



Police and Crime Plan Priority: Building Trust & Confidence

Title: Custody

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Purpose of paper

1. The purpose of this paper is to provide members of the Strategic Police and Crime Board with an update on custody data for the year 2017/18 and progress against areas of concern as identified in the HMICFRS Custody Inspection in 2017.

Key points

2. A custody data update is provided for the following areas:
 - Custody throughput
 - Use of police custody as a place of safety under section 136 of the Mental Health Act 1983
 - Use of police custody as a place of safety under the Children Act 1989
 - Number of children who are detained in police custody and for how long
 - Number of requests for children to be transferred to local authority accommodation post charge under PACE (Police and Criminal evidence Act 1984)
 - Number of children actually transferred to local authority accommodation.
3. A summary of progress following the 2017 custody inspection by HMICFRS.

Custody throughput

4. Custody throughput for the year April 2017/18 saw a 16% decrease on the previous two years. Part of the decrease can be attributed to changes in bail legislation brought in by the Policing and Crime Act 2017 (April), which has

created more emphasis on dealing with low level offending outside of custody. The use of voluntary interviews continues to be a suitable alternative to custody, with over 11,000 interviews providing a less intrusive and flexible approach to investigations.

5. There has also been a reduction of over 50% in the number of children and young people (under 18) detained in custody over the last three years. This highlights our acknowledgement that custody should be a last resort for children.
6. The two custody suites at Oldbury and Perry Barr now process approximately two thirds of all detainees in the West Midlands, providing a modern flexible working environment with support services embedded within each suite.

Custody Suite	2015/16	2016/17	2017/18
Open Custody Suites			
Perry Barr	N/A	17992	19016
Oldbury	853	18987	15769
Coventry Central (Little Park Street)	6522	7700	6122
Wolverhampton (Bilston Street)	7216	7465	5527
Bournville (Bournville Lane)	5764	5618	4423
Solihull	3671	3371	2613
Standby Custody Suites			
Stechford	6066	1216	55
Bloxwich	4070	96	693
Willenhall Coventry (Chace Avenue)	591	49	28
Closed Custody Suites			
Birmingham Central (Steelhouse Lane)	10635	1509	N/A
Sutton Coldfield	4172	755	N/A
Smethwick	6351	N/A	N/A
Brierley Hill	3983	N/A	N/A
Walsall	2430	N/A	N/A
King's Heath	828	N/A	N/A
Wednesfield	211	N/A	N/A
Others	104	46	32
Force	<u>63467</u>	<u>64804</u>	<u>54278</u>

Use of police custody as a place of safety under section 136 of the Mental Health Act 1983

7. West Midlands Police has worked with NHS partners to ensure that custody suites are not used as a place of safety for members of the public suffering with mental ill health. For the period 2015/16, two people were detained in police custody suites under S136, but this has reduced to zero for 2016/17 and 2017/18. West Midlands Police continue to support the Mental Health Triage Car

working with West Midlands Ambulance Service and Mental Health providers, as a quick response for people suffering from mental ill health in the community.

8. Following changes to legislation in December 2017, officers are now able to use powers to ‘detain’ people for mental ill health who are already at a police station and remove them to an appropriate place of safety. This has meant that detainees suffering with mental health issues in custody (and suitable to be bailed) no longer need to wait for a mental health team to attend for assessment, but can be transported straight to an appropriate place of safety (A&E or Mental Health Unit).
9. There have been a total of ten incidents whereby the reason to detain has changed from a low level crime or Breach of the Peace to a detention under s136 (leading to removal to an appropriate place of safety). The latest example occurred in April 2018, where a 52yr old male was arrested on suspicion of a public order offence and taken to Perry Barr custody suite. During his detention, staff had concerns for his mental wellbeing and he was seen by the Liaison and Diversion team within the custody suite who agreed with the concerns. A full mental health assessment was required and, as such, he was released on police bail for the criminal investigation and detained under S136 before being transported to the Oleaster Unit in Birmingham, where the mental health assessment could be carried out in the appropriate environment.

Use of police custody as a place of safety under the Children Act 1989

10. WMP do not use custody as a place of safety under the Children Act 1989 and as such have had no detentions recorded.
11. The legislation allows for a child taken be taken into police protection where a constable believes that the child would otherwise be likely to suffer significant harm. When this occurs, immediate contact is made with Social Services (if not done before) to arrange for a suitable place of safety. Where it is necessary for a child to be taken to a police premises awaiting the arrival of Social Services, every effort is made to use Public Protection Suites, where there are suitable surroundings for the child.

Number of children who are detained in police custody and for how long

12. As already highlighted, there has been a 50% reduction in the number of children and young people detained in custody over the last three years. The arrest of a young person is considered carefully, acknowledging the emotional affect it can have and is a last resort. However, there are times when an arrest is necessary to prevent further offences, investigate a serious offence or for the protection of the young person or others.

	2015/16	2016/17	2017/18
Volume of Young Person Custody Records	5412	4262	2295

13. The use of voluntary interviews and community resolutions has meant that less serious offences are now usually dealt with out of custody, leaving the more serious offences to be dealt with in custody. This has resulted in the average detention time for both adults and young people increasing, due to the majority of offences being more serious and requiring a more in depth investigation.

	2015/16	2016/17	2017/18
Average Young Person Detention Length	9hrs	10hrs	13:25hrs
Average Adult Detention Length	14:05hrs	14:20hrs	16:30hrs

Number of requests for children to be transferred to local authority accommodation under PACE and number actually transferred

14. Where a young person is remanded in custody post charge, Section 38(6) PACE places a duty on the custody officer to transfer the young person to local authority accommodation rather than keeping them in a custody suite overnight.
15. Section 21(2)(b) Children Act 1989 places an equivalent duty on local authorities to receive and accommodate any child or young person they are requested to receive under Section 38(6) PACE.
16. When a remand decision is made, the custody office makes contact with the local authority to request suitable accommodation. This will either be a PACE Bed (can be a foster placement) or a Secure Bed (secure location) depending upon the risk to the public or individual. If the local authority is unable to provide suitable accommodation the matter is escalated to the duty Inspector who liaises with the local authority representative to discuss the available options. Where suitable accommodation cannot still be found, the young person remains in a police custody suite overnight.
17. During 2017/18, 273 children and young people were remanded in custody following charge and required transfer to local authority accommodation. Of these 273, 29 received accommodation with the local authority. WMP and the PCC continue to work with all West Midlands local authorities to resolve the issue.

	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Totals
Needed	18	32	33	23	17	33	18	17	23	26	15	18	273
Requested-Pace	13	9	10	6	9	19	7	4	11	13	5	5	111
Granted-Pace	2	2	1	2	2	4	0	2	1	3	0	0	19
Requested-Secure	5	22	21	17	8	14	11	11	12	12	9	13	155
Granted-Secure	0	1	0	0	0	1	3	2	1	1	1	0	10

* In seven cases it was not recorded that a PACE bed was requested by custody staff. This is due to either custody staff not recording the request appropriately in the custody record or the request not being made. The monthly CJS Service Improvement Meeting identifies these gaps and ensures that training/awareness is provided to staff.

Progress following HMICFRS Custody Inspection in February 2017

18. HMICFRS conducted an inspection of WMP custody as part of an unannounced inspection in February 2017. The subsequent report detailed five main areas of

concern and 33 recommendations. Three of the main concerns have been resolved with two still being addressed. 24 recommendations have been resolved, with nine still in progress.

19. *i) The provider of the health care service should ensure that its staffing profile, leadership arrangements and approach to governance are adequate to deliver an effective and safe service, and the existing physical health care contract should be re-evaluated to ensure that it provides for the needs of detainees.*

Concern Addressed & Resolved

- 1st September 2017 Mountain Healthcare took over the contract for the provision of health care for detainees in WMP custody.
 - Mountain Healthcare have recruited and provided training to new staff members whilst incorporating a new operating procedure to ensure that cover is provided at all times.
 - Bi-monthly performance meetings are conducted with Mountain Healthcare whereby performance is compared to an agreed set of measures including staff rota coverage, number of clinical assessments conducted, percentage of detainees referred to hospital and referrals to other support agencies.
 - Performance data indicates that they have a rota compliance coverage of 109% (due to overstaffing of the Doctor provision on the staff rota). This compares very favourably to the previous contract holder, who were challenged by both recruitment and retention issues.
 - Mountain Healthcare employees and WMP have confidence in the operating model and have welcomed the uplift in staff to manage the risk.
 - An example of the increased performance and ability to resolve issues in house is seen through the reduction in the requirement for ambulances to attend custody suites for detainees. 86% of ambulance attendance now result in detainees being conveyed to hospital, compared with the previous healthcare provider where only 50% actually required hospital attention. This shows that Mountain Healthcare staff are dealing with issues with more confidence within the custody suite and have reduced demand upon our partner agency.
20. *ii) The force should develop a comprehensive performance management framework for custody, ensuring that data is collected accurately, and use this to assess performance, identify trends and learning opportunities and improve services.*

Concern Addressed & Resolved

- Custody performance is monitored through the monthly CJS Service Improvement Meeting, Local Tactical Delivery Board and Quarterly Performance Review Meeting (chaired by the Assistant Chief Constable for

the Crime portfolio). A wide range of data is available to scrutinise performance of staff/teams working in the custody environment, performance of other statutory bodies/partner agencies and custody processes.

- WMP IT & Digital have made amendments to the Discoverer search engine which collects data from ICIS (custody IT system). The amendments made are for bail, custody record creation, interview logs and constant watches. This allows for greater scrutiny of what activities staff are undertaking and the length of time required.
- The long term IT solution (Connect) is being created as part of WMP2020 and will replace the current custody IT system. This will allow for automatic, in depth analysis of most custody data. Implementation date is predicted to be November 2019.

21. *iii) The force should introduce mechanisms to assure itself and others that all force used in the detention and custody of detainees is scrutinised robustly and that all such uses are justified and proportionate.*

Concern Addressed & Resolved

- In January 2018 WMP introduced an electronic use of force form which has now been embedded across the force and provides regular management information, allowing for the scrutiny of any trends or serious incidents, to support training and feedback (see Use of Force, SPCB Paper, April 2018 for full update).

22. *iv) The force should continue to engage actively with its local authority partners to find ways of providing alternative accommodation for children charged and refused bail, to avoid them remaining in custody overnight.*

Concern addressed and in progress

- Criminal Justice Services and the OPCC are currently working with partners including Implementation Director for Offending, Public Service Reform Team and West Midlands Combined Authority in order to find a solution to the lack of available beds.
- There still remains a lack of appropriate alternative accommodation available for use by the local authority.

23. *v) The force should take immediate action to remove or manage any ligature points, to ensure that it is delivering custody safely.*

Matters of safety immediately addressed but full resolution remains in progress

- Oldbury and Perry Barr custody suites – all ligature points have been removed apart from the 3mm shower drain covers. Numerous 2mm drain options have been trialled but have not been successful at draining waste water. The issue was discussed with HMIC during their revisit in March 2018 and a range of preventative checks have been agreed upon for use.

- Authorisation for the remaining works to remove ligature points at Coventry Central, Wolverhampton and Bournville have recently been authorised. The force surveyor is now in the process of contracting the works for completion.
 - Each detainee has a rigorous risk assessment completed on entering custody, which is an ongoing process throughout their time in custody. Risk mitigation is used (constant watches, referrals to healthcare professionals in custody) to further reduce any risk of harm.
24. In March 2018 HMICFRS conducted a post inspection revisit to WMP custody, to review progress against the identified issues. The revisit found that progress against areas of concern and recommendations was good, with the overall custody provision also rated a 'good'.

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