



Report on an unannounced inspection visit to police custody suites in Devon and Cornwall

Police & Crime Commissioners Response:

I welcome the joint inspection report '*Report on an unannounced inspection visit to police custody suites in Devon and Cornwall*' published in January 2014 by Her Majesty's Inspectorate of Prisons and Her Majesty's Inspectorate of Constabulary. I am pleased that the inspectors highlight good standards in most aspects of custody provision in Devon and Cornwall Police. In particular I am pleased with the comments about the caring culture of the custody staff and the efforts of the police force in ensuring that detainees were treated respectfully.

I am disturbed however, by the increasing body of evidence, which this report contributes to, that vulnerable people are being held inappropriately in police custody suites as Mental Health Act 1983 section 136 places of safety. I call upon our local authority and health partners to work together to redress this position by improving the provision of alternative places of safety. I will be working strategically through local Health and Wellbeing Boards to ensure that this is delivered.

I am also concerned that report indicates that detainees are being held in custody suites for longer periods than necessary due to early court cut-off times and the lack of court availability. I will be working strategically through the Local Criminal Justice Boards to improve this situation.

The Chief Constable's response to the report and a detailed description of the actions taken to address the recommendations made is attached below. The response gives me confidence that a comprehensive action plan is in place to ensure that custody suites in Devon and Cornwall are maintained to the same high standard by reducing some of the small inconsistencies highlighted and ensuring that force policies are uniformly applied. I will be holding the Chief Constable to account for delivery of the actions described in the months ahead.

Finally I note that the report contains some useful evidence supporting a greater prevalence of problematic alcohol use among the offender population in Devon and Cornwall compared to other areas. This evidence once again supports my current focus on alcohol-related crime within my Police & Crime Plan and the activity which is being developed to address this.

Chief Constable's Response:

1. Background & Context

Devon and Cornwall Police underwent an unannounced joint inspection by HM Inspectorate of Prisons (HMIP) and HM Inspectorate of Constabulary (HMIC) between 22nd and 30th October 2013.

This was the last inspection of a Home Office force in the six year inspection cycle.

The final draft of the inspection report was published on 30th January 2014.

Devon and Cornwall Police has 7 Custody Units, located at Camborne, Newquay, Launceston, Barnstaple, Plymouth, Exeter and Torquay. A review of the Force custody provision is currently underway in order to make financial savings. This review may make recommendations in relation to the Custody Estate.

2. National Findings.

A Catalogue of national findings has not been made readily available, with each Force report being specific to that Force and custody unit over the six year inspection period.

HMIC have produced two documents which identify any areas considered of particular noteworthy practice during each of the national inspections.

Prior to the joint inspection of Devon and Cornwall Police both of these documents were utilised to prepare the Force for the inspection and embed the learning from other forces. This was the subject of favourable comment from the inspection team.

The Inspections were undertaken against the following criteria:

- Strategy – key elements
- Treatment and conditions – key elements

- Individual rights – key elements
- Health care – key elements

Section 1: Strategy

- There is a strategic focus, supported by the Chief Officer group, which promotes the safe and decent delivery of custody.

Section 2: Treatment and conditions

- Detainees are treated with respect and their diverse needs, while in custody, are met.
- Custody staff are competent to assess and manage risks presented by detainees.
- Pre-release risk management planning for detainees is conducted to ensure they are released safely.
- Any force used within a custody suite is proportionate and lawful.
- Detainees are held in a custody suite that is clean, safe and in a good state of repair.
- Detainees are able to be clean and comfortable while in custody.
- Detainees are offered sufficient food and drink.
- Detainees are offered outside exercise, reading materials and, in the case of children or other vulnerable detainees and those held over 24 hours, the opportunity to have visits.

Section 3: Individual rights

- Detention is appropriate, authorised and lasts no longer than is necessary.
- Those under the age of 18 and vulnerable adults are not interviewed without a relative, guardian or appropriate adult present.
- Detainees who have difficulty communicating are provided for.
- All rights relating to PACE are adhered to.
- Effective mechanisms for ensuring continuity of evidence are in place.
- Detainees who have been charged and refused bail appear at court promptly either in person or via video link.
- Detainees know how to make a complaint and are enabled to do so if they wish.

Section 4: Health care

- Detainees are cared for by health care professionals and substance use workers who have the appropriate skills and training, in a safe, professional and caring manner that respects their decency, privacy and dignity.
- Detainees are asked if they wish to see a health care professional and are able to request to see one at any time, for both physical and mental health needs, and are treated appropriately.
- Detainees receive prescribed medication if needed.

- Detainees are offered the services of a drugs or alcohol arrest referral worker where appropriate and referred to community drugs/alcohol teams or prison drugs workers as necessary.
- A liaison and/or diversion scheme enables detainees with mental health problems to be identified and diverted into appropriate mental health services, or referred on to prison health services.
- Police custody is not used as a place of safety for section 136 Mental Health Act (1983) (MHA) assessments.

Prior to the joint inspection of Devon and Cornwall Police in 2013 both of these documents were utilised to prepare the Force for the inspection and embed the learning from other forces. This was the subject of favourable comment from the inspection team.

3. Devon and Cornwall Police Specific Findings

Inspectors were pleased to find that:

- The Force had a clear plan for its custody estate, it had reduced the number of suites to locations at strategic points across the area, and was upgrading them to ensure they were fit for purpose;
- Custody staff ensured that detainees of all ages were cared for appropriately;
- All staff had undergone custody-specific training before taking up custody duties;
- Custody staff were competent to assess and manage detainee risks, which were identified early;
- Use of force was proportionate and lawful;
- Detainees were told of their right to legal advice and Police and Criminal Evidence Act (PACE) codes of practice were available and offered to detainees at most suites; and
- Serco Health provided good primary health services, with appropriate contract monitoring by the force.

However, inspectors were concerned to find that:

- It had become the accepted option to detain people for their own safety under section 136 of the Mental Health Act in the majority of cases, which was unacceptable; and
- Some detainees spent too long in police custody before they were able to go to court because there were delays in courts accepting them.

4. Recommendations

Recommendation 7.1

There should be urgent work at a strategic level by the police and health services to ensure that custody suites are only used as Mental Health Act 1983 section 136 places of safety in exceptional circumstances.

Update:

A dedicated COG lead in ACC Taylor has been identified and taken ownership. Peninsula wide meetings have been held with senior managers to discuss how the national Concordat will be implemented locally. A further working group has been established to write joined up policies and protocols across the peninsula.

There has also been some good progress around 'MH Liaison and Diversion' work within custody centres and the 'Street Triage Pilot' which are looking to divert individuals with MH issues away from custody environment. Since the inspection MH S136 detainee numbers in custody have been declining month on month.

That said still some significant work to do on a national and force level.

Recommendation 7.2

Devon and Cornwall police should engage with HM Courts and Tribunals Service to ensure that early court cut-off times and the lack of court availability do not result in unnecessarily long stays in custody

Update:

LCJB lead has worked with partners to agree and adhere to a service level agreement. This is being monitored and challenges made at the appropriate level within the organisations. To date there does appear to be an uplift in performance in this area.

Recommendation 7.3

Staff should receive up-to-date awareness training on child protection and safeguarding.

Update:

This is being scoped by Chief Inspector Custody with a view to each member of custody receiving an appropriate input during the autumn training cycle.

Recommendation 7.4

Notices that CCTV cameras are in use should be clear and prominently displayed.

Update:

The legal position has been reviewed and appropriate signage distributed to custody units.

Recommendation 7.5

Pre-release risk assessments should be detailed, meaningful and based on an assessment of detainees' needs while in custody, and the custody record should reflect the position on release and any action needed.

Update:

Advice has been circulated in relation to this area, with monthly quality assurance by unit managers to ensure continued compliance.

Recommendation 7.6

Handcuffs should be removed from detainees after their arrival in the custody suite, unless a risk assessment indicates this is necessary for the safety of staff and others.

Update:

A training package is being developed for arresting officers in relation to procedures from arrest of a detainee to arrival at custody. Handcuffing will feature within this training. Monthly quality assurance of CCTV footage is undertaken by unit managers when this issue will be monitored.

Recommendation 7.7

Appropriate adults to support young people aged 18 and under and vulnerable adults in custody should be available without undue delay, including out of hours.

Update:

Advice has been promulgated to custody staff through custody newsletters.

Recommendation 7.8

Clinical examination rooms should comply with infection control standards.

Update:

Work still ongoing to resolve by SERCO

Recommendation 7.9

Nursing staff should not be employed for long consecutive shifts to ensure that they remain safe to practice.

Update:

Work ongoing to resolve by SERCO

Recommendation 7.10

All detainees should have the opportunity to access substance misuse services when required.

Update:

All custody units have either embedded Health Care Professionals (HCPs) or access to one. HCPs and Custody staff hold details of local substance misuse services, which are provided to detainees. Additionally mental Health liaison Officers and the Turnaround teams will signpost to relevant services.

Recommendation 7.11

The force should implement quality assurance of staff shift handovers.

Update:

This now forms part of the unit manager monthly quality assurance regime and is reported upon to the Head of custody.

Recommendation 7.12

Religious artefacts should be stored respectfully.

Update:

The force diversity unit have provided advice which has been circulated to custody units.

Recommendation 7.13

CCTV images of toilet areas in cells should be obscured.

Update:

This has been technically assessed as feasible within custody units with newer cctv systems. A policy decisions will be circulated.

Recommendation 7.14

All custody staff should be reminded of the levels of detainee observation set out the College of Policing *Authorised Professional Practice – Detention and Custody*.

Update:

Reminder cards have been provided to all staff, with inclusion in Custody newsletters. This now forms part of the unit manager monthly quality assurance regime and is reported upon to the head of custody.

Recommendation 7.15

Separate documentation should not be filed with the person escort records.

Update:

This has been reviewed and advice provided to staff as to what documentation can be filed with the person escort record (PER). Monitoring now forms part of the unit manager monthly quality assurance regime and is reported upon to the head of custody.

Recommendation 7.16

All custody staff should be reminded of the availability and content of the safeguarding directory on the force intranet

Update:

All custody staff have been reminded through Custody newsletters

Recommendation 7.17

All custody staff should be reminded of the force policy on the recording and submission of use of force forms.

Update:

Staff have been briefed through Custody newsletters and monitoring now forms part of the unit manager monthly quality assurance regime and is reported upon to the head of custody.

Recommendation 7.18

Devon and Cornwall police should investigate why strip searches are disproportionately higher at Plymouth Crownhill (including Plymouth Charles Cross) than elsewhere.

Update:

Further work ongoing to resolve

Recommendation 7.19

Subject to risk assessment, toilet paper should be routinely provided in each cell.

Update:

Advice promulgated in the Custody newsletter on 21/02/14.

Recommendation 7.20

Shoes and clothes should only be removed if supported by a risk assessment, and custody records should clearly record the reasons for placing detainees in alternative clothing.

Update:

Advice promulgated in the Custody newsletter on 21/02/14.

Recommendation 7.21

Replacement clothing, including footwear, should be supplied in a range of sizes.

Update:

Availability of stocks reviewed and advice promulgated in the Custody newsletter on 21/02/14

Recommendation 7.22

The stock of reading materials should be improved to cater for detainees who are non- English speakers or who have limited literacy

Update:

Links to on line non- English and age appropriate reading material have been circulated to Custody Units.

Recommendation 7.23

Delays in gatekeeping decisions about charging should be reduced.

Update:

LPA Detective Chief Inspectors and LPA Custody SPOCs informed and requested to review.

Recommendation 7.24

The 'bail to fail' scheme should be better explained to all staff and monitored to ensure that detainees are not detained longer than necessary.

Update:

Highlighted to LPA Detective Chief Inspectors and will be monitored.

Recommendation 7.25

There should be improved recording in detention logs to make clear if detainees have received the services and facilities to which they are entitled, such as inspector reviews and notifications of arrests.

Update:

Advice has been promulgated through Custody newsletter and this forms part of the Custody Inspectors quality assurance regime.

Recommendation 7.26

Detention officers should be made aware of the force's DNA retention and disposal policy

Update:

Advice promulgated in Custody Newsletter 210214.

Recommendation 7.27

Detainees at all suites should be given information about how to make a complaint in line with the Independent Police Complaints Commission guidance and, unless there is a clear reason not to do so, complaints should be taken while they are still in police custody.

Update:

Advice has been circulated to all Custody Sergeants, with a specific link on the Custody page of sharepoint.

Recommendation 7.28

Patient information leaflets and health promotion literature should be accessible in all the clinical rooms.

Update:

Awaiting update from SERCO

Recommendation 7.29

Heat-sensitive medicines should be stored correctly.

Update:

Awaiting update from SERCO

Recommendation 7.30

Controlled drugs at the Crownhill suite should be secured appropriately.

Update:

Awaiting update from SERCO