

Report to:	Joint Audit and Scrutiny Panel
Date of Meeting:	24 February 2021
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Agenda Item:	17

Custody Record Review Quarterly Report

1. Purpose of the Report

- 1.1 The Custody Record Review report details the findings of 47 custody record reviews undertaken during quarter 3.

2. Recommendations

- 2.1 That the committee note the results of the report.
- 2.2 That the committee support the continuation of custody record reviews and that the results are published.
- 2.3 That the committee indicate a preference in style of reporting.

3. Reasons for Recommendations

- 3.1 To inform the committee of the results of the custody record reviews of the most vulnerable persons held in police detention (young people, vulnerable adults and detainees in poor mental health).
- 3.2 To provide reassurance to the public that police custody is a safe and dignified place for the community.

4. Summary of Key Points (this should include background information)

- 4.1 The reviews have highlighted that Appropriate Adult (AA) provision is good for young people and detainees receiving a definition as 'vulnerable adult'. Those records of detainees in poor mental health did not show that AA provision had been allocated.

There has been a return to physical interviews with solicitors, AAs, police investigators and detainees all attending interviews in person.

Half of records reviewed for young people were held in custody overnight to allow police investigation, but none had been held post charge.

5. Financial Implications and Budget Provision

- 5.1 Costs incurred are covered in the current budget provision.

6. Human Resources Implications

6.1 None

7. Equality Implications

7.1 Custody record reviews can show due consideration for the public sector equality duty Section 149 of the Equality Act 2010. Reviews focus on vulnerable detainees, including those of protected characteristics (gender, age and disability). The information extracted from custody record reviews also support the public sector equality duty by reporting on detainee's religious requirements.

8. Risk Management

Custody Record Reviews help support safe police detention for the community.

9. Policy Implications and links to the Police and Crime Plan Priorities

Custody Record Reviews support the police and crime plan priority, transforming services and delivering quality policing.

10. Details of outcome of consultation

None

11. Appendices

Appendix 1 – local custody record review report
Appendix 2 – regional custody record review report

Custody Record Review Results

October - December 2020

Introduction

The table below shows the number and type of custody records scrutinised during October - December 2020.

Young People	Vulnerable Adults	Detainees in poor Mental Health	Total
21	12	14	47

Key findings

The key findings from this report are:

The reviews have highlighted that Appropriate Adult (AA) provision is good for young people and detainees receiving a definition as 'vulnerable adult'. Those records of detainees in poor mental health did not show that AA provision was allocated.

There has been a return to physical interviews with solicitors, AAs, police investigators and detainees all attending interviews in person.

Half of records reviewed for young people were held in custody overnight to allow police investigation, but none had been held post charge.

Detailed findings

General Requirements

- The majority of detainees were provided with an explanation of the use of the cell call button (43/47).
- All detainees were regularly offered food and other refreshments (47/47). Those detainees who specified that they had dietary requirements were provided with appropriate meals.
- All female detainees were assigned a female officer as their point of contact during detention, were offered sanitary products and told that the toilet was pixelated (21/21).

Appropriate adults

- The force identified the need of an AA for all young people detained (21/21) and for vulnerable adults (4/4). Of the records reviewed of detainees in poor mental health, none were found to have been allocated an AA (14/14).
- The force identified early on in the process that an AA was required for young people, but vulnerable adults waited longer to be identified as vulnerable and therefore, to receive support from an AA.
- Detainees can experience delays before seeing an AA; sometimes family members cannot attend custody quickly. In other cases, detainees can be intoxicated and volatile and need time to recover before speaking with an AA.

Solicitors

- The force contacted solicitors in a timely manner and in 23/32 cases in less than two hours.
- Some detainees experienced delays over 8 hours before they consulted with a solicitor, and in two cases, lengthy waits of over 20 hours. Adequate rationales for delays are not always recorded, but in several cases detainees were intoxicated and needed time to recover.
- This quarter saw an increase in solicitors attending interview in person following an easing of restrictions due to Covid-19. A small number of solicitors are still attending interview by telephone or virtually. There is evidence on the records that detainees are informed that solicitors may attend in person or by the telephone.

Observation levels

- All custody records reviews showed that an appropriate observation level was set. There were some instances of detainees being heavily intoxicated with drugs, alcohol or both and there is no evidence in these records that rousals were required or being conducted (2/47).
- There was evidence of the force changing observations levels appropriately, responding to the changing needs of detainees.
- Most cell visits were conducted as prescribed. There were instances of cell visits being missed on some records (13/47) and in other cases late by more than 5 mins, although a rationale was recorded in these cases as to why the visit was delayed.

Liaison and Diversion

- Liaison and Diversion provision had continued throughout the pandemic, but has been a reduced service on some days. Most visits have been conducted

in cells to maintain social distancing.

- Young people were given access to Liaison and Diversion representatives whilst in custody some of which were referred to services after release (11/21). Some detainees in poor mental health or considered vulnerable received a mental health assessment and appropriate referrals were made to support services where appropriate (8/26).

Young People Detained Overnight

- More than half of records reviewed for young people, showed that children had been held in custody overnight to allow police investigation (16/21). However, none of these were being held in custody post charge.

Good Practice/Covid-19

- Detainees generally looked after well, being offered meals and drinks, rights and entitlements and risk assessments completed.
- There was no evidence on the records reviewed that detainees are being provided with soap and access to hand washing facilities to prevent the spread of Covid-19. However, verbal reports from ICVs who are telephoning the suites have confirmed that detainees are being provided with hand washing facilities.
- Evidence of L&D, MH clinicians and healthcare practitioners all undertaking visits with detainees in their own cell to manage social distancing.

Recommendations for change

- To continue discussions with Nottinghamshire Police about how the difficulties that exist in defining adult detainees as vulnerable and therefore, entitled to access for an AA.
- The focus of custody record reviews will shift its focus from vulnerable adults and mental health records, to reviewing custody records with an immigration flag. Custody record reviews will continue to look at the records of young people.

CUSTODY RECORD REVIEWS – REGIONAL DATA

Colour coded performance (P) system:

	Goal of 100%	Goal of 0%
Significant improvement needed	P is less than 50%	P is greater than 50%
Improvement needed	P is between 50% and 85%	P is between 15% and 50%
Good level of compliance	P is 85% or above	P is 15% or below

Total number of records reviewed				
	Q1(April-June)	Q2(July-Sept)	Q3(Oct-Dec)	Q4(Jan-Mar)
Derbyshire	131	155		
Leicestershire	118	153		
Nottinghamshire	48	48	47	

% of DPs who had the cell call button explained				
	Q1(April-June)	Q2(July-Sept)	Q3(Oct-Dec)	Q4(Jan-Mar)
Derbyshire	88%	80%		
Leicestershire	89%	83%		
Nottinghamshire	95%	88%	91%	

% of DPs advised that the toilet area is pixelated				
	Q1(April-June)	Q2(July-Sept)	Q3(Oct-Dec)	Q4(Jan-Mar)
Derbyshire	71%	67%		
Leicestershire	26%	27%		
Nottinghamshire	N/A	N/A	47%	

% of DPs who experienced a delay in authorising detention (in excess of 20 minutes) with no rationale to explain lateness				
	Q1(April-June)	Q2(July-Sept)	Q3(Oct-Dec)	Q4(Jan-Mar)
Derbyshire	NA	26%		
Leicestershire	49%	20%		
Nottinghamshire	19%	6%	13%	

*** Leics from 30 mins to be discussed.

% of female DPs offered a female SPOC				
	Q1(April-June)	Q2(July-Sept)	Q3(Oct-Dec)	Q4(Jan-Mar)
Derbyshire	88%	82%		
Leicestershire	95%	93%		
Nottinghamshire	83%	86%	100%	

% of females who were offered hygiene products				
	Q1(April-June)	Q2(July-Sept)	Q3(Oct-Dec)	Q4(Jan-Mar)
Derbyshire	58%	73%		
Leicestershire	90%	82%		
Nottinghamshire	83%	86%	100%	

Appendix 2

If DP requested a solicitor – the % DPs who actually had contact				
	Q1	Q2	Q3	Q4
Derbyshire	81%	86%		
Leicestershire	86%	88%		
Nottinghamshire	75%	97%	96%	

% of records that contained late or missed visits				
	Q1(April-June)	Q2(July-Sept)	Q3(Oct-Dec)	Q4(Jan-Mar)
Derbyshire	71%	55%		
Leicestershire	17%	19%		
Nottinghamshire	24%	19%	27%	

*** Any late visit (over 5 minutes) or missed visit in any one record is counted

Total number of DPs who were identified as needing rousals				
	Q1(April-June)	Q2(July-Sept)	Q3(Oct-Dec)	Q4(Jan-Mar)
Derbyshire	41 (31%)	43 (28%)		
Leicestershire	11 (9%)	5 (4%)		
Nottinghamshire	3 (6%)	0 (0%)	4%	

**Derbyshire had a focus on intoxication for the period July – December (therefore Derbyshire figures may be higher)

% adhered of rousals adhered to (including the 4Rs)				
	Q1(April-June)	Q2(July-Sept)	Q3(Oct-Dec)	Q4(Jan-Mar)
Derbyshire	59%	81%		
Leicestershire	82%	100%		
Nottinghamshire	100%	NA	100%	

Access to L & D				
	Q1(April-June)	Q2(July-Sept)	Q3(Oct-Dec)	Q4(Jan-Mar)
Derbyshire	56%	58%		
Leicestershire	28%	72%		
Nottinghamshire	48%	56%	42.5%	

% of records where the Force identified that an AA was needed for a YOUNG PERSON				
	Q1(April-June)	Q2(July-Sept)	Q3(Oct-Dec)	Q4(Jan-Mar)
Derbyshire	100%	NA		
Leicestershire	100%	100%		
Nottinghamshire	100%	100%	100%	

Average time taken to arrive from detention authorised – YOUNG PERSON				
	Q1(April-June)	Q2(July-Sept)	Q3(Oct-Dec)	Q4(Jan-Mar)
Derbyshire	2.8 HRS	NA		
Leicestershire	3.8 HRS	2.2 HRS		
Nottinghamshire	6 HRS	5HRS	5 HRS	

Average time taken to arrive from detention authorised – VULNERABLE ADULT				
	Q1(April-June)	Q2(July-Sept)	Q3(Oct-Dec)	Q4(Jan-Mar)
Derbyshire	4.5HRS	4.9HRS		
Leicestershire	5.3HRS	4.2 HRS		
Nottinghamshire	12 HRS	12HRS	10 HRS	

Appendix 2