

Report to:	Joint Audit and Scrutiny Panel
Date of Meeting:	27 November 2020
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Agenda Item:	15

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 2.

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, 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 This is the first quarterly report submitted to this meeting, following the evaluation of the Independent Custody Observers Pilot which recommended that custody record reviews are rolled out across England and Wales. A formal decision is awaited by the Home Office within the next 12-24 months.

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 Results

July – September 2020

Introduction

The table below shows the number of custody records scrutinised during July – September 2020 (Q2).

Following discussions with Nottinghamshire Police Custody Inspector, it was decided to commence the review of adult detainees that have been defined as vulnerable by Nottinghamshire Police – 4 records were reviewed in September.

Young People	Detainees defined as Vulnerable Adult on Niche	Detainees with Mental Health	Total
24	4	20	48

Key findings

The key findings from this report are:

The reviews have highlighted that Appropriate Adult (AA) provision is good for young people, but a mixed picture for detainees in poor mental health. Commencing September 2020, custody records of 'vulnerable adults' will also be reviewed.

Half of records reviewed for young people were held in custody overnight to allow police investigation.

Over this quarter, records reviewed showed that an additional question has been added to Niche asking detainees if they have any religious requirements.

Detailed findings

General Requirements

- The majority of detainees were provided with an explanation of the use of the cell call button (42/48).
- Booking in times continue to be efficient with only 3 detainees experiencing minor delays; the longest of which was 25 minutes. All other detainees were processed within 20 minutes (45/48).
- The majority of 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 (18/21).

Appropriate adults

- The force identified the need of an AA for all young people detained (24/24) and for vulnerable adults (4/4). Of the records reviewed of detainees in poor mental health, only 1 was found to have been allocated an AA (1/20).
- The force identified early on in the process that an AA was required for young people, vulnerable adults and one detainee in poor mental health.
- On average, young people waited 3.5 hours to see an AA, vulnerable adults waited up to 12 hours and detainees in poor mental health waited 11 hours.

Solicitors

- The force contacted solicitors in a timely manner and in 22/48 cases in less than an hour.
- Some detainees experienced delays over 8 hours before they consulted with a solicitor, and in some cases, lengthy waits of up to 20 hours (3/48). 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. During lockdown solicitors were speaking with detainees on the telephone or using conferencing facilities.

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 (5/48).
- 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 (5/48) 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.

- Most young people saw an L&D representative whilst in custody (14/24). Some detainees in poor mental health received a mental health assessment and appropriate referrals were made to support services (7/20). In one case, mental health information was mailed to the detainee and in another, the detainee was already known to the service.

Young People Detained Overnight

- Half of records reviewed for young people were held in custody overnight to allow police investigation. Of these young people held overnight, only one young person was held in custody post charge for over 24 hours, but a satisfactory rationale recording the decision to detain the young person was recorded on the custody record.

Good Practice/Covid-19

- Detainees generally looked after well, being offered meals and drinks, rights and entitlements and risk assessments completed.
- There was only one record reviewed which evidenced that detainees are being provided with soap and access to hand washing facilities to prevent the spread of Covid-19. However, 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

- **Provision for AA for detainees in poor mental health has been discussed with custody and Inspectors are currently reviewing their definition of 'capacity' with advice provided by TAAS.**
- **To consider the average times for AA provision for all categories of detainee.**
- **To consider how rousals are allocated for intoxicated detainees.**