

**To:** Cambridgeshire Police Authority  
**From:** Chief Constable  
**Date:** 30<sup>th</sup> September 2009

## **SAFER DETENTION AND HANDLING OF PERSONS IN POLICE CUSTODY (SDHP)**

### **1. Purpose**

- 1.1 That the Authority considers the content of the report on the current position with respect to Custody with the aim of demonstrating that significant progress is being made.

### **2. Background**

- 2.1 Matters to do with custody can be considered both in terms of custody provision and custody operations. Custody provision relates to the appropriate capacity for detainees, in the right locations across the county, to meet the current and future predicted demand for cell accommodation necessary to support the criminal justice process. Custody operations relates to the maintenance of the existing custody provision and its use, taking account of relevant national guidance. This report relates to custody operations and relevant guidance. It does not incorporate those elements of strategic estate planning relating to custody, which are part of the capital development plan and scrutinised via the Capital Panel.
- 2.2 The key national guidance in relation to custody is the "Guidance on the Safer Detention and Handling of Persons in Police Custody" (SDHP), initially published in 2006 and produced on behalf of the Association of Chief Police Officers and the Home Office by the National Centre for Policing Excellence, which has since become the National Policing Improvement Agency (NPIA). This substantial document runs to 150 pages, not including appendices, and the Home Office expects its full implementation to be achieved by April 2010. Cambridgeshire Constabulary is on course to be fully compliant in advance of this target date.
- 2.3 The NPIA supports Forces in their implementation of the SDHP through consultancy and a series of "peer reviews". Cambridgeshire benefited from a peer review at the end of 2007 and a final peer review in early September 2009. This latest assessment has already been followed up with a letter of findings, the contents of which are reflected in this paper.
- 2.4 A variety of other inspection regimes operate to assist the Constabulary manage its custody operations.

- 2.5 The Police Authority supports an Independent Custody Visitor (ICV) scheme whose volunteers undertake “without notice” visits to custody suites. The ICVs provide an overview of accommodation, speak to detainees about, inter alia, their welfare and whether they have had access to legal advice. Reports are prepared for discussion at local ICV meetings and subsequent consideration at the Authority’s Custody Visitor Panel. The reports are used by the Constabulary to identify and act on necessary actions and improvements. The Authority scrutinises the issues raised in the reports at its Panel meetings.
- 2.6 The Constabulary also undertakes a number of quality assurance processes comprising a self inspection regime for both custody records and custody suites, reported quarterly to the Force Performance Management Group as part of the internal Quality Assurance Team (QAT) Tier 1 inspection process. The QAT has also recently completed a thematic custody report to suggest potential improvements to custody processes (to support crime investigation performance) and increase efficiency. Beyond this, a regular health and safety inspection is also undertaken.
- 2.7 Additionally, a programme of inspection is being carried out in all places of detention (Police and Prisons) by the joint inspectorates of Constabularies and Prisons (HMIC and HMIP). These inspections form a key part of the joint work programme of the criminal justice inspectorates, agreed by Ministers. They also contribute to the UK’s compliance with its international obligation to ensure regular and independent inspection of all places of detention (Optional Protocol to the United Nations Convention on the Prevention of Torture and Inhuman and Degrading Treatment).
- 2.8 A joint HMIC and HMIP inspection visit to Police custody suites in Cambridgeshire took place between 24<sup>th</sup> and 26<sup>th</sup> November 2008. This inspection identified a large number of issues for attention. Informal feedback was provided to ACC Mark Hopkins at the conclusion of the inspection and he put in place an action plan to address all points raised with him. The formal report was received by the Constabulary in early August 2009 and contained all of the issues that had been presented to ACC Hopkins and numerous further recommendations. DCC John Feavyour has ensured that all the recommendations in the HMIC / HMIP report have been actioned and details are provided as part of this report.
- 2.9 The HMIC / HMIP report was helpful and difficult for the Constabulary in equal measure. It provided a critical assessment of many issues in custody operations and when published led to considerable media attention which caused a loss of confidence in the Constabulary. DCC Feavyour undertook numerous press briefings and interviews to acknowledge management failings, but also to provide reassurance that no criminal cases had been affected and that considerable improvements had been made since the inspection visit some nine months previously.

### **3. SDHP**

- 3.1 The NPIA conducted a peer review on 8<sup>th</sup> September 2009, of the readiness of the Constabulary to be compliant with SDHP. The Head of NPIA Practice Improvement Unit wrote to DCC Feavyour on 9<sup>th</sup> September to advise of the key findings of the review drawn from the fieldwork and also incorporating the 2007 review.
- 3.2 The report contains an overview of the findings of the team, comment on the two remaining national risks (multi-agency arrangements and appropriate staffing models) and specific risks to Cambridgeshire Constabulary in the context of SDHP and also the forthcoming application of corporate manslaughter legislation to police custody.

#### Overview

The report begins with reference to the recently implemented suite of custody policies and procedures aligned to SDHP guidance, commenting “In providing such comprehensive practical information to practitioners, Cambridgeshire has taken significant steps in mitigating the risks that can arise where there is no readily available access to appropriate force policy and procedural guidelines.” This work reflects the work overseen by ACC Hopkins by the Force custody manager and her small team with BCU custody staff. The report goes on to endorse that the principles of risk assessment, recording and management are “embedded” and also notes that the requirement for pre-release risk assessments is to be formalised imminently.

Custody training is considered next. The report records that the force is “considered to have achieved mixed levels of success.” NPIA inspectors noted that all Custody Officers and Detention Officers must be trained before being deployed into custody and expressed their view “that risk had been mitigated in that regard.” However, whilst refresher training was planned for Custody Officers, no plans existed for similar training for Detention Officers. This gap will be bridged as part of the ongoing custody action plan. Inspectors also expressed concerns that the variations in approach to custody between BCUs presented the force with “significant complexities in applying a consistent approach in respect of dedicated refresher training...” A corporate approach, led by DCC Feavyour, will be implemented and monitoring put in place to mitigate this concern expressed by inspectors.

Upgrades to the custody estate receive praise. “Considerable commitment” is the phrase used to reflect on the developments which have been undertaken across the force “most notably at Parkside (Cambridge), Thorpe Wood (Peterborough) and Huntingdon...” and including comprehensive CCTV coverage in cells, and enhanced cleaning regimes.

### Multi-agency arrangements

The report makes reference to local protocols which have been agreed with Peterborough District Hospital and Hinchingsbrooke Hospital to deal with violent detainees; detainees who require treatment in hospital but cannot be released from custody; detainees who are drunk and incapable and detainees believed to have swallowed or packed drugs. It is recognised that further work is in train with respect to Addenbrookes Hospital. The report says “The implementation of formal protocols with partner agencies in respect of these high risk detainee groupings is causing significant national difficulty and so instances where success has been achieved need to be recognised in a particularly positive context.”

Detention of Section 136 Mental Health detainees receives specific comment. The success of the development of a place of safety is commended for Peterborough but the absence of such a facility, despite recognising the continuing efforts by the Constabulary, to put in place similar arrangements for the south of the County leaves the force “exposed to risk.”

### Appropriate Staffing Model

The report expresses “some concern” about custody staffing in Cambridgeshire. These concerns revolve around the devolved nature of the force leading to a “fragmentation in approach” across the BCUs; regular abstraction of Custody Officers to undertake other Sergeant duties elsewhere; backfilling of Detention Officers with untrained Constables or with no backfill at all. The Constabulary recognises the challenges within a devolved operational model and will keep under review the possibility of centralising the function. The other abstractions referred to reflect the pressures of balancing resources across all operational demands; however, Custody Officers have access to senior officers to ensure that unnecessary risks are not taken, including the option to escalate a decision to the Superintendent in charge of the Police Station.

The concerns in the report are further amplified with reference to inconsistent line management responsibilities and different shift systems. These issues require further review as suggested by the report and will form part of the ongoing action plan

### Corporate manslaughter

The comments in the report about outstanding risks to the force reiterate the themes contained in the body of the report. Reference is made to the need to continue to liaise with healthcare providers whilst recognising the success the Force has already achieved. Further reference is made to the fragmentation of approach to custody inherent in a devolved structure. And the need to implement refresher training is revisited. All of these issues are accepted by the Force and subject to ongoing attention.

#### **4. Joint HMIC / HMIP Inspection**

4.1 The HMIC / HMIP report runs to 72 pages and is published on the HMIC website. It is highly critical of the custody provision found by the inspectors in November 2008 and contains a total of 78 recommendations. The first recommendation (3.28) states "Strategic leaders should ensure that custody services are safe and fit for purpose and comply with [SDHP] guidance". One of the recommendations is for the Police Authority (3.47) and states "Recommendation 3.28 should be overseen by the Police Authority lead for custody." DCC Feavyour is the Constabulary strategic lead for custody and responsible for the current plethora of action plans arising from recent reports. This report to the Police Authority assists the Authority to respond to Recommendation 3.47.

4.2 The HMIC / HMIP specific action plan has been robustly pursued by DCC Feavyour, with him agreeing in full with the majority of the recommendations and noting a minority where no further action was required to ensure compliance. Of 77 recommendations for the Constabulary, 72 are agreed with in full, and two agreed with in principle but not deliverable by the Constabulary (relating to the provision of Social Workers for all juvenile detainees on a 24/7 basis). Three recommendations were not agreed. Those rejected were on the basis of our own inability to provide every cell with natural light (although plans are advanced to replace/redevelop the cell block concerned); a rejection of the need for custody staff to complete a food hygiene course (as no food is touched by hand in its preparation, all meals arriving in sealed containers); and a rejection of the need to ask every person who is brought into custody whether they wish to see a doctor as this is both unnecessary and goes beyond guidance requirements.

Of the 72 recommendations agreed, 60 are complete. The other 12 relate to work in progress as follows: Two are about the provision of defibrillators and oxygen which have been ordered (training will follow receipt); two concern ongoing work to develop mental health provision with partners; two refer to the almost complete pre-release risk assessment plans and two are about refresher training requirements. One recommendation relates to: further developments with the immigration authorities; developing "patient group directions" for medicine prescription; redesign of some reception areas to afford more privacy and a review of staffing levels for when designated staff are absent.

4.3 The HMIC/HMIP report was both welcome and difficult for the Constabulary. It was welcome providing as it did a further impetus to ensure appropriate policies and procedures were in place, which has been undertaken, and difficulty in pointing out some of the attitudes which were apparent amongst some custody staff which has negatively impacted on the confidence of the public in Cambridgeshire in its Constabulary.

4.4 Considerable improvements have been made in custody since the visit of the inspectors in November 2008, and work continues to reinforce the messages from that inspection report and absolute compliance with SDHP led personally by DCC Feavyour, and also with the support of ICVs who perform an invaluable support as independent 'eyes and ears' of the conditions and treatment afforded to persons in custody in Cambridgeshire.

## 5. Conclusion

- 5.1 Considerable efforts have been undertaken by the Constabulary in the last 10 months to improve custody operations. Two key external assessments have been undertaken. The HMIC / HMIP report was highly critical; it has been positively responded to and a small number of actions remain outstanding. The NPIA report was very positive in most areas; the areas of concern are, in the main, congruent with the outstanding actions from the HMI report.
- 5.2 The snapshot of custody taken in November 2008 provided a valuable catalyst for improvements in custody which have been delivered. Further work is required however and a revised action plan will now be developed to take account of all outstanding actions from reports by HMI, NPIA, ICVs, QAT and Health and Safety. This will ensure that the current momentum of improvements is continued.

## 6. Recommendation

- 6.1 The Authority are invited to note the report and the significant progress being made towards compliance with the Safer Detention and Handling of Persons in Police Custody guidance.

## BIBLIOGRAPHY

Source Document(s)	Contact Officer	Location
	DCC John Feavouerrer  (01480) 422532	Cambridgeshire Constabulary, Hinchbrooke Park, Huntingdon Cambs PE29 6NP
<p>Originating Officer .....DCC John Feavouerrer.....</p> <p>Is it considered that this report contains 'exempt information' and should be considered in private?    No</p> <p>If the answer is "YES", please state the nature of the exempt information and the relevant clause (s) by virtue of Part 1 of Revised Schedule 12A to the Local Government Act 1972.</p> <p>The attached report has been cleared with the undermentioned Officer/s who have assessed the exemption status above.</p> <p>Chief Executive</p> <p>Others .....</p> <p>Submitted on .....22<sup>nd</sup> September 2009.....</p> <p>A report will not be sent to the Authority unless this box has been satisfactorily completed and all necessary consultation carried out - the responsibility for which rests with the originator (except for consultation with the Chairman and this will be undertaken by the Chief Executive).</p>		