newly trained foster carers who are PACE trained who should be able to offer a more frequent service to take juveniles from custody on remand.
- 3.20 Initial indications suggest that more children will be moved from custody in the future. The increased capacity coupled with the refreshed officer training will lead to a reduction in children staying overnight in police custody.

- 3.21 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.
- 3.22 The Independent Scrutiny Panel has agreed to introduce a review of children staying overnight in custody which will provide additional learning opportunity for Police and partners.

4 INNOVATIVE PRACTICE

Managing offenders

- 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 responsible for out of court disposals (OOC) across both forces. This strategic piece of work compliments the national drive to reduce the number of offenders going through the court system. It is hoped that this team will continue to grow and work with external stakeholders to reduce the number of entrants into the judicial system.

Nudge theory

- 4.2 Nudge theory has been introduced across all PICs. Information has been displayed within half the cells with a view to prompting more persons to utilise the help of liaison and diversion. Early indications are that this trial is being successful and will lead to the decals being displayed across the entirety of the estate. This project is being academically reviewed by the University of East Anglia.



Biometrics Officers

- 4.3 The primary function of the Biometrics Custody Detention Office (BCDO) is to improve the quantity and quality of biometric submissions, Fingerprints, Photographs and DNA.
- 4.4 The role requires the sharing of best practice with their colleagues through support, guidance, and education. By collaborating with colleagues, they observe how detainees' biometrics are obtained. Giving an opportunity to provide feedback, guidance or identify a training need to individuals where their knowledge or experience may indicate a need. This has been effective in reducing error rates and improving standards within custody.
- 4.5 The BCDO also assists the custody command in improving standards of fingerprinting by providing bespoke one to one training with new custody staff, discussing common errors, different techniques for resolving issues, and giving them opportunities to practice. During this training, there is an opportunity to explain and reaffirm the importance of taking good quality fingerprints and taking them on every relevant occasion.

Peer Reviews

- 4.6 Norfolk and Suffolk Constabularies are at the forefront of development and have forged relationships with other constabularies in the region. The custody command has developed an inspection framework based upon the previous and joint inspections with His Majesty's Inspectorate of Constabulary and Fire & Rescue Services' (HMICFRS). This is used to conduct peer review and to ensure that within the region there is constant learning and improving.

In Cell Technology

- 4.7 A programme of development is about to commence within cell technology being added to several cells within both Norfolk and Suffolk. This will enable remote Inspectors' reviews, the delivery of interpreter services, tele-medicine, Liaison and Diversion consultation and messaging can be delivered to detained persons. It is hope that this technology will eventually be available in 2/3 of all cells.



5 HIS MAJESTY'S INSPECTORATE OF CONSTABULARY AND FIRE & RESCUE SERVICES (HMICFRS) CUSTODY INSPECTION

- 5.1 The previous HMICFRS inspection of custody was carried out in 2018, with the next inspection due within 2024. As such, there has not been any updates directly from HMICFRS since previous reports published.
- 5.2 The recent HMICFRS inspection relating to children and young persons has identified some areas for consideration. This includes the number of children remaining in custody overnight. Elements 2.25-2.30 identify progress against this issue.
- 5.3 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 in the process of being commissioned).
- 5.4 The HMICFRS recommend that a dedicated Custody Officer is responsible for being the single point of contact for each child and female in custody, to look to generate trust and gain information associated to exploitation and vulnerability. We include this in our audits which are completed monthly by randomly assigning a number of records to audit by Sgts, meaning around 300 records per month are looked at.
- 5.5 Recent reviews outside of Norfolk and Suffolk identify that some constabularies have room for improvement in the way they manage bail. The current processes are subject to review and will result in updated procedures being introduced.
- 5.6 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.

6 DEATH AND SERIOUS INJURY INCIDENTS

- 6.1 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 2022 and 31 July 2023 identified 22 cases and of those, 11 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 2022	The detainee was arrested following revocation of prison licence. Suffered epileptic seizure in custody transferred to hospital.	Referred to IOPC, but their assessment declared not requiring investigation and returned to Force to deal with as they see fit.
September 2022	The detainee was arrested on suspicion drink/drug driving and detention authorised following reports of vehicle being driven erratically colliding with another vehicle. On arrival in custody detainee deemed unfit to interview due to the influence of alcohol or substance misuse. Transferred to hospital.	Not referred. Did not meet criteria for referral to the IOPC.

January 2023	The detainee was arrested and once in custody appeared to lose consciousness. Attended hospital and released without treatment.	Referred to IOPC, but their assessment declared not requiring investigation and returned to Force to deal with as they see fit.
January 2023	The detainee was arrested for harassment, with a neurodiversity diagnosis and therefore his father wanted to accompany him to custody. Father was permitted inside the Custody building (front office only) to wait for his son, after approximately 1hr 45mins, the Father suffered a heart attack. He was treated by custody staff, before being transported to hospital. He has since undergone a heart operation.	Referred to the IOPC and assessed as suitable for Local investigation.
January 2023	The detainee was arrested on suspicion of theft of a motor vehicle and dangerous driving. Detainee has become unresponsive in custody and taken to Hospital via ambulance.	Not referred. Did not meet criteria for referral to the IOPC.
February 2023	The detainee was arrested on suspicion of assault. During the arrest subjects' arm has been broken and taken to hospital. Later transferred to custody.	Referred to the IOPC and assessed as suitable for Local investigation.
March 2023	Detainee was arrested and under the influence of either drugs or alcohol when entering custody. Following a physical altercation with custody staff detainee was taken to hospital. Assessment showed a partially collapsed lung, shoulder injury, cut to face and black eye.	Referred to the IOPC and assessed as suitable for Local investigation.
April 2023	The detainee was arrested for possession of bladed article, lost consciousness whilst officers were using force. Was presented in custody with swollen wrist and was conveyed to hospital for medical treatment for possible fracture.	Referred to IOPC, but their assessment declared not requiring investigation and returned to Force to deal with as they see fit.
June 2023	The detainee was arrested for Possession with intent to supply (PWITS), and found in custody to be plugging (during a strip search). He was taken to hospital where he fell ill due to a suspected drug overdose.	Referred to IOPC, but their assessment declared not requiring investigation and returned to Force to deal with as they see fit.
June 2023	The detainee was arrested for drunk in charge, assault on 2 emergency workers and escape from lawful custody. The detainee was subject to PAVA and a punch to the head during arrest. Unresponsive on arrival and transferred to hospital.	Referred to the IOPC and assessed as suitable for Local investigation.
July 2023	The detainee was arrested for a domestic related common assault and had an epileptic seizure whilst in custody.	Referred to IOPC, but their assessment declared not requiring investigation and returned to Force to deal with as they see fit.

7 FINANCIAL IMPLICATIONS

7.1 No financial implications

NOT PROTECTIVELY MARKED

8 OTHER IMPLICATIONS AND RISKS

8.1 No other implications or risks