

THAMES VALLEY POLICE

HMIC REPORT ON THE WELFARE OF VULNERABLE PEOPLE IN CUSTODY

COMMENTARY ON RECOMMENDATIONS FOR THE POLICE AND CRIME
COMMISSIONER

OCTOBER 2015

1. INTRODUCTION

- 1.1 In March 2015, Her Majesty's Inspectorate of Constabulary published a report titled "The Welfare of Vulnerable People in Police Custody". The report was based on observations in 6 forces (Leicestershire, North Wales, West Mercia, Metpol, Cleveland and Surrey) and concluded with 18 recommendations.
- 1.2 The majority of recommendations are for the Home Office, College of Policing or other national bodies. There are however some clear expectations as to how forces should deal with vulnerable people which will be subject to scrutiny in the future.
- 1.3 This report summarises the progress of TVP custody strategy in relation to the identification and management of vulnerable people in custody.

2. SUMMARY OF THE REPORT

- 2.1 The emphasis of the report, and the expected direction of travel can be summed up from one paragraph from the Executive Summary, which states that "*Police custody provision is designed to meet the requirements of the criminal justice system, but our inspection showed that it now has a significant role as a function of the health and social care system. Addressing this tension is central to improving the welfare of vulnerable people, and diverting them away from police custody wherever possible*"
- 2.2 It is clear throughout the report that custody is much more than a gateway into the criminal justice system, and many of the comments are related to diversion from custody for those with vulnerabilities.
- 2.3 The report defines vulnerability as:-
 - Mental health or Learning difficulties
 - Disability or physical illness
 - Substance misuse
 - Age
 - Race
- 2.4 The report highlighted that a significant number of vulnerable people could have been diverted from coming into custody if other services had been available, so emphasises the importance of partnership working and the responsibility of governing bodies such as the LSCB and health & wellbeing boards in holding individual organisations to account.

- 2.5 Children feature heavily in the report. There was a sense that police officers saw the offence first and the fact that the suspect is a child second, and that in relation to domestic abuse policy, 'positive action' was often interpreted as a direction to arrest, even when the suspect is a child.
- 2.6 Training and consistency were also key messages. The report suggested that there should be a consistent and shared view of vulnerability. It identified that often custody Sergeants are overlooked when training is delivered and that within custody specifically there was little official training, rather allowing decisions to be made by individuals based on their own experience and understanding.
- 2.7 There is a clear intention to require forces to gather and publish data – specifically in terms of vulnerability and detention, and also in relation to use of force and strip-searching in custody.

3. PROGRESS

- 3.1 The future direction of custody within TVP is to be delivered through a strategic plan incorporating Children and Young People, Vulnerability, Bail standards, HMIC and welfare/resilience. The vulnerability element will feature actions and milestones towards recommendations in the HMIC plan. In order to deliver this, a custody vulnerability panel has been convened chaired by the force custody lead, with stakeholders in a position to drive progress in this area. Stakeholders include representatives from the groups identified in the report as vulnerable and external scrutiny from independent custody visitors and partner agencies. In addition, the Head of Department is the Force lead for the "Custody & criminalisation" strand of the Force Children and Young Person Plan.
- 3.2 **Diversion from custody:** The force promotes voluntary attendance suites in each of the LPA's where suspects can be interviewed when there is no necessity to arrest. These facilities will be reviewed as part of the ongoing Priority Based Budgeting process. The whole force has been trained in relation to PACE code G (necessity to arrest).
- 3.3 There are mental health triage nurses in Oxfordshire, Bucks (including Milton Keynes) and West Berkshire, and a bid is in place in East Berkshire. This, together with the mental health concordat has had a significant impact in reducing the number of S.136 MHA detentions being brought into custody suites. From April to August 2015, there were 15 S.136 detentions in TVP custody suites, a 71% reduction on the same time last year (52) which was already a reduction on the previous year. There was no-one under the age of 18 detained in custody under S.136.
- 3.4 Since June 2015, jointly commissioned with the NHS and under contract with Mountain Healthcare Ltd, five suites have an embedded 24/7 healthcare professional and the other three have immediate access to the service by telephone. There are also Liaison and Diversion mental health nurses available, so diversion from custody is still a priority once detention has been authorised.
- 3.5 The charity DrugFam has been invited into suites and is now working with custody leads and Mountain Healthcare to develop a process in order to support families of suspects with substance misuse, either directly when they are appropriate adults or through GP's by referral. Links are being established through Public Health England and local commissioners into community treatment services.

- 3.6 **Training:** Custody sergeants all receive professional CPD training on a six week cycle. Vulnerability is a feature and training has been delivered by organisations such as AutismOxford, and DrugFam. The initial custody training course is in the process of being aligned to the new learning standards issued by the College of Policing in September 15. Consideration will be given to training custody staff specifically in 'De-escalation tactics' which was a suggestion for all police officers in the HMIC report.
- 3.7 **Children:** Much work has been done in relation to detained children. This required a culture change for staff which is still taking place and a communication strategy is being developed in order to accelerate this change. PACE Inspectors are now generally more proactive in ensuring that detentions are proportionate and custody record entries and actions are scrutinised in monthly peer-review reports. Custody records of children are reviewed on a daily basis by HQ Criminal Justice Department, with named contacts within emergency duty service or YOS and reported monthly to the Head of Department who presents the findings to the heads of social care.
- 3.8 **Data:** The report recommends that data is collected and published. The data should relate to stop & search, arrest, detention, use of S.136, strip-searching, use of force and numbers of children detained, with detention times. Much of this is already recorded within TVP in various formats and the vulnerability panel will have access to and scrutinise this data. The recommendation is that it should be provided regularly for the Police and Crime Commissioner, in order that it can be published to demonstrate to the public that the force are delivering services to communities on a fair and transparent basis.

4. CONCLUSION

- 4.1 Issues relating to vulnerability in TVP custody suites are recognised by the Force. The development of a structured strategic plan, overseen by a 'vulnerability panel' including external scrutiny will serve to ensure that TVP provide a fair, transparent custodial service to the whole community and that the Force will be in a strong position to fully meet expectations for police custody by HMIC.