



Strategic Policing and Crime Board

24 May 2022

Police and Crime Plan Priority: Good governance, transparency, equality and public
Engagement - Safer detention

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. Stechford and Bloxwich are used as standby sites only. The West Midlands custody scheme is currently made up of 46 volunteers with an additional 8 new volunteers due to join the scheme this year.

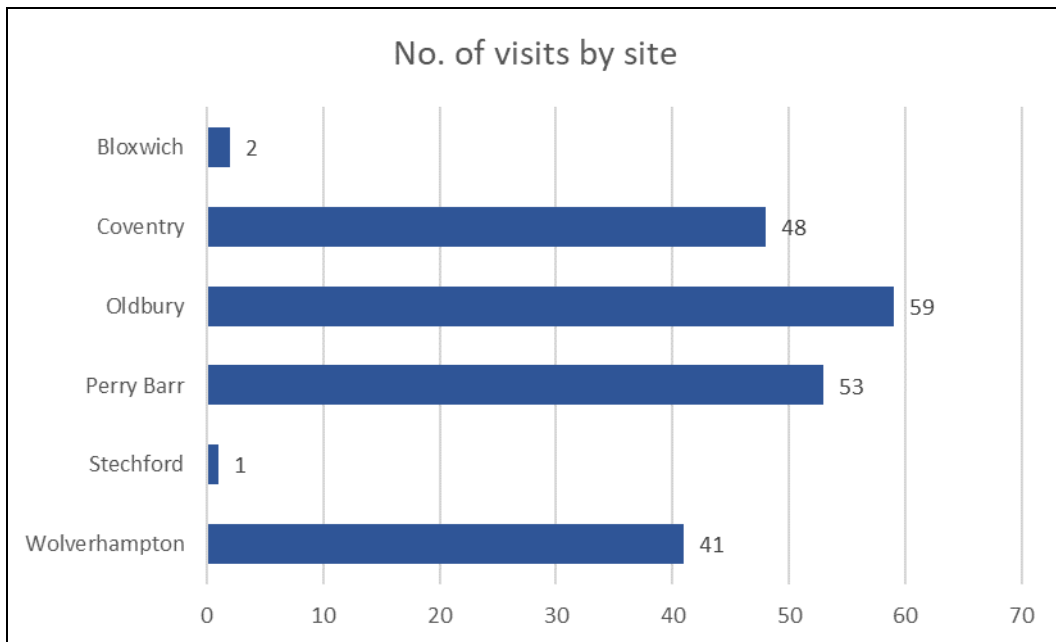
5. There are several partners that play a role in overseeing how well custody is performing. HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) together with HM Inspectorate of Prisons make joint inspections on police custody to monitor the treatment of and conditions for detainees, 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.

Coronavirus Pandemic

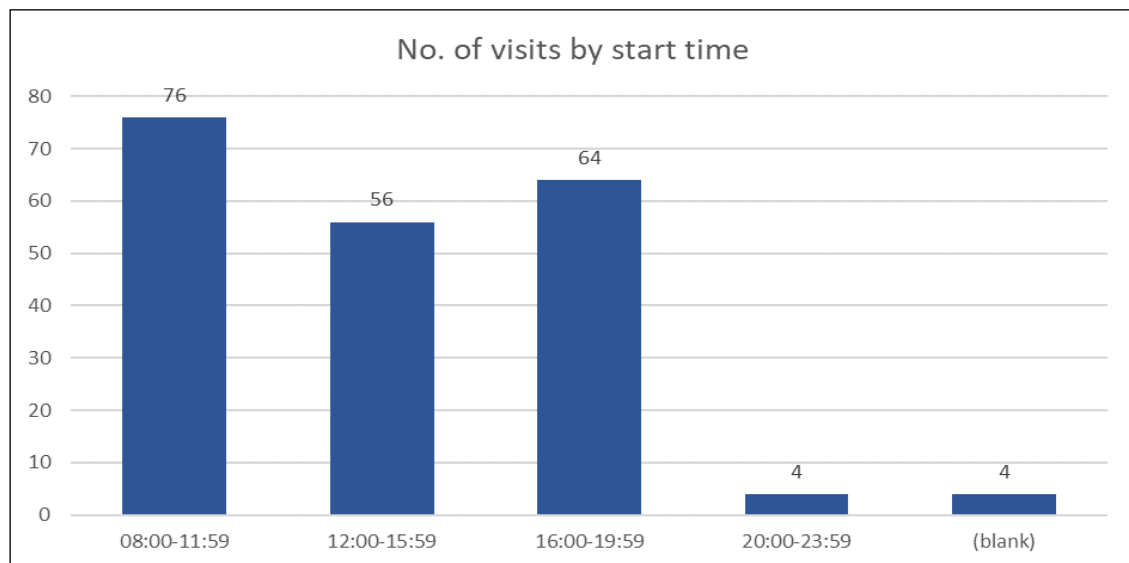
6. During the pandemic both the Custody Visiting and Appropriate Adult schemes managed to continue to operate in some form or another. For example, at Wolverhampton which became a designated Covid-19 site, custody visitors carried out telephone visits to the custody block to speak to detainees and staff. In other cases, a small group of custody visitors and appropriate adults were able to continue physical visits to custody sites, especially visits to Perry Barr and Oldbury, with custody visitors reporting back their findings on a weekly basis.
7. All volunteers have now resumed their role in person either as a custody visitor or as an appropriate adult to all custody sites including Wolverhampton, Perry Barr, Oldbury and Coventry. Both Perry Barr and Oldbury as of September 2021 are now carrying out a visit every 5 days instead of once a week to help ensure enough detainees are visited. This is due to custody visitor pairs being reduce to just one pair instead of two.

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 2021 to March 2022 there were roughly 204 visits conducted at custody sites across the West Midlands.



(Note: Wolverhampton was closed for repair works at the end of September for 4 weeks, with Bloxwich used as an alternative site. In January, Coventry was closed for 2 weeks which saw Stechford being used as an alternative site)



(Note: The number of 'blank' are visits which did not record the start time of a visit)

10. The majority of visits took place during the mornings and evenings.
11. On average there was a 13 minute wait between arrival at the custody desk and visit start (ranging from 0 minutes to 40 minutes). Some of the reasons provided for the 40 minutes delay ranged from an Inspector who was being shown the ropes, staff that were busy with detainees and only one member of staff being on duty at the time.

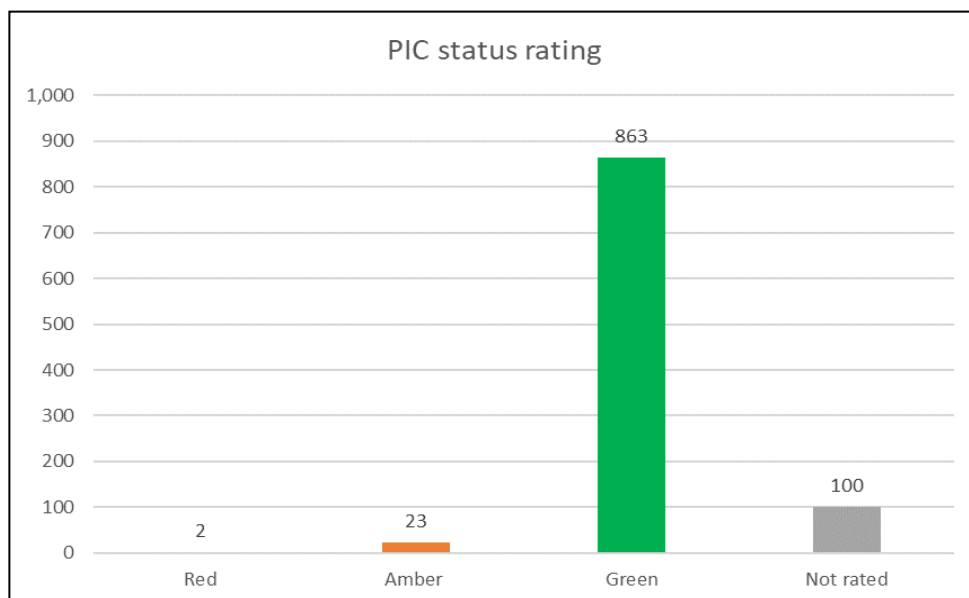
12. On average, where recorded, visits lasted 57 minutes.

Persons in Custody (PICs)

13. During the visits there were a total of 2,582 detainees in custody. 1,258 detainees were offered a visit, with 988 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	2,067	860	646	214
	Females	276	238	183	55
	Other	64	35	18	17
	Total	2,407	1,109	847	262
Young people	Males	160	136	113	23
	Females	15	13	19	-6
	Other	0	0	9	-9
	Total	175	149	141	8
All ages	Males	2,227	996	759	237
	Females	291	251	202	49
	Other	64	35	27	8
	Total	2,582	1,258	988	270

14. The visit report form (Annex 1) includes a red/amber/green rating, and of the 988 PICs visited, 87.34% were rated green (no concerns), 2.32% were rated amber (minor issues but these have been resolved) and 0.20% were rated red (issue cannot be resolved and needs further attention from the PCC’s office). 10.12 % 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 2 red-rated comments included the following, all of which were followed up by PCC staff:

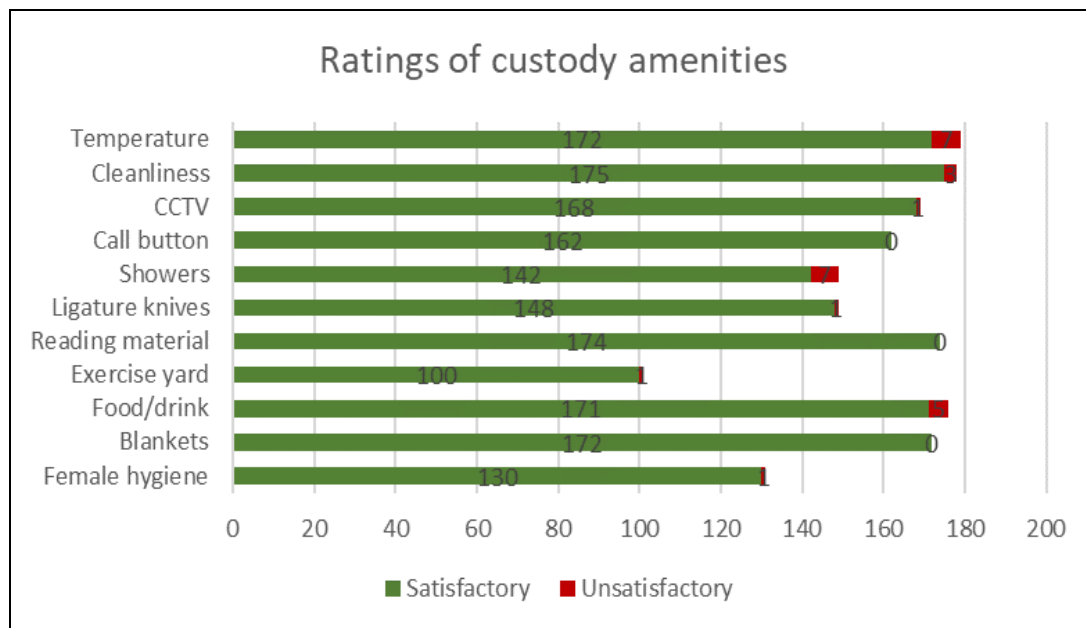
- The detainee was very distressed, to the degree she was difficult to talk to. The staff were doing their best to make her comfortable. We were impressed with the 'good' way they looked after her.
- Woke up to speak to us, very distressed. Medical problems, has seen the nurse. Worries about family.

16. For the 23 Amber rated, comments included, the following:

- Needed medication for mental health issues but it was at home. Due to see the nurse. No L&D in the block today.
- Complained about medical staff not helping him and not listening? Medical staff did their very best to sort out his concerns.
- PIC was very emotional, tearful throughout visit. PIC was going to be charged. Staff were seen speaking in a conciliatory manner. Although CV's were concerned, PIC was calmer after staff chat.
- PIC seen, had a quick chat, was ok with treatment in custody. Amber alert due to self-harm concerns. Risk of self-harm, was on Level 3 watch.
- Had one phone call but needed a second call to make arrangements for his children as he anticipated going to prison. Belongings still in bail hostel need recovery. A phone call will be offered.
- Although PIC is of no fixed abode, custody record states home address as victims address. Issue clarified by custody Sgt.
- Detainee agitated.
- PIC asked to get some fresh air in exercise yard. Staff exceptionally busy to sanction this at present.
- Been in custody since 20:00 last night, has not eaten any food. Did raise that he could only eat gluten free and vegan food with both wing officers. Unfortunately, this was not raised with the custody sergeant. Offered veg all day breakfast but not suitable, no other food suitable. The Duty Inspector tried to sort this out.
- Very emotional, crying but raised no issues with custody visitors.

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, some cells and showers not being cleaned well enough with debris in showers like gel sachets and hair/fluff in trap. CCTV was not working in 2 cells, custody visitors noted that 2 members of staff were seen not to have their ligature knife on them, the exercise yard was flooded on one occasion, food and drink supplies were low on a few occasions including no gluten free and vegan options available and Female hygiene packs were not in wings on one visit.

Findings from custody visiting over the past year

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

Wolverhampton - The Virtual Court waiting times caused issues, with Wolverhampton constantly being at the bottom of the waiting list for PICs to be dealt with, usually later on in the day. It meant that many detainees were in custody for longer. It had been mentioned that sometimes there could be difficulties obtaining an Appropriate Adult for children in custody compared to trying to obtain one for an adult.

Temperature was another issue reported on occasions when some cells were warm/hot even when the heating system had been turned off. Some cells were reported to be out of order for a number of months due to being damp and water damaged. A broken pipe which had been causing the problem was later repaired, with cells left to dry out before being redecorated.

A few issues were reported around staffing levels which could vary and was usually run on minimal staffing levels.

In November, it had been reported that there was a shortage of Mountain Health care nurses. Sometimes PICs from Wolverhampton were being transferred to Oldbury where a nurse would be on duty. It has meant that the block has had limited access to a nurse/healthcare provisions at times. It was understood that Mountain were carrying out recruitment to help replace those staff that had left. There were also a few issues with food and drink supplies/limited selection of food as well although by February this was reported to have improved with a new menu/ supplier.

Perry Barr – In consistencies with temperature were reported with some cells prone to being cold. Staff commented that some parts of the custody suite were too cold, particularly during winter months, and that there was no way to control the temperature from within the building.

On a few occasions it was noted that clothing stock was sometimes low or at times certain items weren't stocked. There never seem to be enough large or extra joggers, T-shirts and large in footwear was sometimes low. Plimsolls was also an item noted as being low in stock with sizes 8,9,10 not in stock at all at times. Recently, custody staff have had to go to Oldbury to take stock there to help replenish Perry Barr. On other occasions, it's been noted that there hasn't been enough suicide blankets or female hygiene packs were not on the wings.

The main Fire Panel has also been a concern that ICVs have reported on a number of occasions as showing a fault. There has also been food and drink supply issues reported which meant that tea/coffee was in short supply, other things like hot chocolate, milk weren't available either. On a separate matter in general, there also seemed to be no suitable vegan / gluten free food or suitable diabetic food.

Low staffing levels have sometimes resulted in the custody block being put on amber alert and has meant that juveniles and PICs with suspected Covid would not be admitted into custody to help manage risk. The low staffing levels has been a concern for staff.

Predominantly though, it was cleanliness and lack of wash kits being offered to PICs which featured regularly on report forms. ICVs noted that some shower rooms would be dirty with discarded shower gel sachets on the floor and in the wash basin, there was also a build-up of fluff and hair in the drain suggesting that cleaning was not as thorough as it should be. PICs that were asked about wash kits were not aware of them and there were no signs that they had been offered to overnight PICs.

Oldbury – There were a few incidences when pillows were in short supply, on one occasion, several PICs did not have a pillow in their cells and once mentioned to staff, pillows were soon brought from unoccupied cells straightway. There had been a number that were worn out or damaged and were yet to be replaced. ICVs felt that staff should have been more proactive in ensuring each cell was fully equipped where possible.

During Ramadan, even though each wing had a prayer timetable, one Muslim PIC said he had no idea what time of day it was and when he should pray. However, ICVs noted that the new computer system CONNECT which had been introduced, did not facilitate the setting of alarms for such events.

One PIC asked if he could go outside for some fresh air. On checking with staff, ICVs were informed that the exercise yard was flooded due to a blocked drain. This has been highlighted on occasions by ICVs including one instance where a metal door and its frame had rusted due to the raised water level. The facility being rendered unusable, ICVs felt that the damage to the door including the cost to repair could have been prevented by simple routine maintenance.

On a few occasions it was reported how busy Oldbury was due to Perry Barr being on "RED" and having to close overnight. This in turn had a knock-on effect on staffing at Oldbury. It was also noted that at busy times, there were not enough staff to facilitate showers or access to the exercise yard for PICs. Overnight PICs were not being offered wash kits either.

Inconsistencies with temperature was another issue mentioned, with some wings and cells colder than others. Most Pics would request extra blankets.

Access to AAs for juveniles was sometimes an issue, as there were problems between local authorities agreeing whose responsibility it was to provide an appropriate adult and the consequent delays it caused. It was also mentioned a few times that it could be difficult getting AAs to come out in the middle of the night or sometimes during the day.

Food and drink supply issues were reported, with supplies running low at times. The issue was blamed on a lack of truck drivers/ Brexit effect. Like Perry Barr, ICVs felt that there could be more vegan choices and that some of the food provided did not cater for some food allergies and intolerances.

Cleanliness in regards to showers was another issue highlighted on a number of occasions with empty sachets left in sinks, wet hair/ debris on the floor. One PIC complained about how dirty their toilet was.

Most of the staff but not all, were carrying a ligature knife.

Coventry - On occasions there has been a shortage of staff and this has impacted on a few PICs not being taken to the exercise yard or being able to have a shower. It was noted that a lot of concerns during a visit may have been resolved had there been an increase in staff. However, despite staff being busy it was commented on how well the detention suite was being run with staff being polite and very helpful.

Temperature inconsistencies was another issue highlighted on a number of occasions, with it usually being too warm/hot at times within cells including the documentation room.

On one occasion, the whole of the exercise yard was flooded and staff had to sweep away the water.

Cleanliness was also mentioned due to a lack of staff and number of detainees held, some cells had not been cleaned after use.

20. It is clear that some things continue to feature as a regular concern for ICVs, like for example wash kits, temperature inconsistencies in cells, cleanliness and staffing levels which inevitably can impact on a detainee's opportunity to access fresh air or have a shower as a basic hygiene and welfare right.
21. Overall though, ICVs felt that custody was being managed well and were satisfied that PICs were being treated fairly and reasonably. However, ICVs felt that if the above issues were addressed/improved it would ultimately led to better and improved standards of care and attention for detainees.

Terrorism Act Detention Visits

22. A team of 10 ICVs including a co-ordinator are in place to undertake visits for detainees arrested under the Terrorist Act if and when required.
23. Over the past year there has been 16 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

24. 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.
25. There are currently 18 volunteers in this Scheme with an additional 15 new volunteers currently receiving training. During the year, 843 visits have been conducted.

Financial Implications

26. During 2021/22 expenditure on custody visiting and appropriate adults was £12,108. This included payment of travel expenses, arrangements for quarterly Panel meetings at each custody site, and a programme of training events for volunteers.

Recommendation

27. The Board is asked to note the performance of the West Midlands Custody Visiting Scheme and the Appropriate Adult Scheme.

Author(s): Sarah Matta

Job Title: Volunteer Coordinator

Annex 1

INDEPENDENT CUSTODY VISITING FORM
 Completed forms must be sent to - CV Scheme Manager, Office of PCC, Lloyd House via internal despatch



PART ONE: Custody visit details								
Custody Site:	Custody Staff Details <i>(including surname & collar number)</i>							
Date of Visit:	Custody Officer: _____		Collar Number _____					
	Escorting Officer: _____		Collar Number _____					
Custody Visitor Details: Visitor 1 _____ Visitor 2 _____		Adult			Young Person <i>(aged 18 or under)</i>			Total
		Male	Female	Other/ not stated	Male	Female	Other/ not stated	
Time at front desk:	Number of detainees:							
Time at Custody Area:	Number of visits offered:							
Time Visit started:	Number of visits accepted:							
Time left Custody Suite:								
If there was a delay upon arrival, please note the reason.	<i>Any visits that were refused or were unable to be carried out? (Please note custody number and reason i.e. interview, sleeping etc.)</i>							

PART TWO: Record details of each detainee visited

Record details for each detainee you meet, and comment in the boxes. Then tick one of the coloured boxes: **Red** = issue cannot be resolved and needs escalating to PCC office **Amber** = minor issues but they have been resolved; **Green** = no concerns.

<p>Custody No.: _____</p> <p>Custody record seen: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Did you raise any issues or concerns with custody staff?</p> <p>Action taken by Custody Staff</p> <p>Additional information</p> <p></p>	<p>Custody No.: _____</p> <p>Custody record seen: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Did you raise any issues or concerns with custody staff?</p> <p>Action taken by Custody Staff</p> <p>Additional information</p> <p></p>	<p>Custody No.: _____</p> <p>Custody record seen: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Did you raise any issues or concerns with custody staff?</p> <p>Action taken by Custody Staff</p> <p>Additional information</p> <p></p>
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Part Two (Continued) - record each detainee you meet, and comment in the boxes. Then tick one of the coloured boxes: **Red** = issue cannot be resolved and needs escalating to PCC office **Amber** = minor issues but they have been resolved; **Green** = no concerns.

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Overall condition of custody	Satisfactory	Unsatisfactory	<i>Additional comments:</i>
Temperature			
Cleanliness			
CCTV working?			
Cell call button working?			
Showers			
Staff carrying ligature knives			
Reading material			
Exercise yard			
Food/drink			
Blankets/suicide blankets			
Female hygiene packs			

Any comments or concerns you have that are not covered on this form:

<p><u>Custody Visitor Declaration:</u></p> <p><i>I understand that any personal information received during this visit is confidential and shall not be revealed to any unauthorised person.</i></p> <p>Signature of visitor 1: _____</p> <p>Signature of visitor 2: _____</p>	<p><i>Additional comments from Custody Sergeant</i></p> <p><i>Report seen and noted by custody sergeant (please sign and print name)</i></p> <p>Name _____ Signature _____ Date _____</p>
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