

Police and Crime Panel

9th January 2020

HMICFRS- Inspection Report: Joint inspection of police custody

Report of Police, Crime and Victims' Commissioner



Purpose of report

1. To brief the Police and Crime Panel on the findings of the recent unannounced Joint Custody Inspection of Durham Constabulary by HMI Prisons and HM Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS).

Summary

2. This inspection into Durham Police is one of a series on police custody inspections carried out jointly by HMI Prisons and HMICFRS, as part of their programme of inspections covering every police custody suite in England and Wales.
3. The programme looks at strategy, treatment and conditions, individual rights and health care.
4. It also contributes to the UK's response to its international obligation to ensure regular and independent inspection of all places of detention.

Findings

5. On 22nd October 2019, HMICFRS published the findings from its joint inspection of police custody in Durham's force area. Consequently, giving a series of recommendations for the Constabulary to respond to.

Core recommendations

6. The headline from the report was that since the last custody inspection in 2014, of the 24 recommendations made, 15 had been achieved, four partially achieved and five had not been achieved. Which led to three core recommendations being made in the 2019 custody inspection:

- The force should ensure that there are sufficient staff in place, who are adequately supervised to deliver the safe and respectful treatment of detainees. This should allow for detainees' needs to be met promptly and for custody processes to be completed effectively and efficiently.
- The force should effectively monitor the performance of custody services, based on comprehensive and accurate data, and use this to assess performance and identify and act on areas requiring improvement.
- The force should take immediate action to ensure that all custody procedures comply with legislation and guidance, and that officers implement them consistently. The way in which reviews are conducted, and the standard and recording of them, should be improved.

Actions and next steps for Durham Constabulary

7. In addition to the three core recommendations, HMICFRS have identified a series of areas for improvement. These cover the areas of; 'Leadership, accountability and partnerships', 'In the custody suite: booking in, individual needs and legal rights', 'in the custody cell, safeguarding and healthcare, and 'Release and transfer from custody'. These areas will be revisited by HMCFRS in future inspections to track force progress.

Area for Improvement 1

The force should agree and implement clear plans for the future of the custody estate with clear timescales for delivering these so that all detainees are held in a suitable environment and can have their needs appropriately met.

Update: This is recognised by the force as a key area of risk. Significant options are being developed to re-configure the custody estate to best meet demand and detainee needs. Capital spend and financial resource capability will be key to delivery of this in a short timescale. The case and timescales for the medium term estate are being presided over by the executive.

Area for Improvement 2

The force should ensure that recording on custody records is full and accurate, and clearly reflects the individual action taken for each detainee. It should robustly quality assure custody records, to identify and act on any concerns.

Update: Custody management staff have been instructed to dip-sample and track records, as appropriate and proportionate.

A review has begun to identify Key Performance Indicators (KPIs) and develop a business process in relation to said KPIs, allowing for systematic data extraction. This data will then be inputted into the force data system. Furthermore, a new performance meeting process has been set up under the governance of a D/C/Supt, who will feed into the ACC.

Continued investment into custody databases will serve to supplement record keeping and management of records. This will include improvements to the Use of Force recording system, which is being built into the new custody data system. From a practical perspective, submission of Use of Force Forms (UFF) is being built into the Monthly Performance Reviews (MPR) process. Furthermore, all staff are being reminded to submit UFF in the appropriate circumstances.

There has been a review of training and knowledge to all acting and substantive ranks involved in custody.

Area for Improvement 3

Custody staff should ensure that detainees who are strip-searched are left appropriately clothed.

Update: Detainees who are strip searched either; are stripped in stages and clothing returned after each section, or if clothing is removed as evidence, wet or soiled, replacement clothing will be issued immediately. Specific instruction to offer footwear has been circulated and will form part of the Autumn Continuing Professional Development (CPD) training.

Area for Improvement 4

Detainees should be able to make telephone calls, especially those to legal representatives, in sufficient privacy.

Update: The Custody estate makes provision of telephone calls in an area without CCTV problematic. Best efforts are made to ensure that detainees are able to speak to their legal representative in privacy. The new custody build will address this issue.

Area for Improvement 5

The force should ensure that detainees are made aware of how their privacy is affected by closed-circuit television (CCTV) coverage in the suite, including the cells it covers and in particular that toilets are obscured from view. Notices advising detainees that CCTV is in operation throughout the custody suite should be clearly and prominently displayed in all custody suites.

Update: Detainees will be made aware of how their privacy is affected and maintained, and signage is being reviewed to ensure this is met.

Area for Improvement 6

The force should strengthen its approach to meeting the individual and diverse needs of detainees.

Update: Additional religious books and texts have been purchased and distributed across Durham Constabulary's custody suites. Wheelchairs for all sites have been ordered. Mobility seating and stools for showers are being sought. Zimmer frames, whilst not highlighted as a requirement have been discussed and will be ordered.

Area for Improvement 7

The approach to managing detainees' risks should be improved.

Update: Additional staffing has reduced waiting times, which is one of the requested measures for the performance framework. Triage training is to become part of the Autumn CPD training to identify any risks presented by detainees waiting to be booked in. Additional signage is being designed to highlight the requirement (for both escorting officers and custody staff). Part of the Autumn CPD training will also incorporate consistent approaches to responding to cell call bells and documentation of muting and isolating.

Due to some custody suites not having full CCTV coverage in the cells funding has been agreed to remedy this.

Area for Improvement 8

Custody officers should be aware of the availability and importance of translated documents and provide them to detainees in line with PACE code C, annex M.

Update: The decision was taken that it was simpler to remove printed copies and instead guidance has been sent to all staff along with a link that will always contain the most up to date versions (Home Office site), which can then be relayed to detainees.

Area for Improvement 9

Complaints should be taken while detainees are still in custody, unless there is a good reason not to do so.

Update: There will be a CPD event to cover instruction that complaints will be taken as soon as they are raised, with clear instruction as to the processes involved in achieving this. While the IOPC do not produce a poster in relation to this, a new poster has been designed, approved and distributed.

Area for Improvement 10

The force should ensure that it adheres to the legal requirements for fire safety.

Update: Evacuation grab bags are now present in all custody sites, and evacuation procedures have been reviewed to meet expectation. Consequently, an updated spreadsheet that caters for these additional expectations has been devised.

Area for Improvement 11

The governance and oversight of the use of force in custody should be improved, to provide assurance that it is safe and proportionate to the risk or threat posed.

Update: Use of force will continue to be dip-sampled and lessons learned. A proportionate number will be examined and will form part of the MPR framework for custody staff.

Area for Improvement 12

The force should improve its approach to detainee care.

Update: Detainee care is more resource intensive in force due to the poor estate. Many facilities such as hand washing and drinking water will be addressed in the new estate strategy. Consequently, this will improve the quality of custody units and care of detainees. Revised staffing rosters have also increased our ability to respond to detainee care issues.

Area for Improvement 13

The force should ensure that custody officers have sufficient oversight of the safeguarding arrangements for children and vulnerable adults in custody, to help to manage their needs while in custody and their safe release.

Update: Staff have access to the most up to date guidance and dip-sampling will be carried out to ensure this is bedded in. This will be checked while performing bronze role.

Area for Improvement 14

The force should strengthen its approach to securing appropriate adults (AAs) for children and vulnerable adults.

Update: A reminder about timeliness about AAs has been circulated and planned for inclusion in next CPD. The AA contract for County Durham has changed, and from 1st Nov will be operated by a new provider - Child Action North West. This has formed part of the meetings with the new management team.

Area for Improvement 15

The force should ensure that it consistently identifies when children need to be seen by health care professionals in custody, and refer them accordingly.

Update: All individuals, whether children or not, will be referred to a health care professional according to their risk assessment and individual needs.

Area for Improvement 16

Managerial oversight and clinical governance arrangements should ensure effective support and supervision of custody care practitioners, and routinely monitor clinical standards and medical equipment.

Update: There are regular governance meetings concerning the clinical contracts. This includes the contract doctor and the lead Health Care Professional, where issues encountered and complaints are discussed and monitored.

Area for Improvement 17

Medicines management arrangements should ensure that medicine stocks are fully accounted for, with clear audit trails of medicine disposal and reconciliation established.

Update: This is carried out by the medical staff. Medicines will be stored until such time as the detainee is required to receive said medicines. What medicines are taken and when they are administered whilst in custody is recorded.

Area for Improvement 18

Detainees with drug and alcohol problems should receive specialist support while in custody.

Update: All detainees with drug and alcohol problems will be referred to a medical professional whilst in custody, and if required, a mental health specialist. They may also receive a referral for when they have left custody.

Comment on the inspection

8. The inspection supports discussions which are already present surrounding the state of the custody and wider estate. There are always a significant number of recommendations when an inspection is Durham specific, as is to be expected. This is something which we welcome, and will utilise, to augment our improvements in whichever form they may take. Notwithstanding, we also acknowledge the significant pressures custody staff are subjected to due to the nature of the estate and other obstacles present within the custody environment. The Force take the comments of the inspectors very seriously, and will pay particular attention to the areas for improvement in all areas. The PCVC will monitor progress against the areas for improvement at meetings with the Chief Constable and other forums as necessary.

Known inspection schedule 2020

Some elements of planned thematic inspections for 2019/20 may be integrated into the PEEL all-force inspection programme; some may also be included in the Criminal Justice Joint Inspection Plan. It is important to note that thematic inspections are still an essential part of our programme of work and will continue to take place alongside the PEEL inspections.

Specific to the 2019/20 programme:

- senior leadership selection and development,
- counter-terrorism
- older people in the criminal justice system
- cyber-crime

HMICFRS will also continue their rolling programmes on child protection, Youth Offending Teams and crime data integrity. Crime data integrity inspections assess whether police forces record and categorise crimes correctly. This current programme of inspection is due to finish this financial year. Additionally, HMICFRS started thematic work on county lines and TACT (Terrorism Act custody suites) in 2018/19.

The force are expecting an integrated PEEL assessment in 2020, however this has not been confirmed.

The force are currently authoring the Force Management Statement 3, which will simplify, strengthen and streamline the information that forces are asked to provide to HMICFRS.

There will be a series of yet unknown inspections that will also take place over the course of 2020, and the above list will be refreshed after the end of the financial year.

In 2019 there were three Durham Constabulary specific inspections by HMICFRS:

1. Integrated PEEL assessment
2. Joint Inspection of Custody
3. Child protection (awaiting report)

Recommendation

9. That the Panel notes the content of the inspection report

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Appendix 1: Risks and Implications

Finance

Significant and direct financial implications involved in the management and transition towards a modernised custody estate.

Staffing

Staffing levels and monitoring have seen growth and streamlining in response to recommendations.

Equality and Diversity

None

Accommodation

To be considered further

Crime and Disorder

None

Children's Act 2004

None

Stakeholder/Community Engagement

None

Environment

None

Collaboration and Partnerships

None

Value for Money and Productivity

None

Potential Impact on Police and Crime Plan Priorities

None

Commissioning

None

Other risks

None