



Strategic Policing and Crime Board

Date of meeting 16/04/2019

Police and Crime Plan Priority: Improving Confidence in the Police

Title: Custody

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Purpose of paper

1. This paper is in response to an Outline Request from the OPCC to the Head of Criminal Justice Services (CJS), with the purpose of summarising various aspects of performance management relevant to the Custody function.

Background

2. This report provides an update on a previous report submitted on 22nd May 2018, and builds on the progress reported in that paper. Furthermore, since that date, it should be noted that further custody suite closures have taken place and West Midlands Police (WMP) now operate a modern and flexible four-site model, with suites located at Oldbury, Wolverhampton, Perry Barr and Coventry.

Custody throughput

- Table 1 shows a reduction in custody volumes year on year. The % change year on year is broadly in line with national trends, with similar forces such as Greater Manchester, Merseyside and The Metropolitan Police all showing very similar year on year reductions. Table 1.1 refers. The significant reductions in 2017/18 following changes in Bail Act legislation have now stabilised, and subject to standard variation it now appears custody volumes have reached a new long-term position.

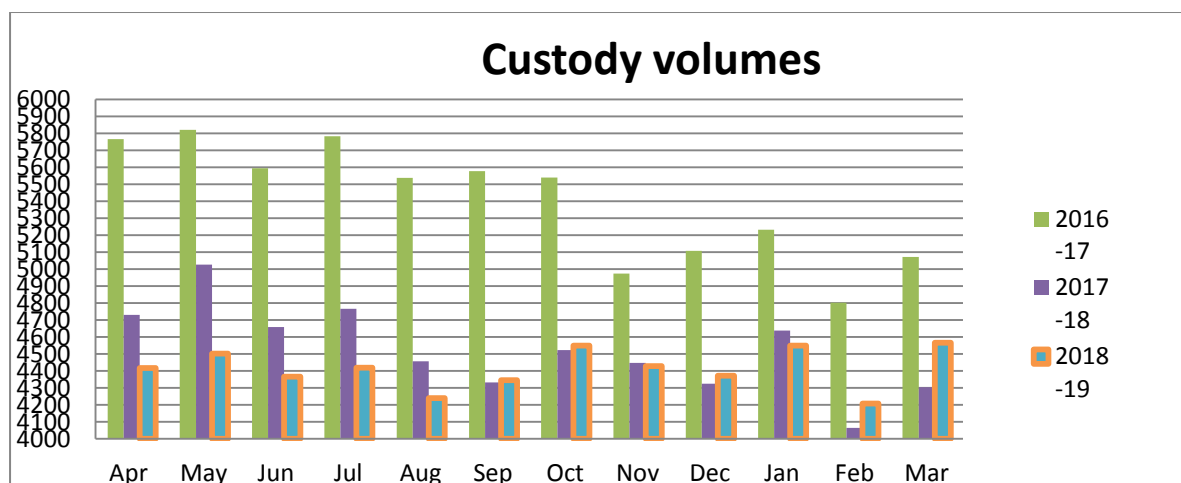


Figure 1 Custody Volumes

Table 1 Reduction in Custody Volumes

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total	% change
2016-17	5765	5821	5594	5782	5538	5578	5539	4973	5107	5232	4803	5072	64804	2.1%
2017-18	4731	5027	4658	4767	4458	4332	4524	4447	4326	4639	4065	4304	54278	-16.2%
2018-19	4417	4502	4366	4419	4240	4346	4550	4428	4373	4550	4208	4566	52965	-2.4%

Custody Volumes – Most Similar Forces

	Greater Manchester	Merseyside	Metropolitan Police Service	West Midlands
2018/19 (to date)	Requested	27,602 (Feb)	128,632 (Feb)	52,965
2017/18	39,860	27,933	164,951	56,377
2016/17	45,089	32,186	193,639	67,337
2015/16	55,869	39,303	212,051	60,955

Table 1.1

Impact of closure of Bournville and Solihull custody suites

Table 2 shows the percentage of total demand of each block across the WMP.

% Volume of custody records		2018Apr	2018May	2018Jun	2018Jul	2018Aug	2018Sep	2018Oct	2018Nov	2018Dec	2019Jan	2019Feb	2019Mar
20CC	Perry Barr	35%	34%	36%	36.8%	38%	38%	38%	36%	38%	38%	40%	39%
20CW	Oldbury	29%	30%	30%	33.3%	37%	35%	36%	35%	37%	36%	35%	34%
20GA	Wolverhampton (Bilston Street)	11%	11%	10%	12.1%	11%	13%	12%	12%	11%	12%	11%	12%
20MA	Coventry Central (Little Park Street)	12%	11%	0%	13.0%	14%	15%	15%	16%	14%	14%	14%	15%
20MB	Willenhall Coventry (Chace Avenue)	0%	1%	12%	0.8%	0%	0%	0%	0%	0%	0%	0%	0%
	Others	0%	0%	0%	0.0%	0%	0%	0%	0%	0%	0%	0%	0%
Force		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Table 2 Demand

- The closure of Solihull and Bournville custody suites has not detrimentally impacted the wider organisation. It can also be shown that the remaining 4 custody sites are remaining open for longer and more frequently than before. This is a result of efficiency gains and the re-distribution of staff from the closed sites into the remaining four sites.

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

- WMP continue to work hard with partners to avoid, wherever possible, the need to use custody as a place of safety under the Mental Health Act (MHA). There have been no occasions where this has happened in the last 12 months. Data will show that there have been 3 mental health arrests resulting in a detention at a custody block. These three arrests were not solely mental health related in that the detainee had originally been arrested for a criminal matter. These three Mental Health records were created as admin records only to continue to record the care and movements of the person in custody prior to being conveyed to a more suitable place of safety. (CC/11204/18, GA/5369/18 & CC/28284/18 refers)

Transferring detainees with mental health issues to an appropriate place of safety

- Within the last financial year (YTD) 186 people have been disposed of as a result of being transferred to a mental health secure unit or place of safety. At this time there is no way of extracting data to show the timeliness and response from local authorities however, as an interim measure custody staff are now documenting the process timelines regarding mental health assessments and subsequent responses from partner agencies, regarding all mental health detainees. The purpose of this is

to identify any potential points of failure in the system, so that we can work with partners to address any concerns. As this has only recently commenced, it is too early at this stage to draw any definitive conclusions.

Section 136 Mental Health Act Escalations.

- Recent amendments to the Mental Health Act now provide the police with additional detention time following an arrest made in custody under Section 136 of the Mental Health Act. This allows police an additional 24 hours in order to conduct a full mental health assessment of the person in custody and as such the requirement to escalate potential unlawful detentions has minimised. Indeed, since implementation of this revised legislation, the 24 hours has not been breached. This is monitored on a Mental Health Tracker which captures details of each person detained under the Mental Health Act and the timescales from initial assessment requests through to time of conveyance to an appropriate place of safety.

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

- WMP do not use custody as a place of safety under the Children Act 1989 and as such have had no detentions recorded. The legislation allows for a child to 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. As an interim measure, while the child is still on police premises awaiting collection, they would be kept somewhere suitable such as a V&I interview suite, never within the custody environment.

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

- The necessity to arrest a young person is considered carefully, acknowledging the emotional affect it can have, and is considered 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.

- Average detention length and Volumes

	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19
Juv det length	12:30	12:26	12:16	13:46	13:38	12:50	12:49	12:42	12:42	13:11	12:27	13:33
Volume	350	391	348	325	330	346	373	314	278	383	337	430

Table 3 Average detention length and Juvenile Volumes

(Note: Juveniles are on average in custody for 2-3 hours less than adult detainees).

Numbers of requests for children to be transferred to local authority accommodation under PACE, and Numbers of children actually transferred to local authority accommodation.

	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19
Remanded	33	31	23	27	33	35	38	29	26	33	36	47
Required	25	29	18	21	21	23	31	24	22	23	26	38
Requested-Pace	8	15	3	6	4	10	9	11	7	6	8	11
Granted-Pace	2	3	1	1	2	3	1	8	3	3	2	4
Requested-Secure	13	13	14	14	17	13	20	13	15	14	17	26
Granted-Secure	3	2	1	0	1	0	0	0	0	0	0	1
No request Made			1	1	0	0	2	0	0	3	1	1

Table 4 Local Authority

9. It is recognised that there are substantial difficulties in obtaining secure accommodation for young people remanded in custody, due to the lack of provision in the West Midlands region. However, while WMP continue to make requests for PACE (non-secure) accommodation, the rate at which these requests are fulfilled by the Local Authority remains low.

What progress has been made in developing a joint concordat with the local authorities?

10. The Head of Custody has been working with Claire Dhami, Implementation Director for Public Service Reform & Inclusive Growth at the Combined Authority, drafting a joint concordat with appropriate escalation routes, which will be presented to the Force Executive Team for approval within the next month. By achieving a greater subject knowledge and consistency of approach with both police and the local authorities, the protocol will achieve a step change in the successful accommodation of young people remanded in custody, in particular for PACE (non secure) accommodation. In terms of secure accommodation, we understand that the Combined Authority is still scoping the requirement for a facility to be established in the force

area, and we continue to support them in understanding the likely extent of demand for such a provision.

Immigration detainees

11. Immigration detainees have little impact on custody as they do not require to be interviewed or processed within the criminal justice system, and most are simply detained pending investigation and collection from Immigration Service staff and or United Kingdom Border Agency (UKBA). The volumes of immigration detainees is also not high enough to cause any excessive demand across the 4 site custody establishment.

Detainees	Month/Year
81	Apr-18
88	May-18
89	Jun-18
61	Jul-18
51	Aug-18
60	Sep-18
64	Oct-18
94	Nov-18
77	Dec-18
71	Jan-19
80	Feb-19

Table 5 volumes of immigration detainees

Appropriate Adult data

12. Custody staff have requested appropriate adults on 1369 occasions within the current performance year (YTD), but we are unable to provide data to say what time they were requested and arrived. It is anticipated that Connect will feature the capability to include this data in future reports. There are no concerns regarding the attendance rate and timeliness of the appropriate adult scheme. There is currently a survey being completed by custody staff which details reasons for persons in custody being detained overnight. Recent data shows that out of 295 overnight persons in custody, only 3 were detained overnight due to no availability of an appropriate adult, demonstrating the effectiveness of the scheme. Other factors are far more likely to

cause a person in custody to be detained overnight, such as medical reasons or the need for outstanding investigative actions to take place prior to interview.

**Her Majesty's Inspectorate of Constabulary Fire and Rescue Service (HMICFRS)
Custody Inspection 2017 Update:**

13. HMICFRS said detainees are at risk of self-harm or suicide from ligature points – what are you doing to address this?

Any space large enough for the edge of a £2 coin to fit in is deemed by HMICFRS to be a potential ligature point. Property maintenance teams have already repaired all but one of these identified points, with the remaining cell having been taken out of service while more extensive repairs are made. Belts, shoelaces or anything that could be used as a ligature is taken from detainees deemed at risk of self-harm and there is a rigorous routine of supervision and monitoring to check on detainees' wellbeing.

14. No mechanism in place to effectively scrutinise the use of force used on detainees?

Any use of force against detainees is recorded on the individual's electronic custody record on the WMP custody computer systems. It is acknowledged that the system is not searchable however, new modern custody IT systems are now in place that address this issue. All use of force is now recorded within the SharePoint system. This now provides monthly comparative data between teams and sites to identify issues of either under-reporting or excessive use of force, which are then dealt with through performance management processes. This data gathering is still in its infancy and we will be in a better position to report to a future board on trends and patterns. Finally, we have also recently established a public Use of Force scrutiny panel, as a sub-group to our Independent Advisory Group.

15. Overall arrangements for fire evacuations were inadequate. At Oldbury and Perry Barr, there were not enough handcuffs available in the emergency packs to evacuate all detainees safely from the suites at full capacity.

More handcuffs have now been supplied to each custody suite to accommodate a full capacity evacuation. Should there be a need for a mass evacuation extra officers would be called upon to assist as they carry cuffs as part of their standard equipment.

16. Higher than normal rate of strip searches – 19% compared to national average of 8% - and rationale for strip searches often inappropriate?

The demographic of the West Midlands – with many offenders having drug habits or involved in drug crime – is such that we are likely to deem a strip search necessary on more detainees than, say, in a rural area. We would only conduct a strip search if it was deemed necessary and appropriate to ensure the detainee is not secreting any articles which can be used to cause harm (to either themselves or others), damage or assist in their escape from custody.

The Head of Custody has enhanced the regime of Inspectors' dip samples of custody records, to include specific focus on rationale for strip searches, as well as other use of force issues. We are content that this is an improving position, which is supported by management intrusion and ongoing staff training, and that the power to strip search is used only when proportionate and necessary.

17. Delays in providing healthcare checks on detainees?

The contractor providing this service has now changed and the new provider (Mountain Healthcare) provides 24/7 coverage at all four custody suites with Health Care Providers (HCP) now permanently embedded – with 2 x HCP's at each of the superblocks, and 1 each at Coventry and Wolverhampton. The successful implementation of the new HCP was subject of a previous report to SPCB, and is judged to have been a resounding success.

18. Difficulties in maintaining sufficient Custody Officer Assistants (COAs) has resulted in delays releasing detainees as no-one to take DNA samples or prints?

We have just completed two recruitment campaigns, with a further campaign planned for autumn 2019, meaning we expect to be back to full strength in the next 6 months. We currently have 15 vacancies against an establishment of 75 COA posts. Where staff shortages are apparent, the Resourcing Manager is responsible for flexing staff between sites and/or the targeted use of overtime to support staffing numbers where appropriate and necessary.

19. Emergency resuscitation equipment did not meet essential standards?

There are defibrillators in every custody suite; these are checked regularly and maintained. The new HCP's have also now supplied and equipped each custody

block with their own emergency grab bags and oxygen for use in medical emergencies. As detailed above, we have full time 24/7 HCP coverage at all of our custody suites.

20. Delays booking people in – inspectors witnessed a 48 minute delay with one detainee?

Average booking in time has fallen since the implementation of the four-suite model, and now stands at approximately 11 minutes.

21. A substantial number of DNA samples and exhibits found in refrigerators and freezers across all custody suites?

The management of blood and other DNA samples is now robustly overseen. During every night shift a member of custody staff at each site conducts a daily audit whereby they complete a register and bag and seal the samples. The samples are then collected by fleet services and delivered to Ridgepoint house.

Healthcare in custody

22. Mountain Healthcare, have been providing healthcare in custody services to WMP since September 2017, following a competitive tendering exercise. This tendering exercise sought to gain a vastly improved service provision from the previous supplier.

23. Due to the challenges faced with the previous provider, the new contract has a more focused assessment of the quality of the service being provided, rather than simply based on rota coverage and response times. A new operating model was implemented and has assisted with supporting this focus.

24. Through the new contractual arrangement, the new service provider, Mountain Healthcare, have provided 24/7 cover at all of the four current suites (Perry Barr, Oldbury, Wolverhampton and Coventry), with the current rota consistently maintained at a 100% fulfilment rate. They also receive, on average, between 7-10 applicants per vacancy advertised and undertake a thorough recruitment process to ensure only quality staff are successful.

25. The management and monitoring of the new contract has addressed the issue of excessive referrals to Accident and Emergency departments, with formalised Key Performance Indicators (KPI's) in place to monitor the number of referrals, and it is now a contractual requirement to see this number reduce. Mountain Healthcare have tackled this issue from the outset, and began by liaising directly with the NHS to identify the issues and understand how the parties can work in collaboration to reduce unnecessary referrals.
26. Mountain Healthcare proactively engage with the Criminal Justice Department, offering such events as emergency scenario training within the custody environment to assist all relevant parties with how to react in an emergency situation. They also attend custody Sgt's training sessions regularly to ensure the custody leads are aware of the services they are there to provide and how to call on their services as a successful partnership. The feedback from these sessions has been very positive.

Performance management framework for police custody.

27. In anticipation of Connect go live there will be extensive user testing and staff training meaning on roll-out our staff and managers will be well placed to take full advantage of the new functionality, including performance data and metrics, that this new system has to offer.
28. The performance management framework that is embedded within the CJS department consists of a structured and systematic approach to identifying and addressing internal performance and processes. This performance framework enables CJS to focus upon its service delivery not just within the Criminal Justice environment but also alongside the wider organisation focusing on the current WMP priorities and missions – whilst delivering against the overarching strategic priorities.
29. At the Quarterly Performance Review with the Assistant Chief Constable (Crime), the department provides detailed performance metrics relating to custody, focusing on improvement work being delivered through the departmental meeting structure.
30. CJS Tactical Delivery Board (TDB) is conducted within 24 hours of the monthly Force TDB meeting, thus ensuring CJS managers and their staff are aware of current tactical priorities and key issues affecting WMP, providing clarity on individual and team expectations connected to those priorities.

31. Service Improvement Meeting are held monthly and attended by all CJS managers to identify current and on-going threat and risk, as well as options and opportunities for continuous improvement work impacting on departmental performance and delivery.
32. CJS Threat Risk Management (TRM) occurs every morning to assess the status of critical functions and highlight any risks to delivery over the forthcoming 24-72 hours. This includes detailed reviews of:
 - a. Staffing levels across all teams
 - b. Custody status – focusing on capacity, MH, Juveniles, adverse incidents, potential Superintendent extensions.
 - c. Prosecutions – In custody remand deficiencies and CPS escalations
 - d. Sickness – reviews and management strategies/support for those currently sick.
 - e. Review of force operations/calendar (scoping outside of the 24-48 hours) for early identification of potential impacts upon the department e.g. football/protests/all out days.

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