

An inspection of West Midlands Police custody suites. Response from Simon Foster, West Midlands Police and Crime Commissioner

Published on the 16th of August 2023, this inspection was conducted jointly by HMICFRS and the Care Quality Commission in May 2023. The effectiveness of West Midlands Police (WMP) custody services was assessed, including the degree to which WMP is detaining individuals in a safe and respectful manner. There was a particular focus on the approach towards vulnerable adults and children.

The inspectorate raised four causes for concern relating to leadership, detainee risk, meeting legal requirements/guidance and use of force. The force has drawn up a detailed action plan to address the causes for concern within the inspection and have introduced regular meetings to track progress against the four recommendations and areas for improvement, which are outlined below:

The force should strengthen its oversight to robustly manage custody provision. It should make sure there are always enough custody personnel on duty to meet detainees' needs. It should use performance management and quality assurance to identify concerns and make the improvements needed to achieve appropriate outcomes for detainees.

I am grateful to the Inspectorate, in emphasising that the leadership of custody needs to improve, to ensure that safe and respectful custody services are consistently provided. It is concerning that since the inspectorate's previous inspection in 2017, only limited improvement was noted. The WMP operating model has changed recently, including how it operates to provide more local custody facilities, to help meet demand from the increasing number of detainees entering custody. Key changes were presented in a report by WMP, to the Strategic Policing and Crime Board (SPCB) in May. These changes included the re-opening of the Bloxwich and Stechford custody facilities and a new staffing model, which increases the number of Detention Escort Officers who have a broader skill set. Whilst I agree with the Inspectorate that it is still early days to assess how well the new operating model is working, I want to see that these changes will have a positive impact on custody provision.

The force should take immediate action to manage detainee risks safely, and consistently follow authorised professional practice guidance (APP).

The Inspectorate found that the identification of detainee risks was generally good, but improvement was needed in the management of detainees and ensuring that APP guidance is always followed. For better management of detainees, it was noted that booking-in needs to be more prompt to avoid queues and vulnerable detainees need to be better prioritised by custody personnel. I am thankful to the Inspectorate for highlighting that the diverse and individual needs of detainees was not being met, including those based on disability, gender and religion. It is evident that more needs to be done in this area, particularly where

the detainee is a vulnerable person. I will continue to hold WMP to account, to ensure that custody provisions can manage detainee risks safely and that guidance is followed.

The force should take immediate action to make sure that all custody procedures and practices comply with legislation and guidance.

The Inspectorate observed that WMP is lacking in meeting the legal requirements and guidance set out in the Police and Criminal Evidence Act 1984 (PACE) in assessing how detention is authorised, in explaining legal rights and entitlements to detainees and in assigning a female personnel member to care for girls in custody. I fully agree with the Inspectorate, that the police need to act in accordance with the law. It is unacceptable that the inspectorate found that WMP was not. Public confidence is established not solely through police treatment of victims, but also in their interactions with anyone, including those in detention. The law mandates periodic reviews of these interactions and it is imperative, that WMP ensure they are in compliance with PACE regulations.

West Midlands Police should scrutinise the use of force and restraint in custody to show that when it is used, it is necessary, justified and proportionate. This scrutiny should be based on accurate information and robust quality assurance.

Regretfully, the Inspectorate found that the governance and oversight of use of force in custody is not good enough. Scrutiny is lacking and incidents are not always managed well. I hold the force to account with use of force scrutiny panels and these are reliant on officers consistently and accurately recording incidents onto custody records. However, the inspectorate found that this is not always the case and that similarly, use of force forms were not always completed or when completed, were done to a poor standard.

To fulfil my role in holding the force to account in this area, custody records need to be complete and detailed, explaining the rationale behind each decision and also explicitly state when food or drink is provided to detainees. Reviews of detention cannot continue being based on misleading entries and whilst the force is good at identifying and addressing concerns around the level of and justification for strip searches, this needs to be the case in all areas of custody.

It is essential that WMP custody facilities provide a secure and safe environment, for people properly detained by the police. That is necessary, to ensure trust and confidence in our policing service and the wider criminal justice system. I will hold the Chief Constable to account, to ensure that immediate action is taken to remedy the causes for concern highlighted and to implement the recommendations and areas for improvement.

Yours faithfully,



Simon Foster

West Midlands Police and Crime Commissioner