

**Strategic Policing and Crime Board**

**22 May 2018**

**Police and Crime Plan Priority: Building trust and confidence in our police II**

**Title:** Independent Custody Visiting and Appropriate Adults

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**Purpose of paper**

1. As part of the Police and Crime Commissioner's Police and Crime Plan, custody visiting is a means of building public confidence in standards of police custody and providing overall assurances that people detained in custody are being cared for appropriately.
2. The objectives of the Custody Visiting Scheme are to enable members of the community to:
  - (a) observe, comment and report upon the conditions under which persons are detained at any police station, including the operation, in practice, of the statutory and other rules governing their welfare;
  - (b) secure greater public understanding and confidence in these matters; and
  - (c) provide an independent check on the way officers in custody facilities carry out their duties with regard to detainees.
3. The following report outlines the change in direction future reports on custody visiting will present. The report also includes the performance of the West Midlands scheme and that of police custody for the period April 2017 – March 2018.

## **Background**

4. Police and crime commissioners are required by statute to operate an Independent Custody Visiting Scheme in consultation with their chief police officer.
5. Independent Custody Visitors (ICVs) are volunteer members of the public who are impartial, independent of the police and have no direct association with the criminal justice system. Their role is to visit police custody suites unannounced to evaluate the welfare of detainees. They visit police custody suites situated in Wolverhampton, Coventry, Birmingham South (Bournville), Solihull, Perry Barr and Oldbury. The West Midlands custody scheme is the biggest outside of London with over 90 volunteers.
6. Previous reports presented to the Board on custody visiting have tended to focus on how the scheme itself has been performing (e.g. number of visits conducted at each site or time of day in which visits were conducted). In this report we have tried to move the emphasis towards the findings from the ICVs during their visits.
7. There are several partners that play a role in overseeing how well custody is performing. HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) together with HM Inspectorate of Prisons make joint inspections on police custody to monitor the treatment of and conditions for detainees, making recommendations where necessary. Joint Internal Audit provides an independent, objective assurance and consulting activity, and the role of the ICVs is to take a community view, checking on the rights and welfare of detainees whilst they are in custody.

## **Review of custody visiting**

8. The approach taken to custody visiting was reviewed in 2017 with the aim of:
  - finding more effective ways of helping the ICVs to assess conditions in custody
  - better understanding the findings from custody visits, and
  - improving the quality of the data gained from custody visits to make it more accessible and useful to the ICVs, the Commissioner and hopefully the wider public.
9. A focus group of ICVs met in September 2017, leading to recommendations for
  - more support to help ICVs escalate concerns.
  - focused training to equip ICVs to identify key issues.
  - regular information bulletins and briefings
10. Taking into account the recommendations from the focus group together with outcomes of discussions with the Force and partners such as liaison diversion

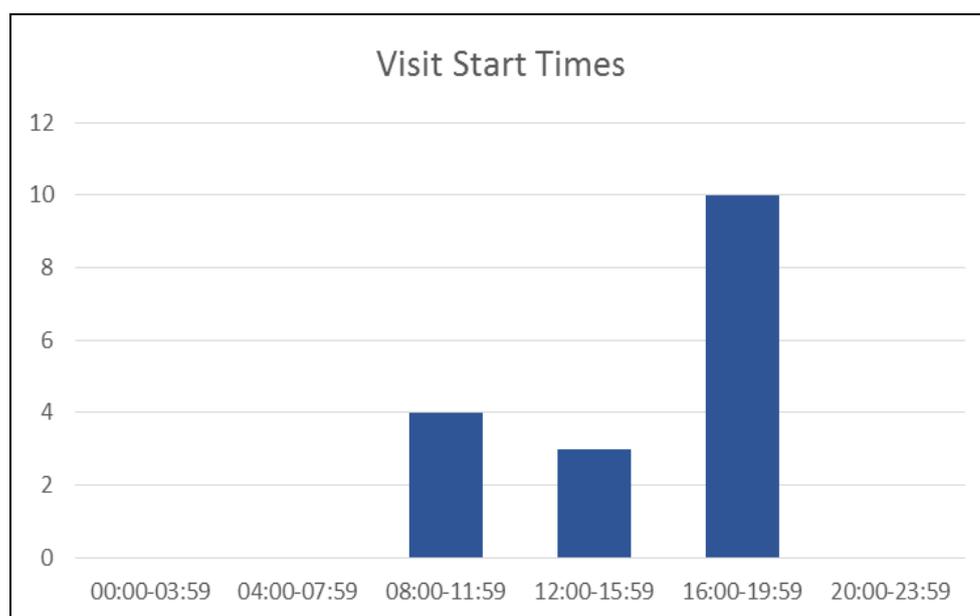
scheme providers, a number of changes to the scheme were put in place from early 2018.

11. A new visit report style was trialled in Bournville and Solihull, providing opportunity for ICVs to comment on four key areas:
  - I. Healthcare provision
  - II. Liaison and diversion services
  - III. Diversity
  - IV. Health and safety
12. Prior to the trial, all the participating ICVs were provided with training on these four key areas. The custody visit report form was revised to provide a clear guide and emphasis on how to consider and report upon these topics, including a new reference guide sheet to refer to during the visit.
13. A regular newsletter has been introduced, and the annual training programme has been enhanced to ensure all the ICVs are supported to recognise and report on key issues they encounter.
14. The trial was small in scale but was well received by the ICVs and the results are explained below. The new reporting arrangement has been extended across the Force with effect from May 2018.

### Initial findings from new visiting style

15. Between the beginning of February and end of March 2018 there were 17 visits conducted under the pilot of the new ICV form: 9 in Bournville and 8 in Solihull.

The majority of visits took place in the afternoon/early evening.



16. On average there was a 11 minute wait between arrival at the custody desk and visit start (ranging from 0 minutes to 20 minutes).

On average, where recorded, visits lasted 49 minutes (ranging from 5 minutes to 130 minutes).

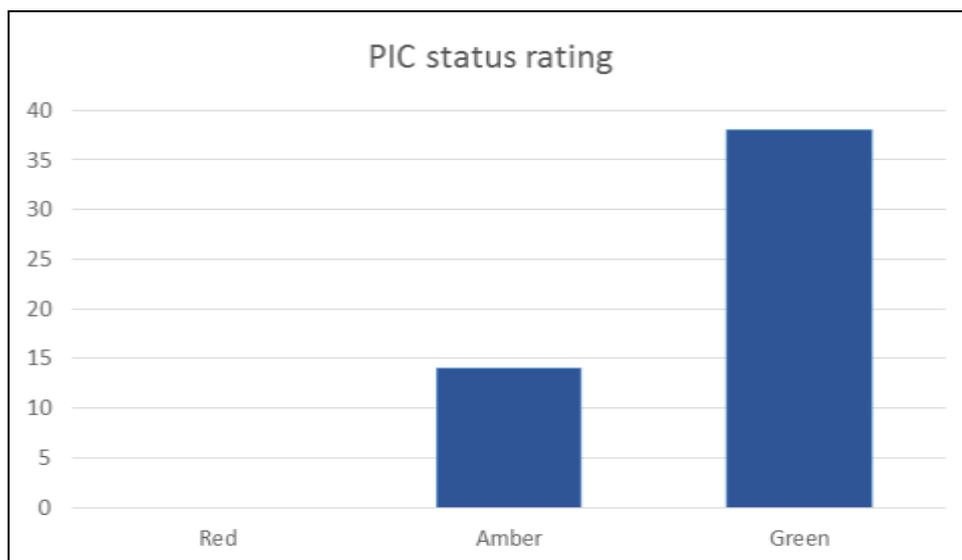
### Persons in Custody (PICs)

17. During the visits there were a total of 65 PICs. Of these:

- 58 were male and 7 were female
- 55 were adults and 3 were young people under 18 years old

18. 55 visits were offered and 53 accepted. Reasons for not visiting included PIC in consultation with solicitor, in interview or at hospital.

19. Of the 53 PICs visited 72% were rated green (no concerns) and 26% were rated amber (minor issues but these have been resolved). None were rated red (1 was not given a rating).



20. For those rated amber comments included:

- Request for copy of PACE booklet, DEO advised will provide
- PIC claimed in custody since yesterday and didn't know what was happening. Record shows arrived 6 hours ago and full risk assessment done with no immediate issues. Solicitor requested and review undertaken.

- PIC was concerned about elderly parents but CO advised he had declined a call from custody suite to parents. In duty course duty solicitor was to be called, situation was still on-going.
- 11 year old refused all food and drink since arrival many hours ago. AA (his sister) is present and he had seen a solicitor. He said he was bored...no suitable reading material.

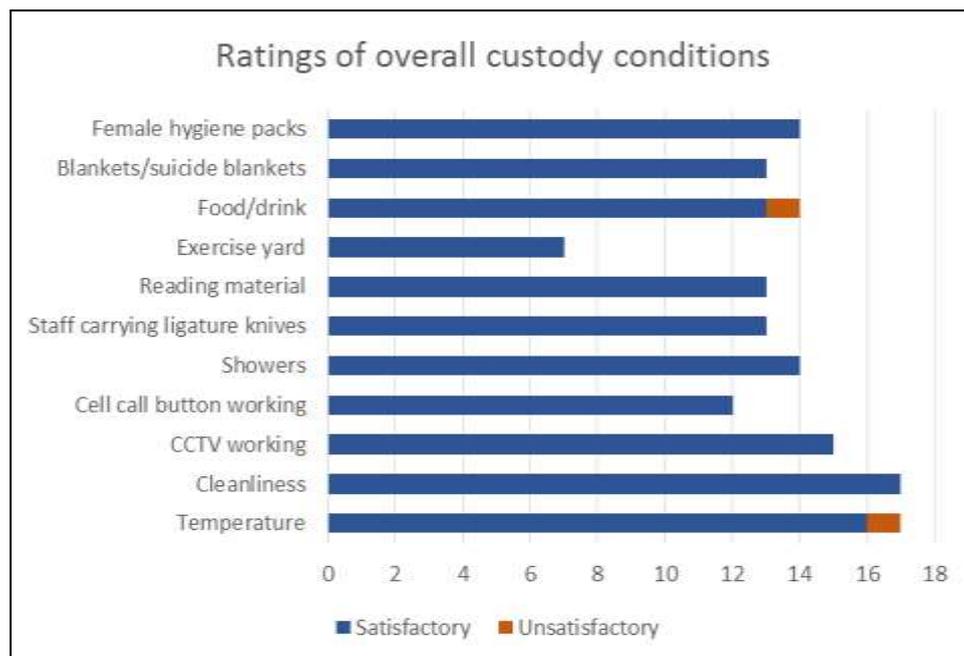
21. For those rated greens comments included:

- Wanted drink
- Experiencing withdrawal symptoms, doesn't want food or drink. Had seen nurse
- PIC not interested in engaging, very little English spoken
- Confusion over meaning of police caution and interview under caution. Commented to staff
- Wanted phone call
- Right to phone call delayed due to searches being carried out

### Overall custody conditions and comments

22. Only 2 'unsatisfactory' ratings where given. These related to:

- Food/drink supply - out of date food packs were present; these were disposed of by custody staff during the visit
- Temperature – no comments supplied



23. Other comments related to:

- Liaison and diversion response times being poor
- Medical room door being open when on a lock system
- Could have more blankets/suicide blankets
- Possible need to refurbish cells including on out of order due to flush issues and one needing cleaning (Bournville)

### **Conclusions of trial**

24. The new form is in its infancy and will be rolled out to the rest of the panels during the refresher training days being held in May. By the end of the year, the data produced from visits will be looked at and reviewed as to its ability to capture and highlight the necessary issues that occur within custody.

### **Findings from custody visiting over the past year**

25. The following paragraphs provide a summary of the key points highlighted by custody visitors during the past year. A more detailed report has also been produced which is available upon request, and this is also available on the PCC's website.

26. One of the main issues highlighted in last year's custody visiting report to Board was the concern ICVs raised about the Healthcare provider, which had also been highlighted by the HMIC/HMCP inspection. In September 2017, the Force changed the Healthcare provider in custody and since then there has been a noticeable improvement, with custody visitors no longer raising this particular area of concern.

27. There have been a few issues to note that have emerged from custody visiting during the year. Each of the issues below was highlighted by custody visitors and was followed by discussions between PCC's staff and custody staff in order to receive reassurance that the matter was resolved:

**Wolverhampton** – On two occasions there were a concern raised as to the level of stock for suicide blankets.

**Solihull** – main issue seemed to be an issue with the Juvenile Detention Room which was noted by custody visitors back in April 2017. It had been reported as having ligature points that needed to be addressed and was awaiting maintenance to address problem. The issue was confirmed to be resolved by September 2017.

**Perry Barr** - Four complaints noted by CVs from PICs about treatment during the year. First two incidents were PICs mentioned their dissatisfaction, they were advised about complaint procedure and Force comments asked for by PCC office to gain a greater understanding of PIC situation. Third complaint was looked at by officers and option given to PIC as to whether they wanted to pursue it as a formal complaint. Fourth complaint was recorded and forwarded onto the Professional Standards Department.

**Oldbury** – It was understood that although not witnessed by custody visitors, there had been an incident whereby two PICs that were wheelchair bound had to sleep in their

wheelchairs overnight because the beds were too low to enable them to get into bed. Staff pressures had been noted and there were a few maintenance issues as well.

**Coventry** – concerns raised about custody staff being under pressure due to staffing levels and temperature extremes at the custody block.

**Birmingham South (Bournville)** – Stock shortages, low on suicide blankets, cereal bars and staffing levels.

28. Staffing issues have emerged as a main concern affecting custody and have been raised by ICVs on a number of occasions following their visits. These concerns were discussed at November's Strategic Policing and Crime Board. In response, the Chief Constable said that Inspectors and Sergeants were actively managing safe staffing levels, and that custody remained a very safe environment. He was happy to review any individual cases.
29. Custody visitors in April and May of this year again raised continuing concerns that staffing issues had deteriorated to the extent that on four occasions custody visitors had been unable to carry out their visits due to the unavailability of staff to escort them round custody. In response, the Force acknowledged that they were aware of the challenges posed by staffing levels. A combination of factors ranging from vacancies, sickness, shift patterns and a reduction in overtime caused some difficulties. The Force is taking steps to address these issues.

#### **Links with other performance measures in police custody**

30. A HMICFRS update report by the Force was presented at the Joint Audit Committee in March 2018. The presentation of the report was webcast and can be viewed via the PCC website including the report document.
31. We have agreed closer working and sharing of outcomes between the Custody Visiting scheme and the liaison and diversion service to help them assess how much of an impact they are having on detainees who come into the Criminal Justice Service.
32. A review of the Criminal Justice System (CJS) has been recently carried out to understand the full impact of the Force's change programme on CJS including custody and the extra demand from other service users on the department. A review team was set up in September 2017 and by the end of March 2018, proposals were agreed including a 6 month temporary closure of Bournville and Solihull custody blocks. The average 12% demand would be displaced to the remaining open blocks at Wolverhampton, Coventry, Perry Barr and Oldbury. The scheme will make efforts to accommodate those ICVs who currently visit Bournville and Solihull to visit other sites if preferred.
33. There is a report from the Chief Constable on the agenda for this meeting, highlighting performance in police custody.

## Appropriate Adults for Vulnerable Adults

34. Appropriate Adults (AAs) are members of the public who volunteer to ensure people with mental ill-health, learning difficulties or other vulnerability are treated fairly in police custody. The principal intention is to help safeguard the best interests of the person in custody, and to reduce the risk of miscarriages of justice as a result of evidence being obtained from vulnerable suspects which lead to unjust convictions.
35. In the case of children, provision of an AA is the statutory responsibility of the local authority. In the case of adults there is no statutory responsibility and historically police have often struggled to find an AA for a vulnerable adult. The Police and Crime Commissioner agreed to manage the AA scheme as an interim measure, in response to this gap in service. The National Appropriate Adult Network does not support the idea of a scheme being run by a PCC. However, in the absence of any other willing partner, this is the only viable way of ensuring an AA service for vulnerable adults in the West Midlands.
36. An AA can be requested to support a vulnerable adult throughout a person's time in custody.
37. There are currently 23 volunteer AAs supporting vulnerable people across the West Midlands, supporting over 50 vulnerable adults on a monthly basis.
38. AAs write up a brief report on their visit and submit it to the Police and Crime Commissioner's office. Each report is reviewed and any concerns or issues are raised with West Midlands Police. The table below gives an indication on the number of visits done on monthly basis:

	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Total AA visits	74	73	74	64	56	54	71

## Financial Implications

39. During 2017/18 expenditure on custody visiting & appropriate adults was £9,900. This included payment of travel expenses, arrangements for quarterly Panel meetings at each custody site, and a programme of training events for volunteers.

## Recommendation

40. The Board is asked to note the performance of the West Midlands custody visiting scheme and the Appropriate Adult Scheme.

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