



**Strategic Policing and Crime Board**

**16 April 2019**

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

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

**Presented by:** *Andrea Gabbitas and Sarah Matta*

**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.

**Background**

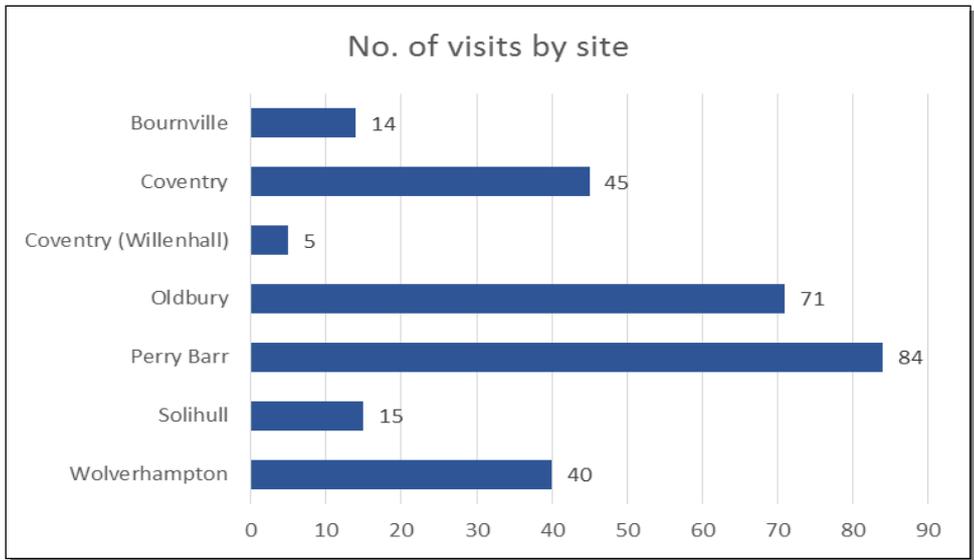
3. Police and Crime Commissioners are required by statute to operate an Independent Custody Visiting Scheme in consultation with their chief police officer.
4. Independent Custody Visitors (ICVs) are volunteer members of the public who are impartial, independent of the police and have no direct association 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, Perry Barr and Oldbury. The West Midlands custody scheme is the biggest outside of London with over 75 volunteers.

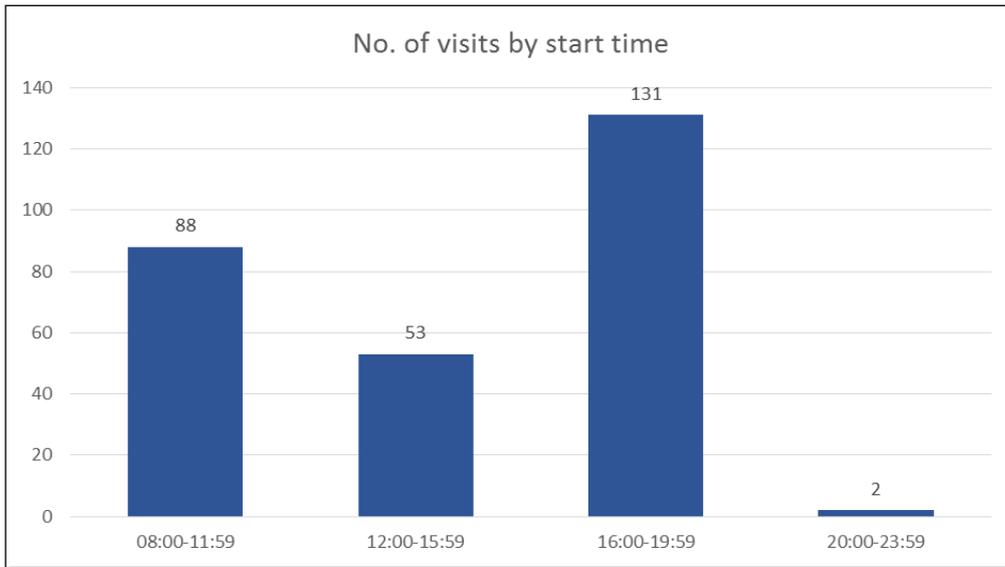
- 5. There are several partners that play a role in overseeing how well custody is performing. HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) together with HM Inspectorate of Prisons make joint inspections on police custody to monitor the treatment of and conditions for detainees, 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.
- 6. The operational custody blocks in the West Midlands are Perry Barr, Oldbury, Wolverhampton & Coventry, following the closure of Bournville and Solihull in 2018. Stechford and Bloxwich remain as the standby sites only.
- 7. In May 2018 SPCB was informed of a visit report style which had been trialled at Bournville and Solihull. Following the successful trial, this has now been implemented across the rest of the custody sites (due to a transition period to the new visit report style, visit data from April and May for sites including Wolverhampton, Coventry, Perry Barr and Oldbury may not be completely captured in this report).

**Public Reassurance**

- 8. One of the main objectives of the scheme is to provide reassurance to the public that custody is a safe place. The good number of visits contributes to this reassurance.
- 9. From April 2018 to March 2019 there were roughly 274 visits conducted at custody sites across the West Midlands.



*(Note: In May, for approximately five weeks Coventry custody was relocated to Willenhall custody to allow Coventry to be refurbished and upgraded. Perry Barr also increased the number of visits per week from two to three, for a period of time but this was later abandoned as it was considered excessive)*



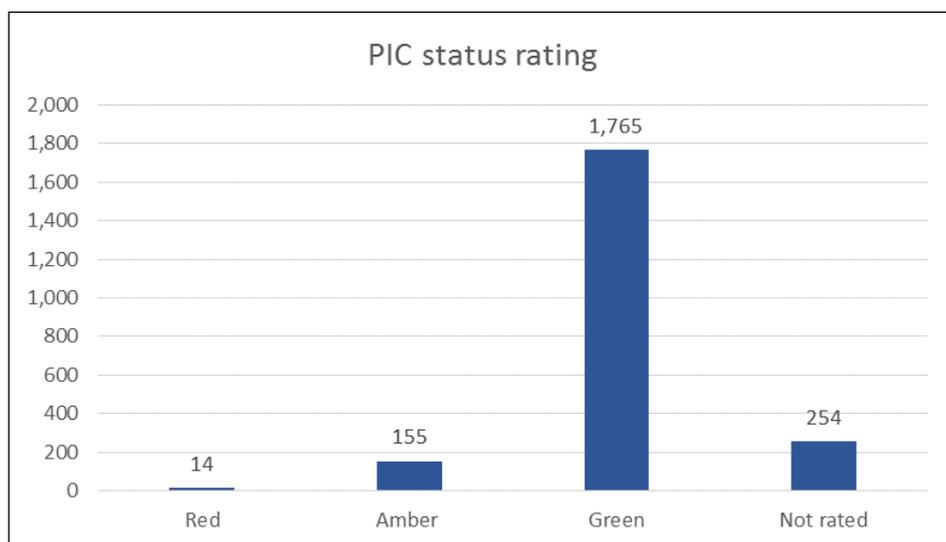
10. The majority of visits took place in the afternoon/early evening.
11. On average there was a 12 minute wait between arrival at the custody desk and visit start (ranging from 2 minutes to 1 hour 6 minutes). Reasons provided for the 1hr delay included an extremely busy custody block with staff on breaks, a health and safety issue and a communication breakdown.
12. On average, where recorded, visits lasted 55 minutes.

### Persons in Custody (PICs)

13. During the visits there were a total of 3,746 detainees in custody. 2,601 detainees were offered a visit, with 2,188 accepting visits from custody visitors. Reasons for not visiting included PIC in consultation with solicitor, in interview or at hospital.

		Detained	Offered	Accepted	Refused
Adult	Males	3,024	2,100	1,739	361
	Females	317	215	182	33
	Other	39	35	35	0
	Total	3,516	2,440	2,042	398
Young people	Males	182	126	114	12
	Females	36	25	22	3
	Other	0	0	0	0
	Total	230	161	146	15
All ages	Males	3,206	2,226	1,853	373
	Females	353	240	204	36
	Other	39	35	35	0
	Total	3,746	2,601	2,188	413

14. The new visit report form includes a red/amber/green rating, and of the 2,188 PICs visited, 80.66% were rated green (no concerns), 7.08% were rated amber (minor issues but these have been resolved) and 0.63 % were rated red (issue cannot be resolved and needs further attention from the PCC's office). 11.60 % were not rated.



15. When red or amber comments are raised, they are first discussed with officers on site. If the issue could not be resolved immediately it was referred to OPCC for further action. The 14 red-rated comments included the following, all of which were followed up by PCC staff:

- No cereal bars within cell block.
- No updates given to PIC
- Long stay in custody because nobody available to take to court.
- Lack of staff to provide transport.
- Not been given suitable medications – raised on three occasions
- Suicidal/very emotional
- No information leaflet given.

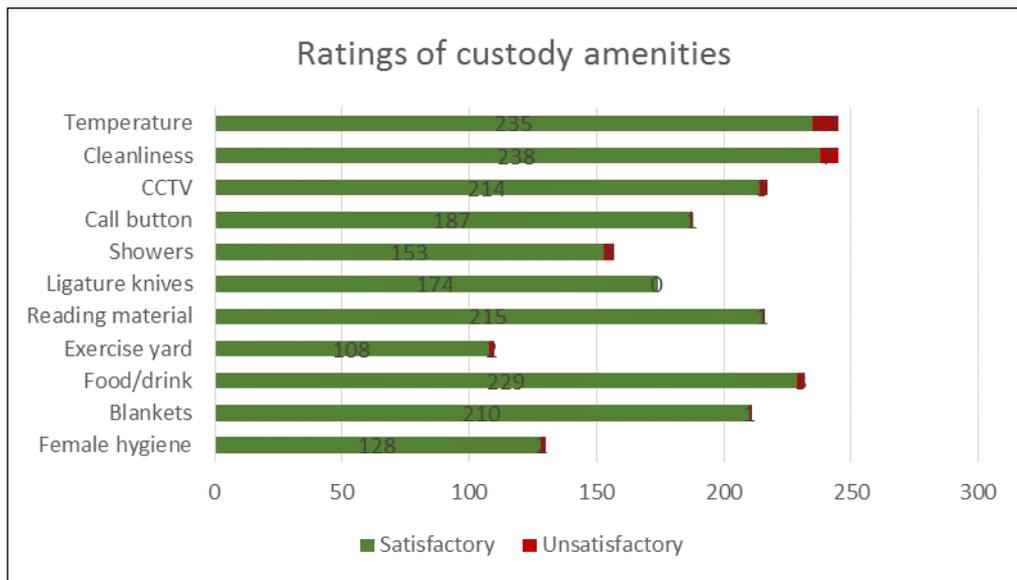
16. For the 151 Amber rated, comments included, the following:

- Unhappy with way strip search conducted, or refused strip search. This was raised several times.
- Wants a referral to Drugs team.
- Cannot read or write, and asked for information to be read to him.
- No one available to supervise exercise.

- During the night had a 'panic attack' and was concerned with the length of time before he was seen by the nurse.
- Emotional problems.
- Asked for a drink and had no wash or shower for 48 hours.

### Overall custody conditions and comments

17. Overall general conditions in custody were rated satisfactory.



18. Those that were rated unsatisfactory consisted of cells being too warm or some that were untidy.

### Findings from custody visiting over the past year

19. One of the main issues raised in the 2017 report noted concerns about the healthcare provision in custody, also pick up by HMIC when inspected. Since then, neither last year nor this year's report note any major concerns about the new Healthcare provider which was introduced in September 2017.

20. The following is a brief summary of some trends noticed over the year:

**Wolverhampton** – There were a few issues around temperature being inconsistent, either cold or hot. Cells were sometimes stuffy and cells were untidy at times, needing to be cleaned out more regularly. It was also noted that detainees could not or were not offered access to the exercise yard. There were also issues in regards to staffing levels, one occasion saw custody visitors delayed in accessing custody due to a limited number of staff on duty at the time and one Sgt had to be transferred to another custody site which left one Sgt to deal with 16 PICs. There was also one occasion whereby detainees were becoming frustrated, irritable due to delayed responses by an apparent understaffed custody suite.

**Perry Barr** – There were a few occasions when stock levels were low, e.g. washing facilities/shower kits, toothpaste, tissues, toilet paper and clothing (XL size). It was also noted on a number of occasions how busy staff were in the suite which affected custody visitors gaining access to custody. On one occasion staff were having to multi-task due to a lack of staff.

**Oldbury** – A screen over the charging desk (*used to identify where within the cell block the panic alarm had been pushed*) was noted as being down for a number of months. The cleanliness of cells was noted on one occasion with some untidy/dirty. Predominantly though, it was staffing issues and staff being busy which featured regularly on report forms. For example:

*“site extremely busy, trying to accommodate refreshments breaks, staff shortage due to illness and also backlog of PIC’s waiting to be booked”*

*“Custody suite very busy due to staff shortages. 2 wings closed A & E due to staff issues.”*

Shortage in staff also impacted in the time taken to show custody visitors around. On one visit, custody visitors had been warned that the suite was so short staffed that they might not be able to provide escort, however in the end a visit was facilitated. A visit in October had to be terminated after custody visitors waited 50 minutes due to a lack of staff available to show them around. This was believed to be due to sickness and leave, which had left staff unavailable.

**Coventry-** On a few occasions it was noted how warm the custody suite was even during the winter months and on one occasion, there was no stock of cereal bars at all within the suite (*refer to point 17*).

**Birmingham South (Bournville)** - Two things were noted before the custody site was closed which were, the need for air con in the facility due to it being 29 degrees outside and staff being extremely stressed due to low staffing levels.

**Solihull** – Nothing was noted of concern.

21. Staffing issues have featured as the biggest concern affecting custody and at times have been noted as having an impact on the opportunity for PICs to take showers or allowing custody visitors to gain access within a reasonable time. This overall concern about staffing was recently raised with the Force.
22. Following receipt of the concerns, a report was provided by CJS with details of how the Force manages business across the four sites, and the steps in place to deal with very busy periods, vacancies and sickness absence. A copy of the report has been circulated to all custody visitors for discussion at Panel meetings.

### **Terrorism Act Detention Visits**

23. A team of 7 ICVs including a co-ordinator are in place to undertake visits for detainees arrested under the Terrorist Act if and when required. 4 additional ICVs will be joining

this team once training has taken place which will add some resilience to the team for any future visits.

24. Over the past year there has been 12 TACT visits under taken. Once a request from the Counter Terrorism Unit (CTU) has been received by the PCC's office, the TACT co-ordinator is informed and then arranges for visits to be conducted within the first 24 hours of detention to comply with statutory requirements. All visits have reported conditions to be satisfactory.

### **Appropriate Adults for Vulnerable Adults**

25. Appropriate Adults are required to accompany children and vulnerable adults during their interviews and other processes in police custody. If a suitable family member or friend is not available, local authorities have a statutory duty to provide an appropriate adult for children in custody. There is no corresponding statutory duty for vulnerable adults, and the Commissioner has therefore provided a volunteer service for vulnerable adults since 2017.
26. In September 2018 the Home Office issued a new recommended voluntary agreement between local authorities and PCCs, setting out how appropriate adult services should be provided. The voluntary agreement provides that responsibility for ensuring suitable services are in place rests with the local authorities. The role of the PCC is to have strategic oversight of the performance of appropriate adult provision, and also to act as a conduit for performance information to and from local authorities.
27. In the West Midlands, the Association of Directors of Adult Social Services discussed the new code and agreed that the appropriate adult service for vulnerable adults provided by the Commissioner had worked well and is the most appropriate way of providing this service in the West Midlands. We are in the process of developing a memorandum of understanding to formalise this arrangement.
28. There are currently 21 volunteers in this Scheme, and during the year 805 visits have been conducted.

### **Financial Implications**

29. During 2018/19 expenditure on custody visiting and appropriate adults was £12,543. This included payment of travel expenses, arrangements for quarterly Panel meetings at each custody site, and a programme of training events for volunteers.

### **Recommendation**

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

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