

Police and Crime Commissioner West Midlands response to the publication of
Report of unannounced inspection visit to police custody suites in the West Midlands¹

by Her Majesty's Inspectorate of Constabulary's (HMIC) and Her Majesty's Inspectorate of Prisons (HMIP)

Overall rating for West Midlands Police	Not applicable to this report
Number of recommendations	5

On 21 June 2017 HMIC and HMIP published their joint report on an unannounced inspection visit to police custody suites in the West Midlands. These inspections contribute to the UK's response to its international obligation to ensure regular and independent inspection of all places of detention.

Inspectors visited the custody suites at Bournville, Coventry, Perry Barr, Oldbury, Solihull and Wolverhampton, as well as contingency suites at Bloxwich, Stechford and Willenhall. They looked at strategy, treatment and conditions, individual rights and health care.

Peter Clarke, Chief Inspector of Prisons, and Dru Sharpling, HM Inspector of Constabulary said:

“The findings from this inspection were mixed. Many of the existing strengths [from previous inspection in 2010] remained and there had been clear progress in some areas. However, it was disappointing that over a third of the recommendations made at the previous inspection had still not been achieved. Nevertheless, the force had a clear vision for custody and we were confident that if the strategic impetus was sustained, this would result in further improvement.”

¹ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/west-midlands-police-custody-suites/>

Under the Policing and Crime Act 2017 PCCs must publish a response to HMIC reports, together with any comments submitted by the Chief Constable, within 56 days of the report being published. Where reports include recommendations the response must include an explanation of the action the PCC proposes to take in response. The overall response as well as responses from WMP and the PCC to individual recommendations are set out below.

Overall response

This report highlights serious questions that I have raised with the Chief Constable. The force has shared with my office their action plan on custody and I am pleased with the direction of travel. I will be holding West Midlands Police to account to ensure that progress is made quickly to improve standards in custody.

I have also raised concerns through the Local Criminal Justice Board regarding local authority provision of secure accommodation for children. It is correctly identified as an issue in this report and an area where urgent progress needs to be made.

Despite the serious concerns raised I am pleased that the independent inspectorates have recognised our services for people suffering from mental ill-health as 'among the best' they had seen.

In light of the inspection report I have asked my office to explore opportunities to improve the custody visiting scheme that I have responsibility for maintaining. An action plan has been drawn up and a review of the custody visiting scheme will now take place. Part of this process will involve sharing the inspection report with Independent Custody Visitors and relevant partners to gain views on how the scheme and, in particular, the reporting mechanisms could be improved to help with the early identification of the sorts of concerns raised by the inspection.

<http://www.westmidlands-pcc.gov.uk/your-commissioner/custody-visiting/>

My office has also now taken ownership and responsibility of the Appropriate Adult scheme that West Midlands Police use. The old list the Force has been using for Appropriate Adults (AAs) has been updated and additional AAs have been added to increase numbers and broaden the areas covered in the West Midlands. I will monitor the scheme over the coming months to see how effective it is and to assess whether additional recruitment of AAs is needed.

As set out in my Police and Crime Plan, I will continue to promote the custody visiting and Appropriate Adults services to build public confidence in standards in custody.

Recommendation 1

The health care practitioners we met were competent and skilled but fundamental difficulties in recruiting and retaining suitably qualified nurses had led to continuing shortages of frontline staff. These issues, when coupled with the nature of the contract, the absence of any effective clinical leadership and weak governance arrangements, had resulted in an overstretched physical health service which was struggling to meet demand and had generated poor standards in a number of clinical areas.

Recommendation

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.

WMP response

The existing healthcare provider contract for medical care within the West Midlands Police (WMP) custody estate expires on 31 August 2017.

Following an extensive procurement exercise the contract has been awarded to an alternative healthcare provider (Mountain Healthcare) with effect from the 1 September 2017. The tendering requirements specified an increase in the level of service provision, fully embedding nursing staff at Perry Barr, Oldbury and Coventry while enhancing cover at busier times at the remaining three sites.

We are confident that the new contract will offer a much improved healthcare service across the whole WMP custody estate, in turn addressing all of the concerns raised by HMIC in this area.

PCC response

On 20 July 2017 I took the decision to approve the award of a contract to Mountain Healthcare Limited for the provision of healthcare in custody services for the period 1 September 2017 to 31 August 2022 in compliance with the Code of Conduct for the Police and Crime Commissioner of the West Midlands.

I am pleased with the new direction of this contract and will request a regular update from the force so that I can monitor the performance of the contractor on an ongoing basis.

Recommendation 2

Performance information in relation to custody was not comprehensive and there was limited monitoring across the different custody functions, making it difficult for the force and others to assess how well custody services performed.

Recommendation

The force should develop a comprehensive performance management framework for custody, ensuring that data are collected accurately, and use this to assess performance, identify trends and learning opportunities and improve services.

WMP response

While the force does collate and monitor a range of performance data specific to the Criminal Justice Services (CJS) department and in particular within the custody estate, the current WMP custody computer system Integrated Custody Information System (ICIS) is acknowledged as an ageing computer database which has limited analytical capability.

CJS does however abstract and monitor a number of data sets, which are reviewed on a monthly basis during the departmental Tactical Delivery Board;

- Detention times (adult and juvenile), waiting times (to be booked into custody), arrests, cell occupancy across the estate, police bail management, constant watches, Mandatory Drug Testing, SICAR (Footwear impressions), ID captures/viewing, Risk Assessments and HCP (Health Care Assistant) visits, positive disposals, Out of Court disposals, Intervention & Prevention.

The current Operational Policing Solution project has been devised to address wider WMP technology challenges across a variety of existing police systems, a replacement custody computer database forms part of this project. It is anticipated that the new custody IT system will become operational during the early part of 2019. The Operational Policing Solution project will capture and provide a raft of performance management data that will assist in the improvement of service.

Prior to the arrival of the new system CJS will continue to capture data from the ICIS system and will use this information to improve performance through a series of local meetings – most pertinently the CJS Tactical Delivery Board held on a monthly basis.

PCC response

I will be requesting an annual report to the Strategic Policing and Crime Board on the performance of custody. I am pleased with the direction the force is taking and recognise the opportunities the Operational Policing Solution projects presents in terms of improving provision of performance data.

Recommendation 3

The governance and oversight of the use of force in custody were inadequate, with insufficient information to demonstrate that any force was used was both justified and proportionate.

Recommendation

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.

WMP response

As a result of the force review into beating bureaucracy in November 2010, it was decided that the Use of Force Form was to be withdrawn with immediate effect. Officers were no longer required to complete this form but were reminded that any use of force should continue to be recorded in their pocket notebooks.

The use of force during detention has continued to be recorded on individual custody records as free text, but the current custody IT system does not allow this data to be stored in a searchable format.

As a result of the National Use of Force review each force is now required to submit use of force data as part of the 2017/18 Annual Data Requirement detailing:

- Type of use of Force
- Subject information
- Incident specific information such as time, date, location
- The reason for the Use of Force
- Injury sustained by officer / subject
- Outcome of the incident

WMP will record the above information for incidents involving: (custody specific)

- Non-compliant handcuffing
- Unarmed tactics (holds, strikes, takedowns, ground pins)
- Baton (actual use only)
- PAVA (actual use only)
- Limb / body restraints
- Spit Guards
- Shield (when used to strike a subject)
- Taser (All types of 'use')

A public consultation was held in July 2017 by the Chief Constable and PCC to inform the public of the latest requirements and how we will record the information.

Use of Force information will be recorded by officers on a mobile app. There will also be the opportunity to link this to Body Worn Video. The data will be searchable and will allow WMP to analyse any trends or outliers. Management data detailing the use of force during detention will be reviewed as part of existing custody oversight meetings.

As part of the Operational Policing Solution IT change, integration of the mobile app with custody systems will be addressed.

PCC response

I will monitor the introduction of the Use of Force recording changes and will be requesting an annual report to the Strategic Policing and Crime Board on use of force in custody.

Recommendation 4

Most children charged and refused bail remained in custody overnight because appropriate alternative accommodation was not provided by the local authority. The jointly agreed procedures had not resulted in better outcomes for children detained in these circumstances.

Recommendation

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.

WMP response

WMP operate an escalation procedure for all children and young person's remanded in custody post charge. This procedure ensures that on occasions where a Custody Sergeant is informed by the local authority that there is no accommodation available the matter is passed to the Duty Inspector who is required to discuss the requirement further with the local authority.

The current monitoring regime sees each individual custody record for such individuals being scrutinised and details extrapolated which are in turn highlighted and discussed at Local Children Safeguarding Board meetings.

The force lead for Children and Young Persons continues to champion this issue as has the PCC's office and we will continue to lobby the local authority for an increase in service provision.

PCC response

Local authorities in the West Midlands are currently struggling to meet their statutory obligations regarding children in custody, and I recognise that there is currently a lack of provision. It is very concerning that sometimes children are taken to areas well outside of the region away from family and friends, due to an absence of appropriate accommodation locally. Notwithstanding these challenges, I have engaged in constructive dialogue with stakeholders to turn this issue into an opportunity to explore more ambitious service provision for young people caught in the criminal justice system. This includes looking at further devolution in the criminal justice arena to enable meaningful public sector reform, and looking into collaboration with education providers to help young people escape cycles that lead to crime.

I take this issue extremely seriously and my office is proactively engaging with multiple stakeholders including the force, local authorities and the West Midlands Combined Authority to find a longer term solution in the region for providing alternative accommodation for children, as an alternative to overnight custody.

Recommendation 5

There were a substantial number of ligature points across the force custody estate. These presented significant risk.

Recommendation

The force should take immediate action to remove or manage ligature points, to ensure that it is delivering customer safety.

WMP response

WMP immediately started to address the issues highlighted following the draft publication of the recent HMIC inspection report. We have been working with our Property Services department to rectify these points which has already seen the replacement of a cell door at Solihull custody suite and numerous other remedial works across the estate.

The findings of the report have been shared with all custody staff to assist in managing the risks where immediate remedial work has not been possible.

A programme of works has been put in place with scheduled progress meetings taking place. It is anticipated that work to remove identified ligature points will be completed by January 2018.

PCC response

I expect these concerns to be dealt with in a timely manner and am reassured by the force's custody action plan which has been shared with my office.