



Police and Crime Plan Priority:

Title: Safer Custody

Presented by: ACC Jennifer Mattinson

Purpose of paper

1. This paper will provide the Board with a report on progress to improving safety and fairness within the custody environment following the HIMCFRS inspection in May 2023.

Background

2. Prior to the 2nd May 2023 there were four operational custody suites within West Midlands Police. These were located at Coventry, Oldbury, Perry Barr and Wolverhampton.
3. The custody suites at Oldbury and Perry Barr were known as “Super Blocks”, with each having the capacity to accommodate 60 detained persons. Wolverhampton had capacity to hold 19 detained persons and Coventry Central 25 detained persons giving the force a total cell capacity of 164.
4. The staffing establishment for the custody function within West Midlands Police was 10 Inspectors, 110 Sergeants, 123 Detention Escort Officers (DEO) and 68 Custody Officer Assistants (COA).
5. Partner services from Mountain Health Care (24/7 Health Care Professionals) and Health and Justice (formerly Liaison and Diversion) were located at each of these suites.

Custody Estate (Current Operating Model)

6. On the 2nd May 2023 West Midlands Police introduced a new custody structure in support of the broader organisational changes under Operation Model. As part of this change two previous operational custody suites at Bloxwich and

Stechford were re-opened. These two custody blocks had been maintained as resilience sites and were subject to physical inspection by HMICFRS in May 2023. Neither site attracted adverse comment to indicate that they were either high risk or unfit for purpose during that inspection.

7. Bloxwich has the capacity to hold 20 detained persons and Stechford 17 detained persons. Capacity at Perry Barr and Oldbury was reduced to 40 detained persons at each site in order to deliver the six site model.
8. The staffing structure for the new custody model changed to support the implementation of this model. The new establishment is now 13 Inspectors, 110 Sergeants and 150 Detention Escort Officers, representing a reduction of 41 staff posts from the previous custody establishment.
9. The staffing structure is based on capacity assumptions, total cell capacity at all of the custody sites except for Perry Barr and Oldbury. At these locations the custody staff to detained persons ratio defined staffing levels. That said it is important to note that the level of detained persons any custody suite can accommodate is constantly reviewed and is impacted by the number of custody staff available and the level of threat and risk they are managing within the suite at any given time.
10. Operational staffing levels at Perry Barr and Oldbury are currently 3 Sergeants and 6 DEO's with the remaining suites being 2 Sergeants and 2 DEO's.
11. The reduction in custody establishment was delivered through the conversion of existing Custody Officer Assistant posts to Detention Escort Officers, with only 3 redundancies being required where staff sought that option. Conversion of the COA role to DEO provided the custody function with increased numbers of staff who are trained to book detained persons into custody and use force within the environment. This is in addition to their existing skill set obtained as a COA.
12. Provision of partner services also changed, with Mountain Health Care deploying Health Care Professional staff across all six custody sites. Liaison and Diversion were initially unable to deploy staff to be located at these sites and provided service to detained persons at Bloxwich and Stechford remotely. Health and Justice are currently going through the vetting process to deploy staff to Bloxwich, with two vacancies still to be filled. Recruitment to Stechford is still to be commenced.
13. The reduction in the custody establishment provided a significant saving to the West Midlands Police budget. The financial cost involved in re-opening two previously operational custody suites was minimal given both had been maintained as resilience sites post the introduction of the "super blocks".
14. An Equality Impact Assessment and Risk Assessment were completed in relation to the implementation of the new custody model.
15. As per the below charts, the implementation of the new custody model has seen significant reductions in travel times to the new suites at Bloxwich and Stechford.

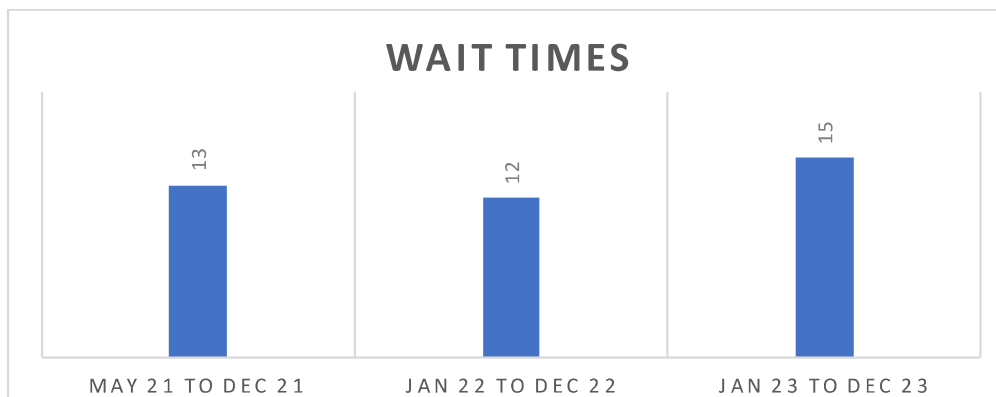
Bloxwich	Estimated Mean Journey Time reductions (mins)	% Reduction
0700hrs	21.6	58.80%
1200hrs	18.1	51.00%
1700hrs	20.8	53.90%

Stechford	Estimated Mean Journey Time reductions (mins)	% Reduction
0700hrs	12.2	43.40%
1200hrs	14.5	41.10%
1700hrs	19.4	56.90%

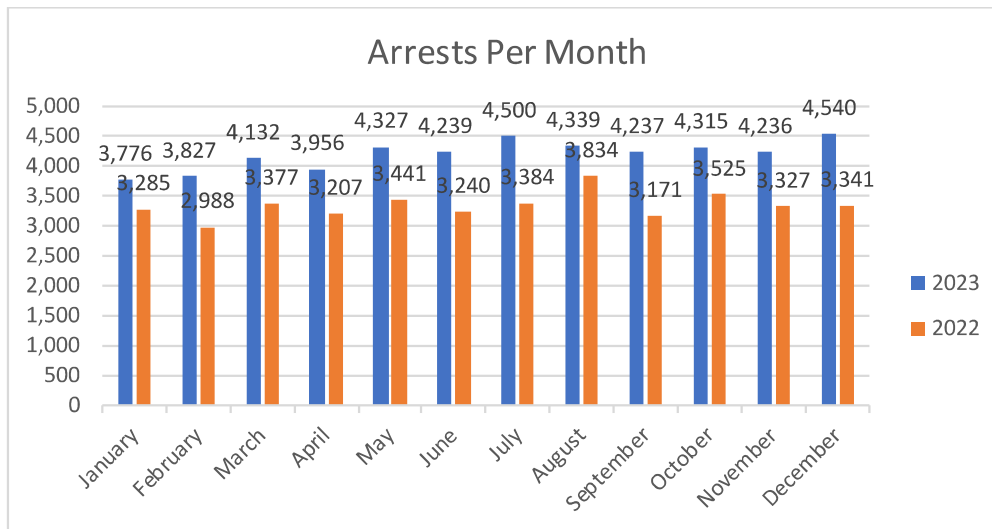
Estimated reductions in travel times from “feeder” postcode areas using data from Google.com/maps
 Bloxwich – **WS1, 2, 3, 4, 5, 6, 7 WV12 & WV13**

Stechford - **B8, B10, B11, B13, B23, B24, B25, B26, B27, B28, B33, B34, B36, B37, B40, B76**

16. Wait times to book detained persons into custody have not been significantly impacted by the change to the model as per the chart below. The Wait time is calculated from time of arrival at the custody suite to the time detention is authorised meaning the actual time staff are waiting to go before a custody Sergeant or DEO is slightly less than the times shown below.



17. It is also relevant to note that whilst there has been a slight increase in the wait time between 2022 and 2023 the number of persons being arrested within the West Midlands Police area has significantly increased during the same period as shown in the chart below.



18. On the same date the new custody model was introduced in West Midlands Police HMICFRS commenced an inspection of the Force's custody function. The final report published by the HMICFRS included four Causes of Concern and sixteen Areas For Improvement.

19. The Causes of Concern identified within the report were:

- Leadership
- Management of risk to the detainee
- Legal adherence to PACE (Police and Criminal Evidence act) and the APP (Authorised Professional Practice)
- Use of Force

20. In response to the draft report provide to West Midlands Police an improvement plan designed to address the concerns and areas for improvement was immediately created. Oversight of progress against this plan is provided by an internal HMIC Improvement meeting chaired by a Superintendent which then reports into a Custody Governance Board chaired by an ACC. There are then further monthly meetings at the Force Executive level where ACC Crime updates the Deputy Chief Constable on progress.

21. Changes being made by the Force in response to the HMICFRS inspection report will be detailed under the relevant heading of this paper and those related to the current custody estate and operating model follow below.

22. HMICFRS stated operating model performance management structures at the time of the inspection did not assess how the force complies with PACE, APP, manage risk or provide detainee care.

23. Changes have been implemented to ensure that performance data now focuses on the journey of a detained person throughout their time in custody. It now includes risk management, appropriate adults, strip search, use of force, length of detention, quality of reviews, travel times, wait times, Juvenile Detention Certificates and mental health. Inspectors are held accountable for their teams

performance against this framework at weekly and monthly performance meetings.

24. HMICFRS stated the custody workforce at the time of the inspection were unable to meet the demands of detained persons and the custody environment.
25. A wide variety of measures have been implemented across a number of force functions to ensure custody is fully staffed with trained personnel. Following the recent Sergeant promotion process People and Organisational Development are prioritising the deployment of officers to custody. Learning and Development have ensured custody courses are available and aligned to identified function need timelines and we have an agreement to over recruit to ensure we maintain establishment levels. In addition, workforce and resourcing are supporting the custody function to move to a workforce planning model which identifies staff for lateral moves thus reducing the reliance on promotion process timings.
26. The increase in DEO staffing levels since the inspection (4.54 FTE over in Nov) has reduced the need for police constables working within the function on overtime. A new overtime system has been introduced to understand how many constables are performing the DEO role and training embedded for those who do. The use of constables to perform this role has significantly reduced since the inspection and those who do are now given training on the day.
27. HMICFRS stated custody officers do not always have the necessary information to justify detention, the quality of recording on custody records isn't sufficient and quality and assurance processes are not robust enough.
28. A new audit and dip sampling process, which includes the viewing of body worn video, has been introduced with over 400 custody records (10% of total per month) being reviewed in December 2023 compared to an average of 10-15 per month at the time of the inspection.
29. The Service Improvement Team within Criminal Justice are analysing dip sample data to identify themes / common issues for communication through performance processes which will then monitor subsequent compliance to measure improvement.
30. The impact of the new operating model on wait times is monitored through the performance and governance structures previously detailed (see above).
31. The daily health and safety checks within custody are now completed on time and adherence is monitored through the 24 hour briefing note and TRM process.
32. HMICFRS stated that West Midlands Police custody estate was not compliant.
33. Visits have been conducted at all six custody suites and a comprehensive list of works required to achieve compliance have been compiled. All agreed ligature point removal work will be completed by the end of March 2024 (other than toilets whilst we seek appropriate units).
34. Measures have already been implemented to mitigate the risk presented by those which the force has decided will not be removed (drain covers / panic

alarms / air bricks). Costings for improving sinks within cells have been obtained and funding being sought. Extra thick mattresses for detained persons with disabilities have been purchased and deployed. Screens installed during the pandemic have been removed to aid communication. Privacy barriers are to be installed at a number sites. Detained persons with disabilities will now be taken to Perry Barr or Oldbury where there are facilities to meet their needs.

35. Work has commenced, assisted by the College of Policing National Performance Improvement Lead, College custody subject matter expert and academic support, to assess the current operating model. This work will seek to provide an evidence base to assure the force that there are the right level of resources to deliver a safe and efficient custody service, whilst ensuring staff breaks can be taken as required.

Custody Support

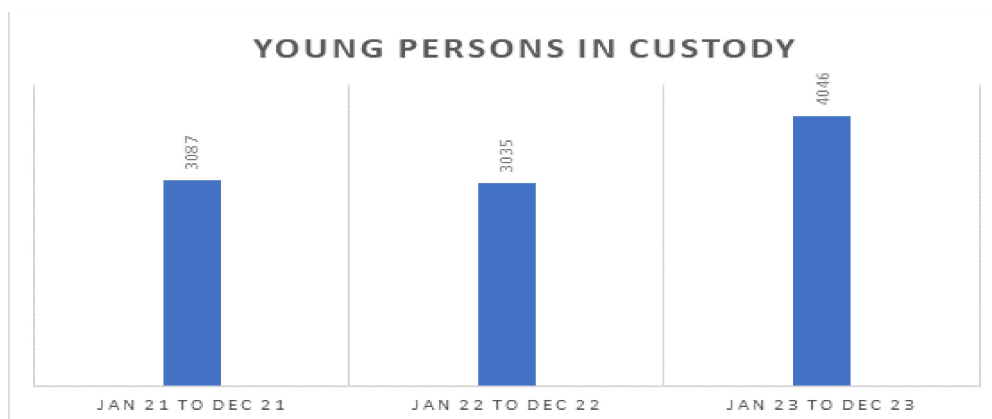
36. There are a number of service providers working across the custody estate who were engaged as part of the change process to implement the new custody operating model.
37. Mountain Health Care (MHC) are a contracted service providing healthcare across the West Midlands Police custody estate 24/7, 7 days a week. Prior to May 2023, MHC deployed 6 Health Care Professionals across the 4 sites (2 at Perry Barr and Oldbury and 1 at Wolverhampton and Coventry). Following the introduction of two further custody suites MHC adapted their delivery model with 1 HCP now deployed to each site, maintaining 6 HCP's across the estate.
38. The contract for the provision of health care across the custody estate is currently in the final stages of preparation prior to tender. The specification for the contract has been updated to reflect the change in custody estate and it is anticipated that the new contract will be awarded at the end of March and effective by the 1st September 2024.
39. Health and Justice (formerly Liaison and Diversion) are an NHS commissioned service whose aim is to improve the overall health outcomes for service users and reduce reoffending. They are located within the custody suites at Wolverhampton, Oldbury and Coventry 0800-2000hrs 7 days, Perry Barr 0800-2000 Monday to Friday and 0800-1600 Saturday and Sunday.
40. When Bloxwich and Stechford custody opened it was not possible to locate staff within the suites hence screenings and assessments of detained persons are conducted remotely to maintain service delivery. Plans to resource these two locations are outlined above.
41. Cranstoun provide arrest referral services and Divert (pre-drug related arrest drug diversion, Alcohol Related Violence and Domestic Violence). Coverage at Coventry, Perry Barr, Oldbury and Wolverhampton is Monday to Friday 0700-2200 and 0800-1600 Saturday and Sunday. Coverage at Stechford and Bloxwich is currently Monday to Friday 0800-1600 hours however they are seeking to expand this service in line with the other suites.

42. St Giles is a custody based reachable moment service providing specialist and practical intervention to empower young people to prevent re-offending. The service is based in Oldbury and Perry Barr Monday to Friday 1000-1700hrs and with the mitigation detailed below is unimpacted by the change in custody estate.
43. Birmingham's Children Trust (previously Childrens Services) are based at Perry Barr, offering services to make a positive difference to young people, working with West Midland Police to reduce the length of time juveniles are in custody (which is now below the national average).
44. West Midlands Police made the decision that juveniles arrested in Birmingham will be detained at Perry Barr rather than Stechford in order that the services provided by St Giles and the Childrens Trust will remain readily accessible.
45. HMICFRS stated risk assessments should be detailed and have oversight from custody officers and there should be increased contact and recording of contact with vulnerable detainees.
46. The risk assessment in place at the time of the inspection has been reviewed and amended. This is due to be signed off in January 2024 and includes a further 50 questions including the offer to speak to someone in private or a person of same sex and asking if the detainee has caring responsibilities. Female detainees will also be allocated a female member of staff they can speak with.
47. A level 4 observation log is used and the briefing of risk to staff regarding their observation of level 4 detainees, along with the need to record the rousing of drunken detainees, has been addressed through the new handover process that has been implemented.
48. Covid screens have been removed, interpreter support, support pathway information leaflets in different languages, braille books, hearing loops and distraction packs are available at all custody sites to aid communication. Easy Read versions of detained persons rights and entitlements are also being produced in different languages and all teams have completed the appropriate adult for vulnerable adult training resulting in an increase in the volumes of AA requested.
49. Data regarding detainees assessed under the Mental Health Act (MHA) is now included in the performance framework for custody and custody staff have access to mental health advice 24/7.
50. The new specification for the health care provision tender now includes HCP's accessing summary care records, prescribing opiate substitution medication and nicotine replacement therapy whilst in custody.
51. West Midlands Police are working with Birmingham and Solihull Mental Health Trust who are conducting a deep dive into service pathways to ensure vulnerable persons have better access to support.

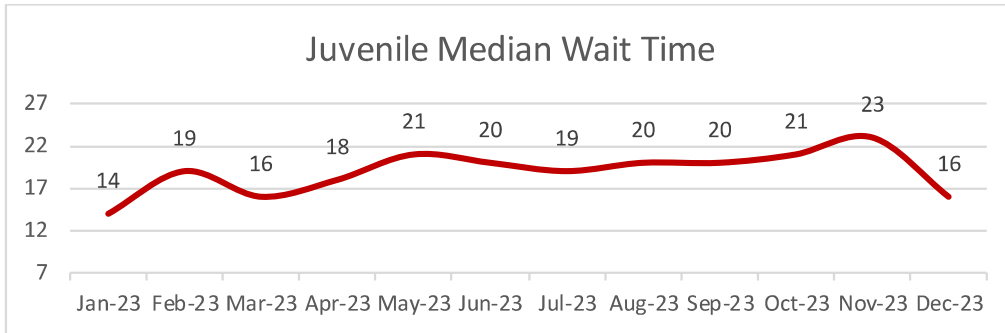
52. In the revised risk assessment, where drugs or alcohol is identified as an issue, a mandatory field has been included prompting referral to Cranstoun. Once agreed by the detained person this will send an automatic real time notification to the drugs worker for that site, reducing the reliance on positive tests or custody sweeps by the worker. All detainees who test positive following a drug test will continue to be referred to a drug treatment worker. Work is ongoing with the service provider Cranstoun to obtain more detailed data regarding referrals to improve understanding and performance in this area. A pathways information card has been created which is now provided to the detained person as part of the pre-release risk assessment.
53. The 2017 Angiolini report examined deaths and serious incidents in police custody and identified the treatment of vulnerable people in custody suites as a key issue. The College of Policing produced the Vulnerability in Custody training package in response. This seeks to improve the consistency and quality of the same, focusing on identifying vulnerability and managing risk. The training launched in 2022 and by the end of March 2024 78% of custody staff will have attended the training via the Hydra delivery method and WMP have agreed to work with CoP to evaluate the impact of this training.

Children in Custody

54. The number of young persons in custody during 2023 has increased compared to the previous two years. This is reflective of the increase in overall arrests being made outlined above. (see below regarding remand of young persons)



55. HMICFRS stated there should be a triage process to manage risks and/or prioritise children / vulnerable people and additional consideration should be given for their reviews of detention.
56. A triage process has been introduced in December 2023 which has started to reduce wait times for children and new performance framework is focused on timely and in person completion of reviews. In December 2023 93% were conducted on time and 81% were in person. A non-custody Inspector rota has been introduced to ensure the review of juvenile detainees performance is improved further still.

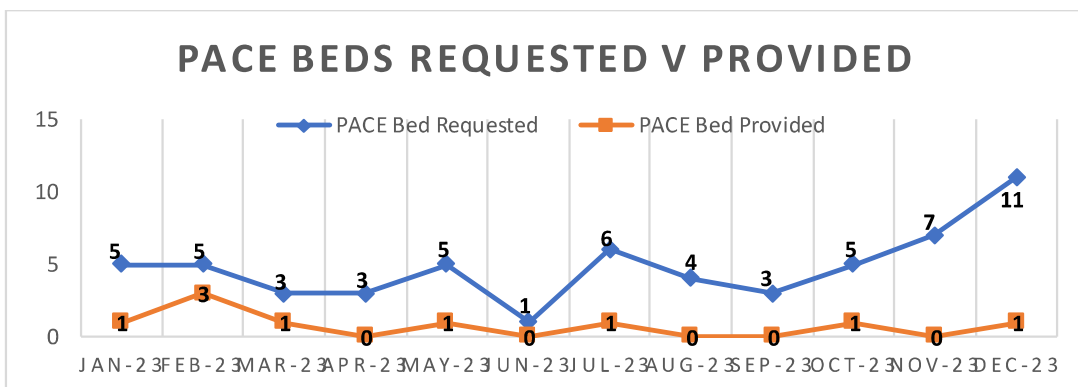


57. The new performance framework is focused on timely and in person completion of reviews. In December 2023 93% were conducted on time and 81% were in person. A non-custody Inspector rota has been introduced to ensure the review of juvenile detainees performance is improved further still.

58. A number of cells across the custody estate have had additional decoration to make the environment less distressing for children and the allocation of distraction packs is monitored through the performance framework. Juveniles arrested in Birmingham are taken to Perry Barr where (as described above) additional partner support services are available on site.

59. All custody staff received trauma informed training during 2022 to better understand the needs of the young people they are responsible for caring for whilst they are in custody.

60. Following charge, where a young person needs to be detained overnight a bed outside of the custody environment should be sought. Focus on ensuring custody adhere to this has resulted in an increase in requests. As the below chart highlights, there is an ongoing issue with PACE bed provision, either through the availability or logistics of conveying the young person to the location identified within a reasonable time. Additionally, we may not request PACE beds where it is impractical to transfer the young person due to insufficient amount of hours rest / sleep before court

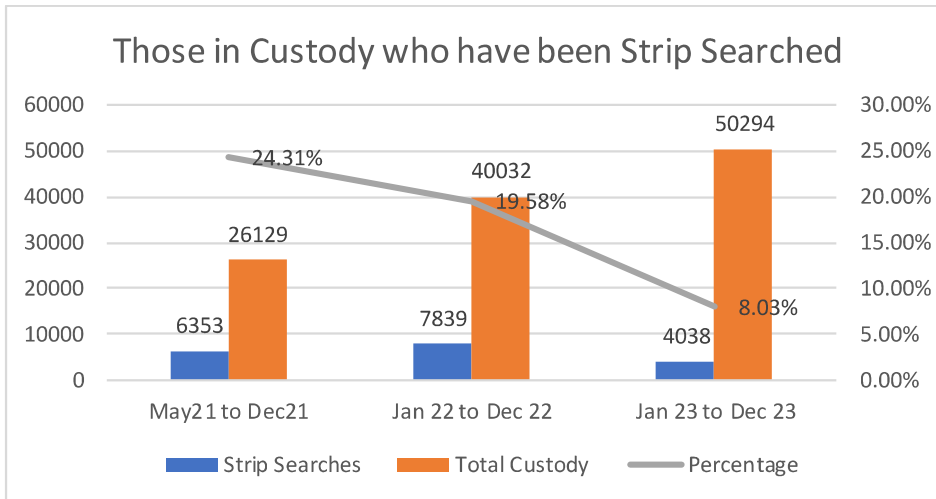


61. Whilst the number of young persons arrested has increased, during 2023 an average of only 5% were remanded in custody (see below chart). A monthly meeting is held between CJS SLT, OPCC and YOS to conduct a deep dive into those who are remanded and the rationale for doing so, which is in the majority of cases the serious levels of criminality / threat posed.

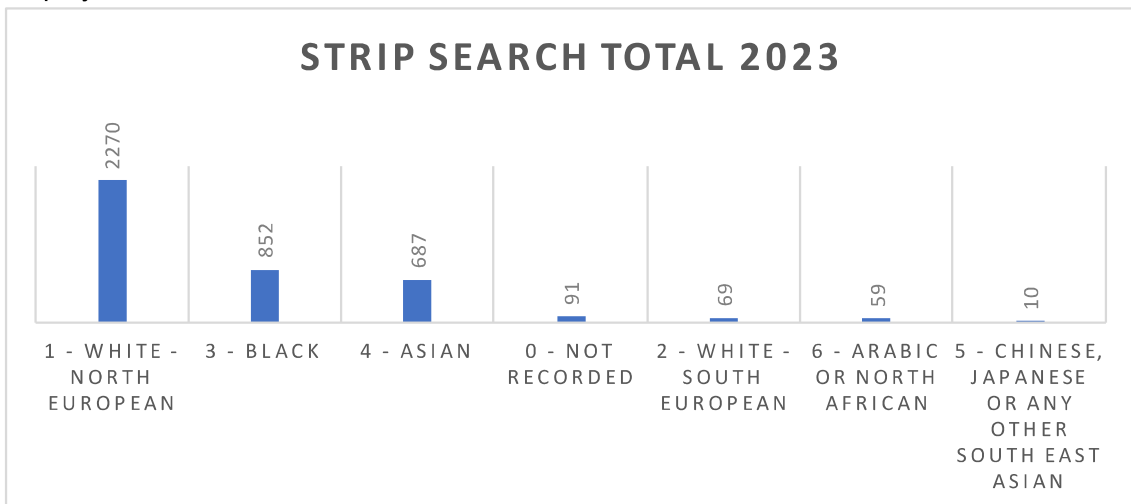
2023	J	F	M	A	M	J	J	A	S	O	N	D
Total Juvenile Remands	16	25	19	20	24	16	13	18	10	18	16	17
Juvenile Arrests	317	289	351	352	366	333	342	331	357	361	360	297
%	5.0	8.7	5.4	5.7	6.6	4.8	3.8	5.4	2.8	5.0	4.4	5.7

Fair and Effective Use of Police Powers in Custody

62. The use of Strip Search within the custody environment has significantly reduced during 2023 compared to the previous two years as demonstrated in the graph below. A strip search does not necessarily denote nudity or exposure of intimate body parts, though it can involve this. Strip searches can range from the removal of a T-shirt to the removal of all clothing.



63. The breakdown of strip searches by ethnicity within the last 12 months is displayed below.

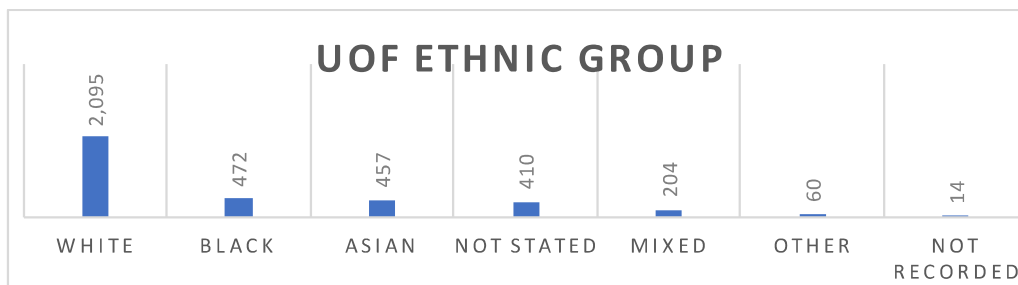
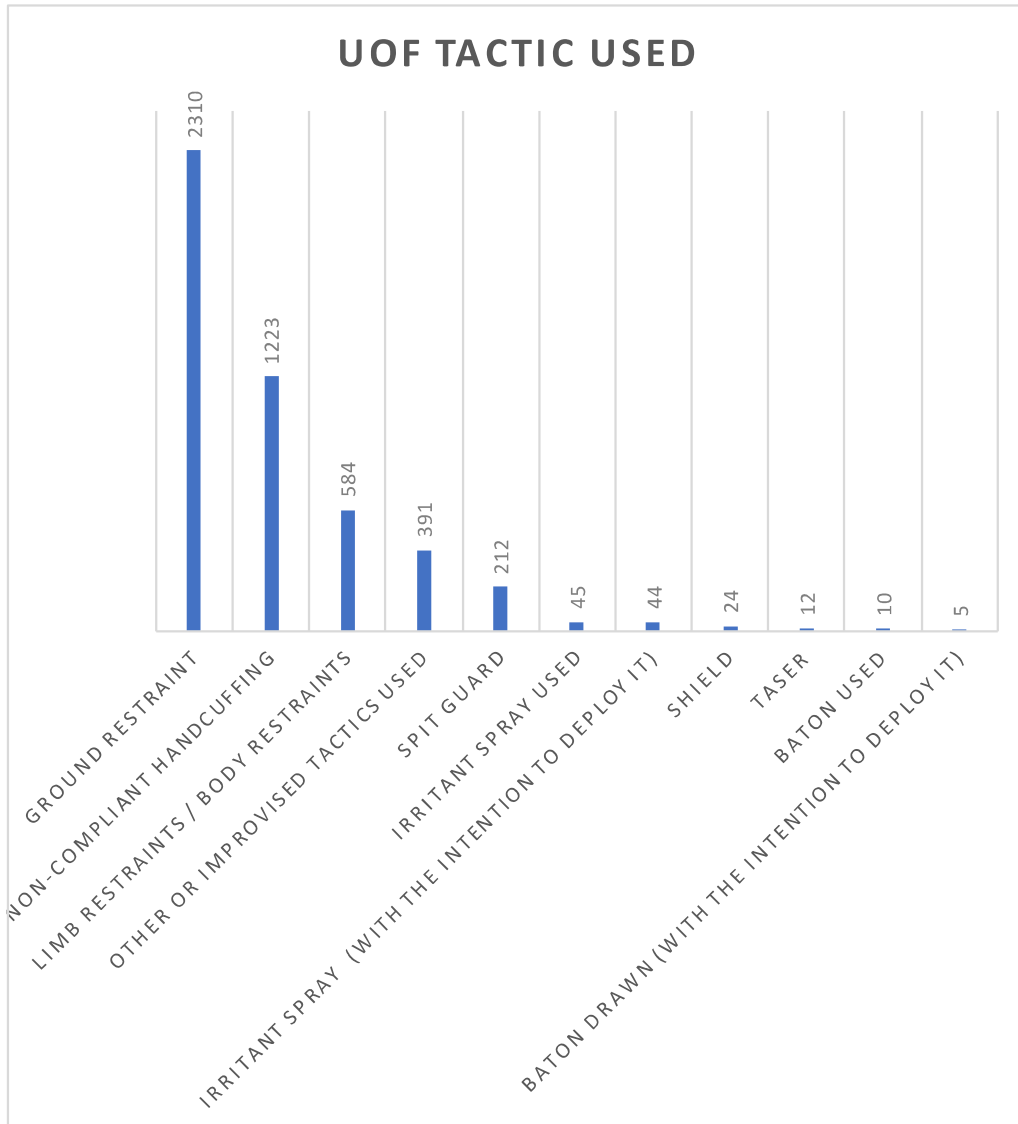


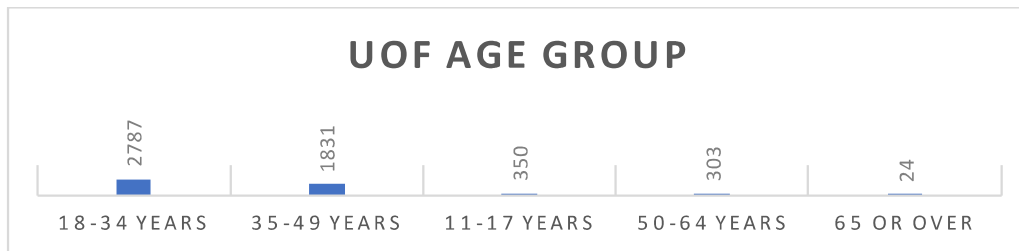
Jan to Dec 23 Officer Defined Ethnicity	Strip Search Total	Custody Disproportionality*
0 - Not Recorded	91	1.00
1 - White - North European	2270	1.00
2 - White - South European	69	0.45
3 - Black	852	1.13
4 - Asian	687	0.81
5 - Chinese, Japanese or any other South East Asian	10	0.44
6 - Arabic or North African	59	0.69
Total	4038	

64. As the above chart demonstrates, the volumes of strip search within custody involving Black and Asian detained persons do not demonstrate racial disproportionality when compared to the volume involving white detained persons.
65. With regard to juvenile strip searches, a total of 87 were conducted in the custody environment during 2023 and 39 were conducted without an appropriate adult being present. Of the 39, 31 strip searches were to remove an item of clothing / cords as opposed to looking for an article, hence did not involve removal of all clothing and the justification to do this without the presence of an appropriate adult was based on the urgency of maintaining the safety of the young person concerned. Of the remaining 8, 3 were recorded in error (only clothing / AA was actually present), 2 involved a documented risk to life / serious harm, 2 involved the detained person using an adult alias matched by appearance and 1 involved a breakdown in communication between the DEO and custody sergeant authorising who had not been made aware the detained person was in fact a juvenile. Where a full strip search is conducted without an AA being present they are informed of the fact one has taken place, the grounds for authorisation and the reasons for this being conducted in their absence when they attend the custody suite. Each incident is also documented in the 24hr briefing note, the circumstances reviewed by the service improvement team and reported to SLT. A deep dive into each incident is tasked through the performance meeting which is chaired by a Superintendent.
66. HMICFRS stated the rationale for strip search needed to include more detail and the force needed to distinguish between different types of strip search.
67. The improved recording of rationale is being monitored through the performance framework and the Connect system has been updated to enable the required differentiation to be recorded. In addition, the force has stepped outside of the APP to record all strip searches on CCTV in order that the manner in which they are conducted can be reviewed in detail in a controlled manner by a dedicated member of staff. This is a short term measure taken to address concerns raised by the HMICFRS inspection regarding how such searches are conducted. 150

strip searches have been reviewed (viewing ceases prior to the removal of clothing where the person being searched is a different gender to the reviewer) and the learning / outcomes are currently being documented for further action as appropriate through a weekly task and finish group that has been established.

- 68. A total of 5295 Use of Force (UoF) forms were submitted in 2023 that related to the custody environment.
- 69. The breakdown of the UoF by the tactic used, ethnicity and age is displayed in the charts below.





70. Disproportionality rates for the use of force for the wider population are 0.6 Asian and 1.7 Black. Within the custody population, Asian disproportionality was 0.63 and Black 0.94.
71. No incidents were recorded as resulting in serious injury. We are currently unable to describe how many times force has been used to conduct or whilst conducting strip searches. To address this issue the UoF app is being updated to collect this data and these amendments are anticipated to be effective from the end of March 2024.
72. HMICFRS stated there needed to be clear governance around the use of force in custody, its use monitored and scrutinised, custody records updated in detail and there should be an audit of its use with outcomes appropriately managed.
73. The use of body worn video (BWV) by custody staff was introduced at the end of 2023, recognising this technology provides a greater level of understanding and the ability to rapidly scrutinise the circumstances leading to and nature of force used within the environment.
74. The Use of Force by custody staff is now reported in the daily briefing document and reviewed by SLT, aided by BWV. It also features within the new performance framework which provides for the scrutiny of team and individual performance.

Chief Superintendent Andy Parsons

Head of Criminal Justice Services, West Midlands Police