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## **Custody services in a Covid-19 environment**

On 20th April 2021, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) published a report on custody services in a Covid-19 environment.

As with demand on policing in general, the Covid-19 pandemic drastically impacted upon the ways in which custody suites operated. Police officers have had to make assessments prior to arrest as to the health of the suspect/offender and whether the arrest is warranted during the pandemic whilst custody suites themselves have ran at a reduced capacity to ensure a safe and secure environment.

The pandemic also impacted services such as the Independent Custody Visitors (ICVs), Appropriate Adults Service, and the Cranstoun Arrest Referral Service. These services had to adapt quickly to the challenges of the pandemic in order to meet the requirement under the Police and Criminal Evidence Act codes of practice and to continue to provide the opportunity to break the cycle of crime and substance use.

Drug and Alcohol Assessments have continued to take place and liaison with probation colleagues in the courts has continued to support the development of pre-sentence reports, leading to the issuing of Drug Rehabilitation Requirements and Alcohol Treatment Requirements - This is important given the backlog currently in the criminal justice system, tackling the root causes of crime such as addiction will help to prevent future reoffending

We are working alongside the National Probation Service to recognise the gaps in approved courses for individuals offered conditional cautions and as result are investing in our use of Out of Court Disposals. This provides avenues for police and courts to help low level offenders rehabilitate, help prevent long term impacts on victim and offender, and where appropriate will avoid people going through the court system.

As part of the ongoing internal audit strategy and work programme, there is a particular focus on the organisational learning from the Covis-19 pandemic, with the review also considering the robustness of new practices that have been adopted in custody suites during the Covid-19 pandemic.

The report outlined one recommendation to police forces, the remainder of the response will focus on this.

**Recommendation: To help clarify the custody information that forces collect and use, we recommend that forces:**

- **Track the numbers of detainees with, or suspected of having, Covid-19**

During the pandemic, West Midlands Police set up a Covid-19 designated custody suite for detainees with, or suspected of having, Covid-19. Beside this was a Covid-19 Custody process which along with risk assessments for officers attending locations and PPE availability there was a process for assessing detainees/suspects and Covid-19 symptoms.

Suspects displaying Covid-19 where the arrest was in line with the current force arrest policy would be taken to the Covid-19 designated custody suite where custody staff would decide on whether to:

- Accept the suspect into custody
- Bail or release the suspect under investigation
- Advise no further action to be taken

Information on detainees Covid-19 status has been recorded on detention logs throughout the pandemic and, with the recent Phase 1 go-live of the Connect project, this information to be fully reportable once the integration with the Data Driven Insights (DDI) project is complete.

- **Record and monitor the length of time detainees remain in police custody, and any additional detention times due to waits for virtual remand hearings**

Custody performance metrics around travel time (arrest to arrival at custody), waiting time (arrival at custody to custody record creation) and detention length (detention authorisation to release/bail) have been recorded and monitored for at least the past 3 or 4 years and will continue to be done so as part of Connect/DDI.

Data around length of time detainees remain in police custody is also collated and returned to HMICFRS every 6 months as part of the HMICFRS data collection programme.

To support the introduction/trial of virtual remand hearings, West Midlands Police a monitoring dashboard for records involving Virtual Remand Hearings (VRH) displaying information relating to primary offence, length of time in custody, hour of the day detainees left custody, and the court result – This dashboard supported early discussions around the resources implications VRH were having upon police custody suites.

- **Record and monitor the way in which detainees receive their legal rights, and how many receive them by virtual means rather than a solicitor attending in persons**

Within the Connect platform, along with the previous ICIS platform, the ways in which detainees receive their legal rights are recorded within a specific section of the digital custody record. As noted above, the Connect and DDI projects will capture this information in a fully reportable way.

Following the initial suspension of ICVs in order to ensure a Covid-19 safe process for visitations, a reduced number of ICVs were able to continue physical visits in some of West Midlands Police's two largest custody suites allowing them to continue to monitor the way officers in custody suites carry out their duties with regard to detainees during Covid-19. Where physical visits were not possible, and in regards to the Covid-19 designated custody suite, visits were conducted remotely or via the telephone.

In addition to what they would usually comment on, ICVs were asked to also observe and comment on:

- Hygiene
- Provision of protective personal equipment
- Other issues related to the Coronavirus crisis
- Any impacts upon the police's ability to provide safe custody.
- Virtual Remand Hearings - ICV findings also supported the early discussions around the VRH resource implications noted above.

#### **Record the use of bail and released under investigation, and assess any increases in pre-charge bail**

As for the length of time detainees remain in custody, custody performance metrics around use of bail and released under investigation has been monitored for some time and will continue to be done so as part of Connect/DDI.

Data around use of bail and released under investigation is also collated and returned to HMICFRS every 6 months as part of the HMICFRS data collection programme.

During the Covid-19 pandemic, use of bail and released under investigation measures were also monitored locally as part of West Midlands Police situation reports as well as regionally level as part of the West Midlands Regional Criminal Justice Recovery group.