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| Report to: | Joint Audit and Scrutiny Panel |
| Date of Meeting: | 25 May 2020 |
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| Agenda Item: | 22 |

Custody Record Review Quarterly Report

1. Purpose of the Report

- 1.1 The Custody Record Review report details the findings of 48 custody record reviews undertaken during Quarter 4, 2020-21.

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.

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, immigration and foreign nationals 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 Custody record reviews have highlighted that Appropriate Adult (AA) provision is good for young people with all records confirming that an AA attended. Average waiting times for an AA to arrive in custody have improved from the previous quarter.
- 4.2 Custody record reviews have shown that interviews were conducted in person by solicitors, AAs and police investigators despite a third national lockdown. However, instances of remote attendance at interview by solicitors have persisted during this quarter. Custody record reviews have shown that consent to the remote attendance by solicitors has been obtained from the detainee (and where necessary the AA too). This complies with the NPCC national custody protocol.
- 4.3 More than half of juveniles were held in custody overnight to allow police investigation, but none were found to have 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 to 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 – custody record review report

Custody Record Review Report

January – March 2021

Introduction

The table below shows the number and type of custody records scrutinised during January – March 2021.

| Young People | Immigration/Foreign Nationals | Detainees in poor Mental Health | Total |
|--------------|-------------------------------|---------------------------------|-------|
| 30 | 14 | 4 | 48 |

Key findings

The key findings from this report are:

Custody record reviews have highlighted that Appropriate Adult (AA) provision is good for young people with all records confirming that an AA attended. Average waiting times for an AA to arrive in custody have improved from the previous quarter.

Custody record reviews have shown that interviews were conducted in person by solicitors, AAs and police investigators despite a third national lockdown. However, instances of remote attendance at interview by solicitors have persisted during this quarter. Custody record reviews have shown consent to the remote attendance by solicitors has been obtained from the detainee (and where necessary the AA too). This complies with the NPCC national custody protocol.

More than half of juveniles were held in custody overnight to allow police investigation, but none were found to have been held post charge.

Detailed findings

General Requirements

- All detainees were provided with an explanation of the use of the cell call button.
- All detainees were regularly offered food and other refreshments. Those detainees who specified that they had dietary requirements were provided with appropriate meals.
- All detainees were told that the toilet in the cell was pixelated, that reading material was available and that religious texts and a prayer room were also

available if required.

- 80% of female detainees were assigned a female single point of contact whilst detained. 85% of female detainees offered sanitary or other products required for hygiene during the period of detention.

Appropriate adults

- The Force identified the need of an AA for all young people detained. Of the records reviewed of detainees in poor mental health, one detainee was identified as requiring an AA.
- The Force identified early on in the process that an AA was required for young people. Some records showed that the Force organised telephone calls with an AA early in the detention process to support detainees through the Rights and Entitlements process; AAs normally attend custody in person, but delays can be experienced whilst waiting for them to attend. Average waiting time for young people to see an AA was 4 hours.

Solicitors

- 79% of detainees who requested a solicitor, actually had contact.
- Solicitors continue to attend interview in person despite a third national lockdown. However, solicitors are also attending interview by telephone or by video conferencing. There is evidence on the records that consent had been obtained from detainees to proceed with a virtual interview and also if necessary, Appropriate Adults. This is in accordance with the NPCC custody protocol released in the summer of 2020.

Observation levels

- All custody record reviewed showed that an appropriate observation level was set.
- There was evidence of the force changing observations levels appropriately, responding to the changing needs of detainees.
- 77% of cell visits were conducted as prescribed. There were instances of cell visits being missed on some records and in other cases late by more than 5 mins.

Liaison and Diversion

- Liaison and Diversion provision has increased in this quarter to 60%. This is a significant increase on the previous quarter of 42.5%.

Young People Detained Overnight

- More than half of juveniles were held in custody overnight to allow police investigation, but none were found to have been held post charge.

Immigration/Foreign National Detainees

- All detainees who needed the support of an interpreter, where appropriately identified and arrangements were made with interpreter services.
- 74% of detainees spoke with an interpreters in under 2 hours (over the telephone). Interpreters attended interview in person with the detainee later in the custody process.
- Where Immigration Officers were required to attend custody, more than half of detainees had to wait over 18 hours for interview.

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 and face masks. Detainees are given a clean mask on departure and transport arranged from the suite.
- 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 wait times for AAs might be reduced.
- To investigate the wait times for immigration officers to attend custody.