

| | |
|--|---------------------------------|
| Committee(s): | Date: |
| Police Committee- For information | 22 nd September 2016 |
| Safeguarding Sub Committee – For information | 26 th September 2016 |
| Subject: | Public |
| Annual update on Custody (Young Persons, Children and Mental Health) And Use of Force Pol 40-16 | |
| Report of: | For Information |
| Town Clerk and Commissioner of Police | |
| Report authors: | |
| Craig Spencer, Town Clerk's Department Supt Helen Isaac, Uniformed Policing Directorate | |

Summary

This report provides an overview and update on three key areas of policing; young persons and children in custody, mental health crisis in custody and use of force. The City of London Police (CoLP) collects and analyses information across these areas, in response to national recommendations from Her Majesty's Inspectorate of Constabulary (HMIC) amongst others and in recognition of the importance of understanding and responding to any potential issues or trends.

The force will provide an annual update on these areas to continue its commitment to accountability and transparency, informing on developments in best practise, any improvements which may be required and issues of note, in addition to data reported against that for 2015/16 within this report.

Young persons and children who are held in custody may be vulnerable for a number of reasons and the CoLP and City of London Corporation (CoL) have established processes in place for when this occurs; this report presents annual statistics for those brought into CoLP custody between April 2015 and March 2016.

The report presents the national developments taking place to safeguard those suffering a mental health crisis and explains the procedure for when a crisis develops once someone is within the custody suite against when police are called to assist someone on the street. Data is presented from between April 2015 and March 2016 for those experiencing mental health issues under 136 Mental Health Act 1983 where police assistance was required.

Confidence and trust in the police service is essential, but a recent study by the Independent Police Complaints Commission (IPCC) into police use of force showed that there is some work to do to increase confidence in this area. This section of the report highlights the work taking place to address recommendations arising from the IPCC study and presents the good practise already taking place around training and scrutiny. Use of force data from August 2015 to August 2016 is provided for consideration.

Recommendations

Members are asked to:

- Note the report.
- Endorse report format and data for future annual update and comparison against baseline statistics for 2015/16

Main Report

Young Persons and Children in Custody

Background

1. England, Wales, Northern Ireland and Scotland each have their own guidance for organisations to keep children safe. They all agree that a child is anyone who is under the age of 18. The Police and Criminal Evidence Act 1984 (PACE) define a young person or child to be between the ages of criminal responsibility 10yrs and have not reached the age of 18. We use the term 'child' to refer to younger children who do not have the maturity and understanding to make important decisions. We use the term 'young person' to refer to older or more experienced children.
2. Custody officers are required to make a decision about whether they should treat the individual as a juvenile or as an adult. *PACE Code C paragraph 1.5 - states that where someone appears to be under 17, or to have reached the age of 17 but be under 18, officers and staff are to treat them as a child/young person.*
3. The law already recognises that police cells are not a suitable place for young persons and children. The Police and Criminal Evidence Act 1984 requires the transfer of children who have been charged and denied bail to be moved to more appropriate local authority accommodation.
4. The related duty to local authorities set out by the Children Act 1989 is to accept these requested transfers. The detention of a child in the custody of a police cell is only allowed where exceptional circumstances prevent movement or where such children are at risk to the public and themselves, or no local authority accommodation is available.
5. Young persons and children in custody legally require an appropriate adult (AA) to be appointed as soon as possible and to be present during specific stages whilst in custody. These include the booking in procedure, interview, charge and other custody processes such as custody staff taking DNA, photographs and fingerprints to the provisions of the Police and Criminal Evidence Act 1984.

6. The release of the 'Concordat on Children in Custody' by the Home Office in March 2016 aims to set out the role of each organisation in the process of detaining a child into custody and where responsibility lies. This clarifies the legal requirements and offers guidance on how these are put into place; particularly around the transfer of children from custody to local authority accommodation.
7. The Concordat is there for the Police and Local Authorities in aiding compliance with their statutory responsibilities and to bring about a decrease in the number of children held overnight in police custody. The concordat sets out seven principles to achieve these aims:
 - Whenever possible, charged children will be released on bail.
 - Children denied bail will be transferred whenever practical.
 - Secure accommodation will be requested only when necessary.
 - Local authorities will always accept request for non-secure accommodation.
 - The power to detain will be transferred to the local authority.
 - Where a local authority fails to provide accommodation it will reimburse the police.
 - Police forces will collect data on transfers.
8. On behalf of the City of London Police the Commissioner has signed the Concordat. The Corporation of London is yet to sign the Concordat and is discussing the guidelines with the Home Office.
9. The HMIC published a report '*In Harm's Way*' in July 2015 which outlined the role of the police in keeping children safe. As a result of the recommendations within the report, the Custody Manager developed a process of capturing information on juveniles who have been in CoLP police custody, which is circulated to senior managers on a monthly basis and has informed the data within this report.

Current Position

Process in custody

10. The first point of contact for young persons and children when they enter custody is an assessment interview with a liaison and diversion nurse to ensure CoLP are not missing any incidents of Child Sexual Exploitation or criminal factors of adult cohesion. The liaison and diversion staff is currently available for assessments in custody during 8am-9pm Monday to Friday, which has been extended from previous arrangements. Specially trained police officers will undertake the assessment interview at all other times
11. The CoLP has two custody suites based at Snow Hill and Bishopsgate. The principle custody suite is Bishopsgate which has a secure Perspex room, commonly known as 'the bubble' within the reception area of custody. It is designed for use by children and vulnerable persons who have been detained for a criminal matter. This is believed a more suitable place than a cell, as

both police and the detained person continue to be visible to each other and there is less chance of the detainee being further alienated or stressed by their predicament. A custody cell is used only as a last resort, dependant on the circumstances at the time and this would be with other control measures in place to reduce stress and risk as much as possible.

12. Meetings have taken place to confirm arrangements for young people and children between the CoL, CoLP and Committee Members. This has resulted in the creation of a '*Children and Young People Held in Police Stations Protocol*' for the City of London Corporation and the City of London Police. This is attached in Appendix 1 and will instruct future actions by staff from both organisations.
13. The City of London Police has a clearly articulated police process for children in custody which is in the form of a flowchart responding to a young person being charged with an offence. The Corporation have also produced a similar flowchart to reflect process from a local authority and this is attached as Appendix 2.
14. The Appropriate Adult service is currently commissioned by the Community and Children's Services Department (CCS) but is managed by CoLP. The service meets with CCS quarterly and statistics are provided on how often the service is used.
15. When a person under the age of 18 years enters custody, every effort is made by the Custody Sergeant and Designated Detention Officer to keep the young person from being placed within a custody cell. The booking in procedure is initiated on arrival to establish many important facts, such as name, age, address, mental wellbeing and health. During the interaction with the detained young person/child, concerted attempts are made to establish the parents or family member details to act as an Appropriate Adult (AA). In some cases there is no alternative but to use the Appropriate Adult service.
16. Once the AA has attended the police station, the Custody Sergeant will explain the full circumstances why the young person is detained, what the AA role is and custody procedure. The initial booking in process is repeated, this time with the AA present. The Police National Computer is searched on details the young person has given which will establish if they are known to police for previous offences or wanted for outstanding matters. Police officers will submit an intelligence document, a form 377, which is comprehensive information to assist the Public Protection Unit (PPU) and social services and allow appropriate follow up processes to be initiated.

Local Authority Transfer Arrangements

17. The CCS department within the City are called initially. If out of hours this is then referred to the relevant authority (this can depend on where the child lives). There is a separate out of hour's service which is referred to Hackney, who request accommodation from Tower Hamlets. Historically this has been rarely available. The requirement for children to be transferred to overnight

accommodation is only for those who have been charged and remanded, where bail has not been granted. Where the pre-charge investigation is ongoing, the child remains in the custody suite, although every effort is made to reduce the length of time they are there, with bail used where appropriate to allow the investigation to proceed without their continued presence.

18. All Custody Sergeants are fully aware of the current process both inside and outside of working hours and this has been shared with Corporation staff to ensure wider knowledge of the process. Police are mindful that juveniles should not be detained for longer than needed in accordance with paragraph 1.1 of Code C of PACE and should avoid holding young persons and children overnight in police custody cells unless absolutely necessary.
19. If there are no available spaces within the social services' remit 'to house the young person or child at an appropriate site' then current arrangements to provide a cell in extremis could potentially lead to extended periods of time for children in custody. The minimum stay for a detainee for the period recorded as shown in Appendix 3, figure 2 was around 14.2 hours, with the maximum being towards 19 hours in total which included two separate periods of detention, with the young person returning to police custody on bail.

Detention data for 2015/16

20. For this first report it has been agreed to use data which has been collated from custody records over the period of April 2015 to March 2016 of Young Persons and Children being detained in custody. The ages are shown at Appendix 3 in figure 6 with ethnicity in figure 7. This report will provide a baseline and enable a comparison to be made over future years. All figures referred to in this section are at Appendix 3.
21. The data provided within figure 1, 'Number of children and young people including 18 year olds in custody 2015/16' shows 77 (Including 18 year olds, 121) young persons and children entered City of London Police custody that year; this equates to an average of just over 6 a month (including 18 year olds, 10 a month). January saw the highest number with 9 (Including 18 year olds, 14) whilst October had the lowest number of 1 (Including two 18 year olds).
22. The length of time young persons and children were detained following arrest/caution is shown at figures 2 and 3, clearly displaying maximum and minimum times with the average times shown.
23. Documentation shows, of the 77 young persons and children detained in custody, 63 were male and 14 female. The youngest person detained in police custody was recorded as a 13 year old white British male for an offence of 'theft – pedal cycle' in April 2015. He had been detained at 17:55hrs and the procedure of booking in and obtaining the required appropriate adult took 2.5 hours; the child was interviewed with a solicitor within 3.5 hours and left custody with no further action within 5 hours.

24. The length of time a young person or child was detained following arrest/caution awaiting an appropriate adult is shown in figure 4 and figure 5 displaying the average time waiting for an appropriate adult.
25. A breakdown of offences for which young persons and children were brought into custody during 2015/16 is at figure 8. There were 19 different offences documented, along with one classed as 'other.' The most common offence is theft – shoplifting with 16 offences with five others having just one instance. During the recorded period from April 2015 to March 2016 the City of London Police did not require accommodation for any young person or child. None were refused bail.
26. Statistics show that a use of force or restraint was used for those under 18 in 38 out of the total 121 occasions. Handcuffs were used in 35 instances, 1 person was restrained for the purpose of a search and 2 were restrained upon arrest.
27. The annual figures show that of the 121 young persons and children brought into custody for the first time, of those under 18, all but 6 had been detained previously in custody.
28. Referrals and pathways to external agencies are currently not implemented but Community Policing and PPU are considering better pathways with Social Services. The documentation of the 377 form for young person and children and vulnerable persons is passed to the Social Services of the area in which the person resides. To date there is no administration for Social Services to keep the arresting force up to date with any of its findings or progress.

Mental Health Crisis in Custody

Background

29. The issue of mental health is now a prominent factor within today's community and policing across the capital and country. The police service acknowledges that police custody is not the most appropriate environment for treating and housing those suffering mental health issues. Guidelines implemented will ensure vulnerable people, including those with a mental health issue, should not use a police station as a place of safety but instead use the more suitable facility of a hospital or other agreed organisation or approved venue.
30. Whilst the use of Section 136 Mental Health Act 1983 and Section 5-6 mental Capacity Act 2005 has decreased within police stations, mental health has remained a crucial issue within custody. 8 of the 17 people who died in police custody nationally in 2014/15 had mental health concerns. A higher proportion (24%) of detained people with mental health concerns experienced force in the custody environment than (13%) detained people with no mental illness identified.

31. The policy covering guidance within custody on mental health is the Police and Criminal Evidence Act 1984 (PACE) which states below:

'It is imperative that a mentally disordered or otherwise mentally vulnerable person, detained under the Mental Health Act 1983, section 136, be assessed as soon as possible. A police station should only be used as a place of safety as a last resort but if that assessment is to take place at the police station, an approved mental health professional and a registered medical practitioner shall be called to the station as soon as possible to carry it out.'

32. New legislation intended under the Policing and Crime Bill will greatly restrict the circumstances when a custody cell can be used in this situation. Previously, a 2014 review found people were being detained in police cells because of the lack of available NHS Trust health-based places of care and safety due to capacity, staffing or opening hours.
33. In May 2015, the Government announced up to £15m of funding to provide health-based alternatives to police cells, with 15 NHS Trusts and partnership organisations covering 11 police force areas receiving a total of £6.1m. This amount will however only deal with the tip of an ever increasing populace. The funding is part of the mental health crisis care agreement to support people in a mental health crisis.
34. Whilst the use of police cells as a place of safety has declined by almost a third in England and Wales between 2013/14 and 2014/15, both the Home Secretary and Secretary of State for Health have said they want to see an end to people with mental health issues being locked up in police cells because appropriate health services are not available.
35. The Department of Health is now inviting bids from Crisis Care Concordat groups in 10 police force areas for funding to provide alternative places of safety, to allow people experiencing mental health issues to receive compassionate care and support in the right setting.
36. Police cells can be a daunting environment for anyone who may be experiencing a mental health crisis, as they can make one feel criminalised and inevitably exacerbate the levels of distress the person may be already suffering. This is especially true for those under 18 years of age. Although the picture is improving (see table 1.1¹ below), the government are keen for this engagement and trend to continue.
-

| Section 136 Detentions to a Place of Safety | 2011/12 | 2012/13 | 2013/14 |
|--|----------------|----------------|----------------|
| Police Custody | 8,667 | 7,881 | 6,028 |
| Hospital | 14,902 | 14,053 | 17,008 |
| Total | 23,569 | 21,934 | 23,036 |

Table 1.1 England and Wales figures

37. Therefore, the government intends to make the following changes to the Mental Health Act under the upcoming Policing and Crime Bill:

- Police cells will no longer be considered a place of safety for under-18s and will only be used in very limited situations for adults.
- The maximum duration of detention will decrease from 72 hours to 24 hours for the purposes of an assessment.
- The extension of police powers to act quickly to detain and remove people experiencing a mental health crisis.
- The requirement for police officers to consult health professionals prior to detaining someone under the Act's provisions.

38. Recently, there has also been the introduction of the Mental Health Crisis Care Concordat which aims to set out an agreement between health, criminal justice and social care agencies for expected responses to people in need of emergency mental health care. The Concordat reiterates government policy and sets out how to achieve a crisis service where 'no-one in crisis will be turned away', which is 'available 24 hours a day, 7 days a week' and is 'community-based, closest to home and is the least restrictive option available.

39. Nine police force areas have been piloting the system of 'street triage'. This is where a police officer and mental health worker act in partnership to assess people on the street and where necessary, take them directly to a health care facility.

40. Within these schemes, mental health professionals provide on the spot advice to police officers who are dealing with people with possible mental health issues. This advice can include an opinion on a person's condition, or appropriate information sharing about a person's health history. The aim is, where possible, to help police officers make prompt and appropriate decisions, based on a clear understanding of the background to these situations.

41. The announcement last December from the Home Office over the NHS commissioning of custody healthcare means a decision on the national way forward has been delayed until December 2017. The City of London Police is

about to go out for tender for a new healthcare contract after this was agreed at Police Committee in February 2016.

Current Position

Mental Health Process

42. The City of London Police has two standard operating procedures (SOP's) that relate to mental health, these being: Dealing with Mental Health Incidents and Medical and Mental Health Issues in Custody.
43. These policies provide a framework for dealing with aspects of managing and dealing with persons in police detention to the required standard, as set out in Code C of the Police and Criminal Evidence Act 1984, the Code of Ethics and the College of Policing Authorised Professional Practice (APP) for detention and custody.
44. Both of these procedures are regularly reviewed and updated and are readily accessible for members of staff on the Force's intranet.
45. When a person has been arrested and it becomes apparent whilst the person is in custody they are suffering from a mental health issue, the custody officer must implement the procedure for a mental health assessment. The custody officer will request the Health Care Practitioner (HCP) for an initial assessment of the detained person and if found the detained person is displaying symptoms of a mental health crisis the HCP will initiate a full assessment. The detained person will be assessed in one sitting within custody as soon as practicable by doctors and social services. On their decision only and not the police, it will result in the detained person being transferred to a designated Mental Health Trust Hospital for further evaluation or to remain in custody for continuation of the criminal process.
46. However, if mental health illness has been exhibited and diagnosed whilst in a public place, then the City of London Police will not use custody or the police station as a place of safety. Community Engagement has employed every effort to establish a better working environment between the London Ambulance Service (LAS) and the Mental Health Trust at the Homerton Hospital. All parties have agreed to a working guide 1) LAS will attend S.136 MHA 1983 calls within half an hour. If LAS are unable to provide a priority ambulance and if there are exceptional circumstances, CoLP will convey a person to Homerton Hospital. 2) Homerton will accept the S.136 within one hour of police attendance.
47. The Force has taken the initiative by using a specific point of contact within the community and partnerships team to take the lead in S.136 MHA 1983 issues, developing a liaison with the London Mental Health Trust, recording encounters, increasing links with external organisations and continuing communications with our nominated place of safety, the Homerton Hospital.

48. In the rare circumstances when the Homerton Hospital is unavailable officers are aware through policy and procedure to use the command and control structure to establish an alternative space at another authorised mental health hospital near to the City, such as St Thomas', The Royal London or UCH.

Mental Health Data

49. Throughout the period of April 2015 and March 2016 there have been an ever increasing number of reported incidents involving mental health. Police are often first to attend a report to provide reassurance, ensure public in the vicinity are safe and to provide an initial response to any person requiring assistance.
50. Incidents are recorded on a Force form, documenting whether action was taken under section 136 Mental Health Act 1983 or Section S.5- S.6 Mental Capacity Act 2005, providing a detailed account of police action and hospital interaction.
51. During the period of April 2015 - March 2016, 129 people were sectioned under S.136 MHA 1983, 2 of these were under the age of 18 and 1 was recorded as not known. Of the 129 people, 89 were male and 40 female. All were conveyed to a place of safety, 75 by Ambulance, 52 by a police vehicle, and 2 not known.
52. The places of safety are documented as Hospital 121, and the front reception area of a police station 2 and a private home care 2, not known as 1 and other 1. The two under 18 years of age, both attended hospital. These figures are highlighted within Appendix 4 within figures 9, 10 and 11.

Use of Force

Background

53. Police use of force follows the College of Policing Authorised Professional Practise (APP) which states that any officer considering the use of force must consider three core questions:
- Would the use of force have a lawful objective (for example, the prevention of injury to others or damage to property, or the effecting of a lawful arrest) and, if so, how immediate and grave is the threat posed?
 - Are there any means, short of the use of force, capable of attaining the lawful objective identified?
 - Having regard to the nature and gravity of the threat, and the potential for adverse consequences to arise from the use of force (including the risk of escalation and the exposure of others to harm) what is the minimum level of force required to attain the objective identified, and would the use of that level of force be proportionate or excessive?

54. The National Decision Making model (NDM) is central to each decision an officer makes, with decisions on use of force being made in fast moving, high risk and stressful situations, often in a split second.
55. The Criminal Law Act 1967, the Police and Criminal Evidence Act 1984, Common Law and the rights and freedoms contained within the European Court of Human Rights (ECHR) govern the police use of force. The requirement that domestic law and ECHR impose is that, if possible, non-violent means should be used to resolve an incident before force is used.
56. The Criminal Law Act 1967, the Police and Criminal Evidence Act 1984 and common law apply to all uses of force by the police and require that any use of force should be 'reasonable' in the circumstances. Reasonable in these circumstances means:
- Absolutely necessary for a purpose permitted by law
 - The amount of force used must also be reasonable and proportionate (ie, the degree of force used must be the minimum required in the circumstances to achieve the lawful objective) otherwise, it is likely that the use of force will be excessive and unlawful.
57. Earlier this year, the Independent Police Crime Commission (IPCC) published their report 'Police use of force; evidence from complaints, investigations and public perception,' as a result of a comprehensive study of many aspects of this subject. This report made a number of recommendations, most for police forces, but some also for the National Police Chiefs Council (NPCC), College of Policing, Her Majesty's Inspectorate of Constabulary (HMIC) and Police and Crime Commissioners (PCCs).
58. It was recommended that where forces record data about the use of force, PCCs should ensure data is collected and analysed and that action is taken to follow up on trends or issues of concern. It was also recommended that PCCs ensure that forces develop an action plan to take forward the recommendations from the study.
59. A recommendation for the NPCC is to develop national recording standards and provide guidance on the use of the data collected, recognising that forces currently record force differently, some comprehensively and some not at all.

Current Position

60. In addition to the Use of Force APP, the Force also has a standard operating procedure covering local practises. This states that a record is to be created when one of the following techniques or tactics is used:
- Handcuffing (compliant and non-compliant)
 - Unarmed skills (including pressure points, strikes, restraints and take downs)
 - Use of dogs
 - Drawing or use of baton
 - Drawing or use of irritant spray

- Limb / Body restraints
 - Spit guard
 - Shield
 - Conductive Energy Device (C.E.D. currently TASER) (in any of the 7 categories of use)
 - Attenuating Energy Projectile (AEP): drawn or discharged
 - Firearms: drawn or discharged
 - Other / improvised
61. At present the Force uses the Human Resources system for capturing use of force information from officers and although this system has fulfilled the purpose for a number of years, it has been challenging to extract and scrutinise data and it does not capture all of the elements required by the forthcoming new standard.
62. Following on from their recommendation to develop a national recording standard, this was circulated to forces by the relevant NPCC lead in July, with an expectation that forces will have the new standard in place for recording from the 1st October 2016. In line with the new standard, the Force's SOP will be reviewed and updated to reflect the changes.
63. Options have been explored and the Force plans to progress with an app developed and trialled by West Yorkshire Police, who use the 'Pronto' mobile working solution, which has also been adopted by CoLP this year. The app is fully compliant with the required standard, provides a number of business benefits and will allow us to monitor and extract data with ease, whilst allowing officers to access and record a use of force report easily on their mobile device.
64. The Force has set up a new working group earlier this year, the Stop and Search and Use of Force working group, recognising the additional work that was required in both of these areas for progression of action plans and to increase scrutiny of and transparency of data. An action plan has been developed to progress the recommendations made by the IPCC and progress is monitored and updated monthly by the working group.
65. The Force has also set up a new Community Scrutiny Group, focused on not just stop and search as was previously the case, but also use of force and deployment of Taser. This group has community membership including Nick Bensted-Smith, a Member of Police Committee and a member of the Independent Advisory Group and new members are actively being sought.

Professional Standard Department monitoring of use of force

66. The Professional Standard Department (PSD) who govern the discipline, complaints and conduct matters are categorised in accordance with Home Office categories. Use of Force is not one of those categories. There are, however categories which fall into the overarching theme 'Use of Force';
- Serious non-sexual assault (A)

- Sexual assault (B)
- Other assault (C)
- Oppressive conduct or harassment (D)
- Unlawful/unnecessary arrest or detention (E)
- Other (W)

67. All complaints and conduct matters are reported to the Professional Standards and Integrity Sub-Committee quarterly. This Sub Committee reports to the Police Committee, which acts on behalf of the Court of Common Council as our 'police authority'. The quarterly report is an analytical document which, amongst other things reports on any identified themes. Summaries of all concluded PSD investigations are presented to the Members.

Internally there are a number of other ways in which emerging trends are identified and dealt with;

- Tactical Coordination and Tasking – this is held fortnightly and any identified emerging trends can be brought to the attention of our Senior Management Team (SMT) for action plans to be developed where appropriate.
- Subject Intervention Matrix – (SIM). The conduct records of Officers and Police Staff who have been subject of complaint and/or conduct allegations are examined using a matrix system. The outcome of this process ('score') determines whether or not any proactive intervention is required to reduce the risk of further allegations or loss of public confidence.
- PSD Working Group – This meeting is held quarterly and chaired by the Director of PSD. Each of the Force Directorates is represented. Trends or other areas of risk are identified to the Directorate representatives for them to address with their respective SMT's.
- Organisational Learning Forum – Held quarterly and chaired by the Assistant Commissioner. PSD matters are discussed at this forum so that the organisation is able to benefit from learning resulting from both local and national investigations and themes.

Training in use of force

68. COLP ensures its officers undertake the mandatory Personal Safety Training (PST). Human Resources and the Duty Planning departments keep an auditable process to record and monitor police officers, Police Community Support Officers (PCSO) and Dedicated Detention Officers (DDO) training status. A record is made of the content of training sessions, details of the staff trained, details of the assessment process, level of staff competence following assessment, occurrences, injuries sustained and near misses.

69. Within every six monthly period the Officer will undergo a single day training session of physical techniques which incorporate the guidance in Oome Office approved techniques and demonstration of use of the National Decision Model (NDM) in scenarios allowing Officers to quickly make applied decisions of spontaneous incidents or planned operation.

70. The Personal Safety Training contains five separate modules

- Module 1 – Managing Conflict
- Module 2 – Personal Safety
- Module 3 – Equipment and Restraints – Baton Incapacity/Irritant Spray, Handcuffs
- Module 4 – Role Specific Skills
- Module 5 – Refresher/Development

71. Staff must demonstrate both initial and ongoing competence for each of the techniques taught and be assessed as competent against the requirements of the National Occupation Standard. COLP ensures that personal safety training is delivered with such frequency as to maintain competence and development of skills and knowledge.

72. Officers are trained and fully aware they should use force only when other methods have proved ineffective, or when it is honestly and reasonably judged that there is no realistic prospect of achieving the lawful objective identified without force. The National Decision Model puts the Code of Ethics at the heart of all police decision making.

Use of force data for 2015/16²**

73. CoLP has collated data of its Use of Force statistics for 12th August 2015 and 12th August 2016 (See footnote 2). This shows during this period officers have documented 737 incidents where Use of Force has been used. It displays that 155 women, 564 men and 18 not classified came into contact by way of Use of Force with CoLP police officers.

74. The figures express that 236 incidents were to affect an arrest with 1 being recorded as accidental.

75. Officers attend many differing incidents during their working duty and some are inevitably violent which is reflected by figures showing protecting oneself or other officers at 355 and concealment of items on person at 11.

76. More so than ever, police are called to members of the community who suffer mental health crisis as already highlighted within the report. Officers had to use force on 70 people to prevent self harm to the subject and 59 reports to protect secure property and evidence. The use to remove handcuffs is 3 and other not defined is 2

77. These figures clearly interpret how officers engaged with its community when called upon to initiate positive action and use of force.

² Please note, this data set runs from 12th August 2015 to 12th August 2016- this is because the data was collated locally rather than from the Duty Management System which was undergoing an upgrade. Future reports to your Committee will give the financial year data.

Conclusion

78. This report presents information to Members and the Force's current position on three key areas. This is the first report in this format, initially prompted by a number of HMIC and IPCC recommendations, but also recognising that these are important areas on which Members would wish to be informed. The data presented in this report will provide a baseline against which future annual reports can be considered, allowing a comparison to be made and potential issues or trends highlighted.
79. The City of London Police and City Corporation have processes in place to consider the welfare of children entering the custody environment and the force has further demonstrated its commitment by signing up to the 'Welfare of Children in Custody' Concordat. Data shows that on average around 10 children or young people enter City of London Police custody each month and over the period considered, none of these were charged and remanded overnight in police cells, with no requests made for overnight local authority secure accommodation. Data is captured by the Custody Manager on all children and young people entering police custody and shared with senior management, allowing on-going scrutiny and the identification of any potential issues.
80. The Force has standard operating procedures in place to manage mental health crises both in custody and outside on the street. CoLP does not use police cells as a place of safety for those identified as needing assistance on the street, with tried and tested processes in place under the agreement with the Homerton Hospital. Sadly, 129 people required assistance under section S.136 of the Mental Health Act in 2015/16, only 2 of these were under 18 and both were transported from the street direct to hospital. If someone is detained and a mental health issue is identified once in custody, a mental health assessment procedure is instigated. With the expected changes to the Mental Health Act under the upcoming Policing and Crime Bill, the Force is well placed to deal with these and will continue to monitor the situation to ensure our processes are updated in accordance.
81. There has been increased focus on police use of force as a result of the IPCC's comprehensive report considering all aspects of this area. A number of recommendations have come out of their study and the force has put together an action plan to assess compliance and monitor improvements in a number of areas. CoLP has recognised the importance of increased scrutiny in this area, setting up the Stop and Search and Use of Force working group to progress action plans and improve the recording, monitoring and transparency of data. A revised Community Scrutiny Group, considering use of force amongst other key areas, provides external scrutiny and will consider data quarterly, with this also being available on the force's website.

Contacts

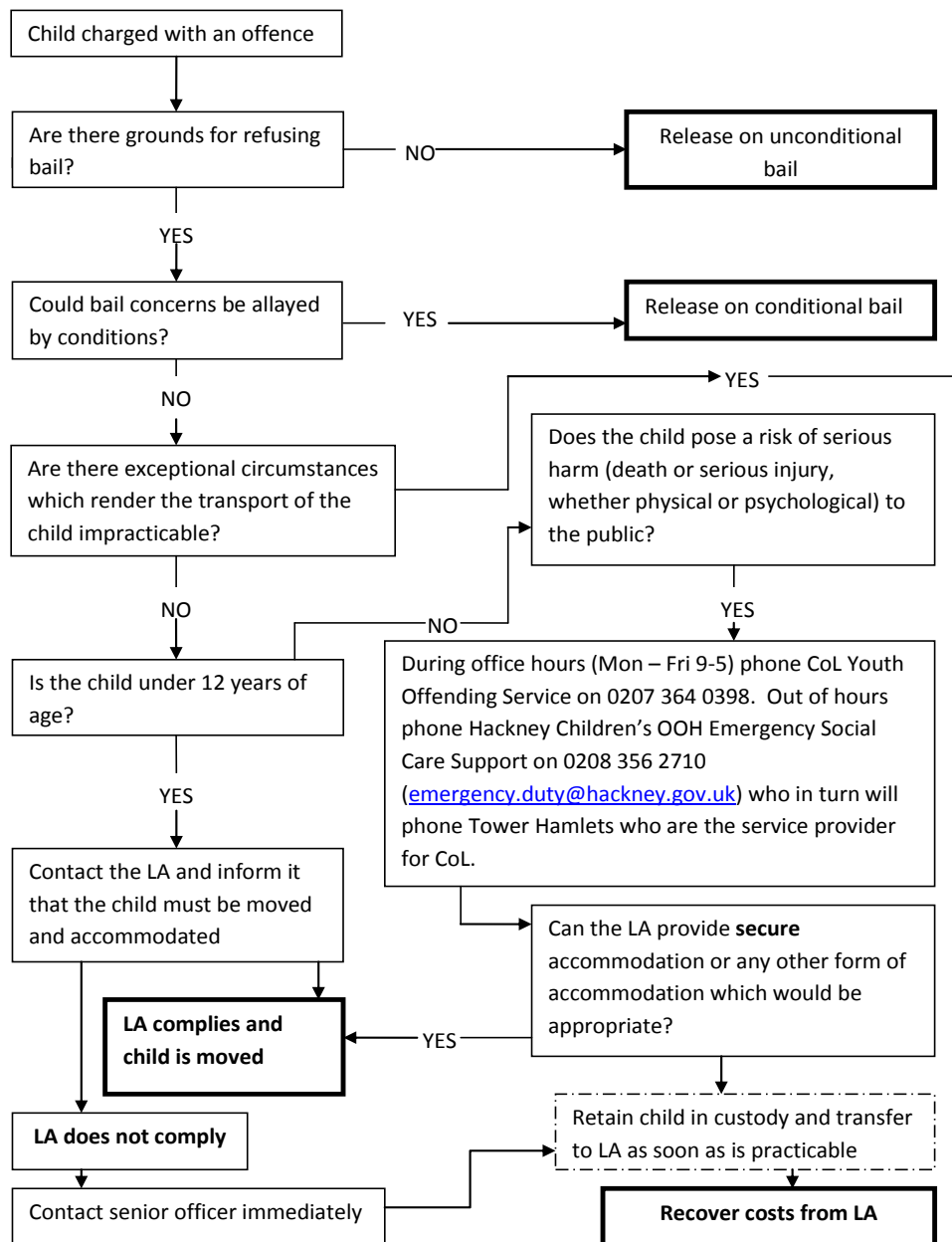
City of London Police
Supt Helen Isaac
Helen.Isaac@city-of-london.pnn.police.uk
0207 601 2102

City of London Corporation
Craig Spencer
craig.spencer@cityoflondon.gov.uk
0207 332 1501

Appendix 1 – flow chart of custody procedure for detained Young Person and Children



Police process for children in custody PACE s.38(6)



Appendix 2 – City of London process for finding accommodation for children

1. Purpose and scope of protocol

Children and young people can find being held in police custody distressing for a variety of reasons, and are recognised as being particularly vulnerable. Deprivation of liberty is to be likely the most invasive of state intervention in a child's life. The overriding principle of this protocol is that children should be bailed rather than remaining in police custody.

The purpose of this protocol is to reduce the time that children spend in police custody, by making pathways clear to suitable alternative accommodation where needed.

The protocol applies to children and young people who are aged between 10-16 years.

Reducing the time that children are in police custody requires clear communication and referral pathways. The City of London Corporation, due to unique composition, commissions its Youth Offending Service (YOS) from the London Borough of Tower Hamlets, and commissions its Emergency Duty Team (EDT) from the London Borough of Hackney. The City Corporation has its own police force. Therefore City of London children and young people may come to the attention of either the City of London Police or other police forces, most likely the Metropolitan Police.

This protocol aims to ensure that the City of London Police, Tower Hamlets and City of London YOS, Hackney EDT and City of London Children's Social Care Service work together to safeguard the welfare of young people held in police custody. The protocol covers:

- Interagency communication
- Alternatives to custody
- Welfare checks when children remain in custody
- Record keeping
- Monitoring the implementation of the protocol

The scope of the protocol covers those children who are denied police bail; it does not cover those children who are released on police bail who may need support and protection. In this case a referral to Children's Social Care would be required.

This protocol applies to young people who are subject to a PACE transfer (Police and Criminal Evidence Act 1984). The protocol does not cover those who are arrested for breach of bail or those held under warrant. These young people will be held in a police cell prior to their court appearance.

This protocol does not apply to secure accommodation being sought by the Local Authority on welfare grounds under s25 Children Act 1989.

2. Legal Framework

Section 38(6) of the Police and Criminal Evidence Act 1984 (PACE) requires that a young person who is denied bail and detained overnight be transferred to local authority accommodation unless the custody officer decides it is impracticable to do so (s38(6)(a)), impracticable meaning that no secure accommodation is available and alternative local authority accommodation would not be adequate to protect the public from serious harm (s38(6)(b)).

Section 21(2)(b) Children Act 1989 says that every local authority shall receive and provide accommodation for children whom they are requested to receive under the above section of PACE .

3. Communication between the City of London police and City of London Children's Social Care

The City of London Police will alert Children's Social Care of all children or young people coming to the attention of the police, including those denied bail and detained in custody. The alert will be via a 377 report (known as Merlin Reports outside of the City of London), and the alert will be raised regardless of where the child ordinarily resides.

To note: outside a situation needing an immediate response, with lower risk of harm, the City of London Children's Social Care will review the alert and respond to the situation and to the police within 24 hours.

4. Procedures for seeking local authority accommodation

The underlying principle of this protocol is that wherever possible and safe, children should be bailed rather than remaining for long periods or overnight in a police cell.

Children under 12 years of age, and children between 10-16 with additional needs are likely to be particularly vulnerable in detention, and should not remain in custody overnight. Alternative accommodation should be arranged. In the rare incidence where bail cannot be given and alternative accommodation is not suitable, a decision to hold in the cell overnight should be made jointly by the Senior Inspector on Duty in conjunction with the Emergency Duty Team worker. Any such detention must be reported to the Assistant Director of the People Department the next working day.

High threshold for detention in police custody

In making any decision to deny bail, and consider local authority accommodation, the custody officer and EDT/YOS worker must show evidence of one the following:

- Failure to appear in court likely

- Further offences likely
- The child would suffer harm and needs incarceration for short term protection
- Others need protecting
- To protect police investigation
- Doubt as to identity/name/address
- The custody officer believes it is in the child's best interests

The social worker should advocate for the child to be bailed. The final decision rests with the custody officer. If bail is declined, then local authority accommodation should be considered. The social worker should seek suitable available accommodation and provide detail to the custody officer for consideration as to whether this would be an alternative to police detention or custody. Factors that might render local authority accommodation unsuitable would be risk to staff or other residents, including on transfer to, from and at placement. A child centred position will need to be taken on timing and placement.

All children in custody will have a telephone welfare check via EDT or YOS, dependant on the time of day.

Who to speak outside of ordinary working hours – 5pm to 9am, weekends and bank holidays

Whenever a child or young person is detained overnight in police custody in the City of London, the custody officer's first point of contact will be the Emergency Duty Team provided via Hackney Children's Services. This is regardless of where the child is ordinarily resident.

If the child or young person detained is ordinarily resident in the City of London, then the Emergency Duty Team worker will discuss alternative accommodation and suitability.

If the child or young person is resident outside of the City of London, then the custody sergeant needs to also call the Emergency Duty Team in the local authority in which they reside, to discuss alternative accommodation.

No child should be moved to a local authority placement after midnight, when a court appearance would be due in the morning, on account of the level of disruption resulting from the time taken to reach the placement, settling in to placement, and the need to allow for a period of sleep and then travel to court.

Who to speak to in the daytime – 9am to 5pm

If a resident child or young person is detained during the daytime in the City of London, then the custody officer's first point of contact is the duty worker at Tower Hamlets and City of London Youth Offending Service (YOS) (See communications manual).

If the child or young person detained is not ordinarily resident in the City of London, then the custody officer will call the Youth Offending Service responsible for that area.

5. Recording and monitoring

CoL Children's Social Care uses Frameworki (FWi), The London Borough of Hackney records on Frameworki for all our EDT work, and the Tower Hamlets and City of London YOS uses YOIS. A protocol between City of London Children's Social Care and the Emergency Duty Team at the London Borough of Hackney agrees that EDT workers use Frameworki to record all work for the City of London. Email and telephone provide back up as needed.

Each child in custody must have a police record, and a social care record (at least a contact note). All contacts and conversations will be recorded in writing, YOS on YOIS, EDT and Children's Social Care on Frameworki, and the police on their system. This will include decision and rationale to deny bail, and decision and rationale to agree local authority accommodation.

The City of London commissions an Appropriate Adult service, and the City of London police will contact this service for all children in custody (see communication manual).

City and Tower Hamlets YOS, and City and Hackney EDT will provide quarterly reports on the young people detained in custody as part of their quarterly monitoring returns. This will be collated for the City of London Children's Social care, by the commissioning service.

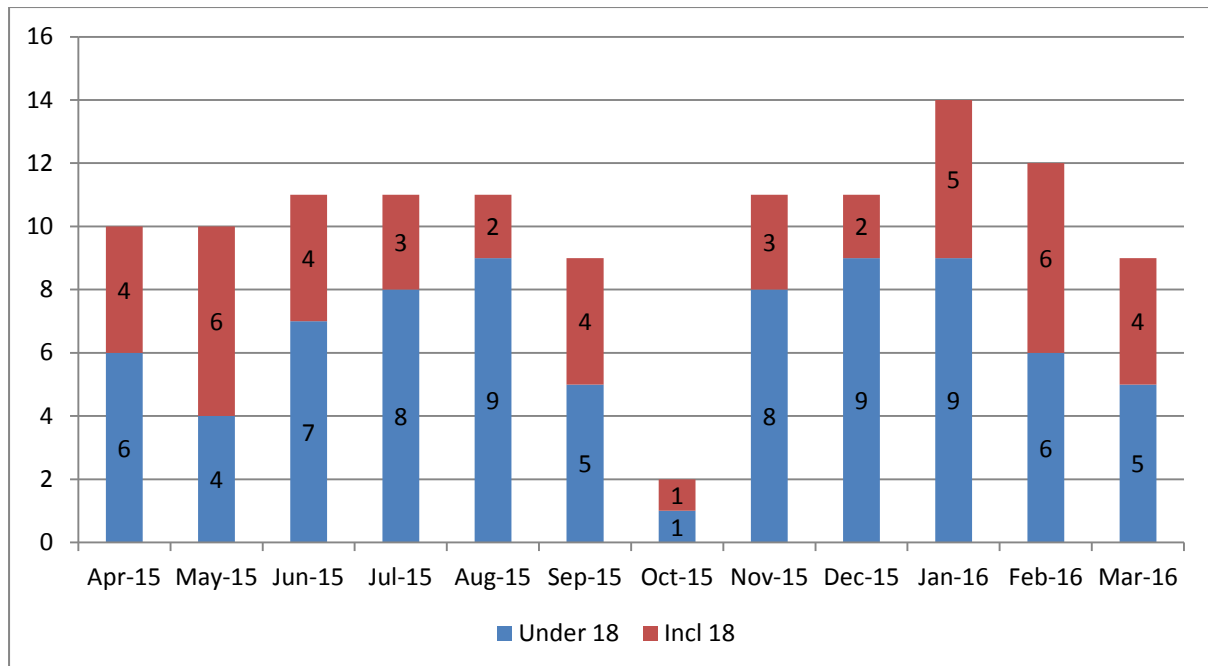
6. Summary

- a. As per current agreement, City of London Children's Social Care will be informed of all children coming to notice of City of London police via 377 (Merlin) notification.
- b. The custody officer must always inform the home Local Authority of any young person denied bail, and who they intend to keep in custody.
- c. If the home authority is the City of London Corporation, between 9am-5pm, the custody officer will inform City and Tower Hamlet's YOS. Out of hours, the custody officer will call City and Hackney's Emergency Duty Team.
- d. The custody officer can contact City of London Children's Social Care between 9am-5pm for advice and guidance as needed.
- e. The presumption will be that bail will be given.
- f. Where bail is not allowed, the custody officer will call EDT/YOS and discuss local authority accommodation. The young person should then be transferred to this accommodation.
- g. Where such accommodation is unsuitable, decisions must be made jointly by the custody officer and the local authority officer and recorded.

- h. The Assistant Director of the People Department will be informed of any child with additional needs who is detained in police custody on the next working day.

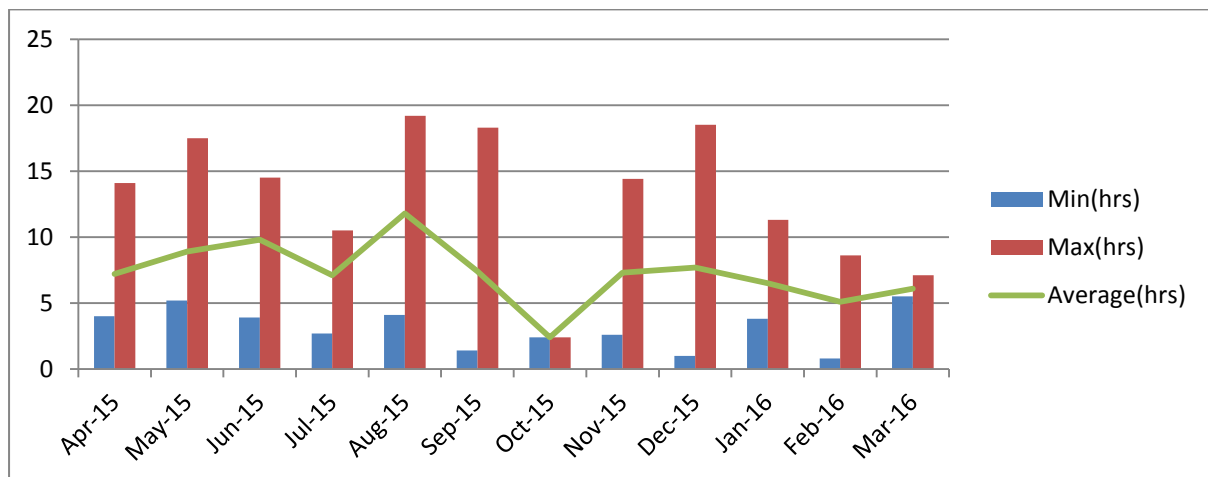
Appendix 3 – Custody Data: Children and Young Persons

Figure 1: Number of children and young people including 18 year olds in custody 2015/16



Source: NSPIS Custody System

Figure 2: Length of time detained [under 18]



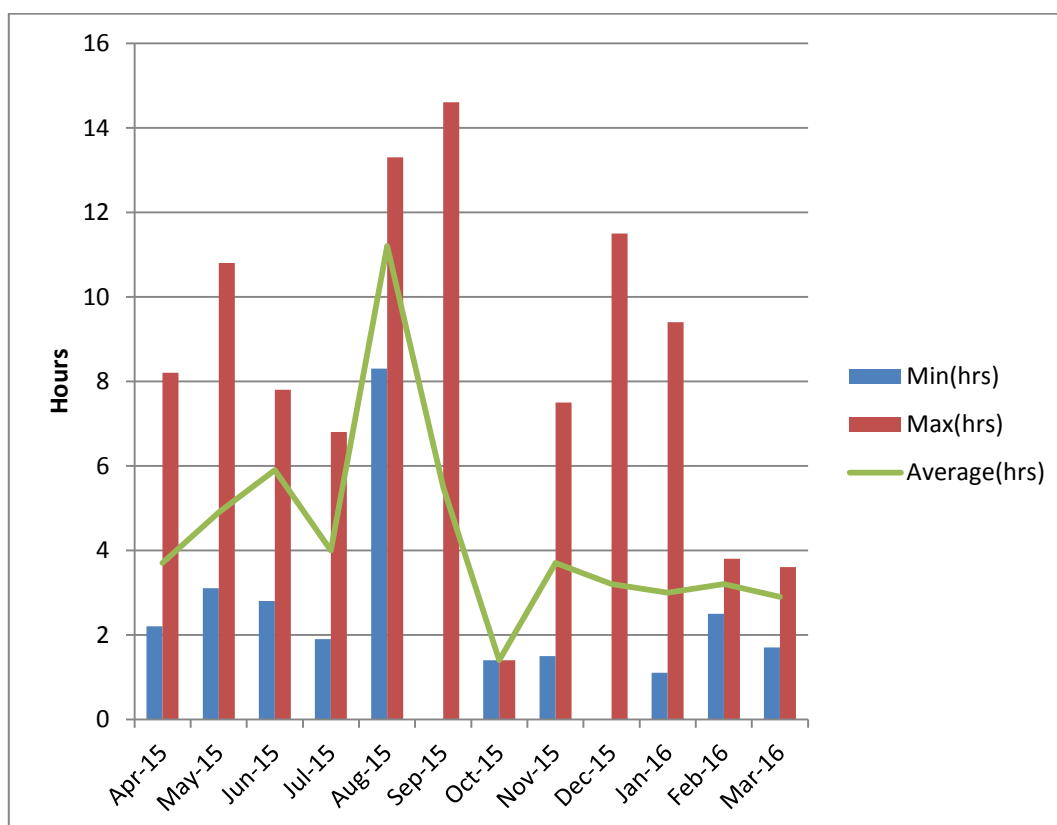
Source: NSPIS Custody System

Figure 3: Average time spent in police custody by children and young people 2015/16

| Year | Month | Time |
|------|-----------|---------|
| 2015 | April | 7.2hrs |
| 2015 | May | 8.9hrs |
| 2015 | June | 9.8hrs |
| 2015 | July | 7.1hrs |
| 2015 | August | 11.8hrs |
| 2015 | September | 7.4hrs |
| 2015 | October | 2.4hrs |
| 2015 | November | 7.3hrs |
| 2015 | December | 7.7hrs |
| 2016 | January | 6.5hrs |
| 2016 | February | 5.1hrs |
| 2016 | March | 6.1hrs |

Source: NSPIS Custody System

Figure 4: Minimum and maximum length of time spent whilst waiting for an appropriate adult



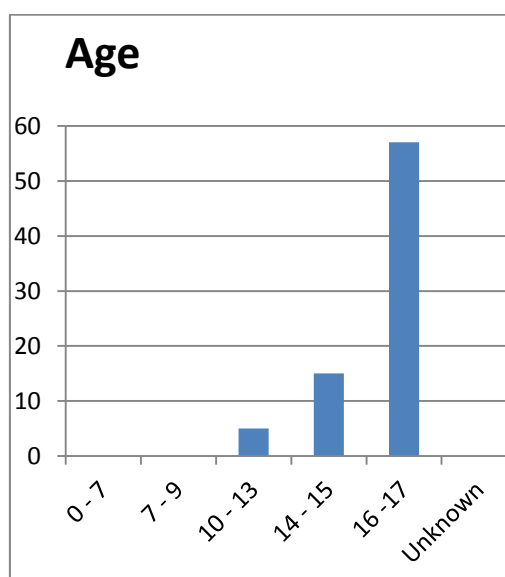
Source: NSPIS Custody System

Figure 5: Average length of time spent awaiting an appropriate adult 2015/16

| Year | Month | Time |
|-------------|--------------|-------------|
| 2015 | April | 3.7hrs |
| 2015 | May | 4.9hrs |
| 2015 | June | 5.9hrs |
| 2015 | July | 4hrs |
| 2015 | August | 11.2hrs |
| 2015 | September | 5.5hrs |
| 2015 | October | 1.4hrs |
| 2015 | November | 3.7hrs |
| 2015 | December | 3.2hrs |
| 2016 | January | 3hrs |
| 2016 | February | 3.2hrs |
| 2016 | March | 2.9hrs |

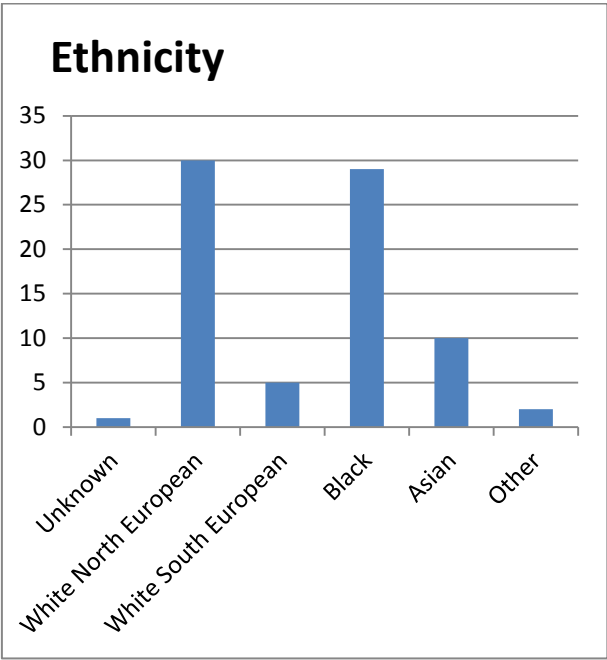
Source: NSPIS Custody System

Figure 6: Children and young people in police custody by age 2015/16



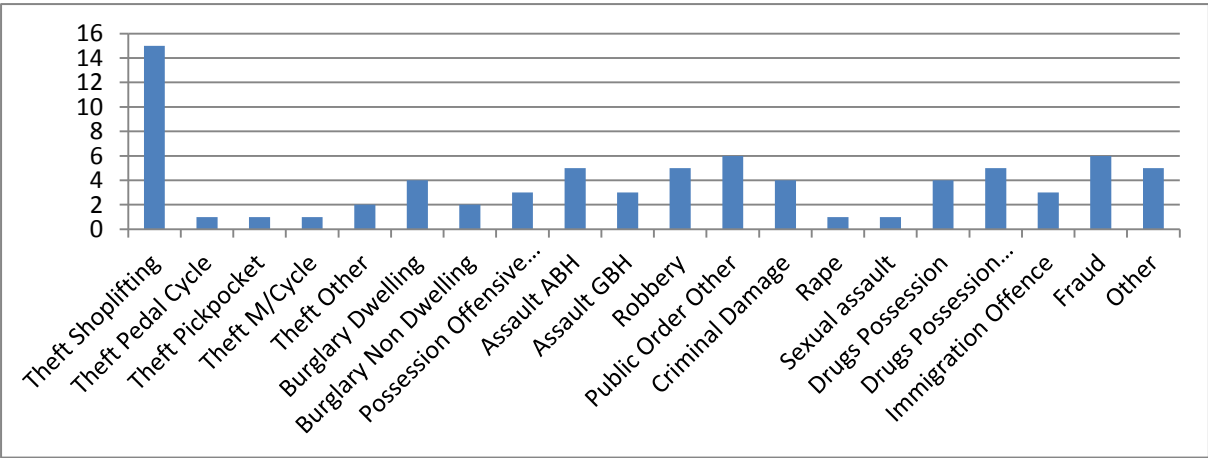
Source: NSPIS Custody System

Figure 7: Children and young people in police custody by ethnicity 2015/16



Source: NSPIS Custody System

Figure 8: Offences for which children and young people held in police custody 2015/16



Source: NSPIS Custody System

Appendix 4 - Section 136 Mental Health Act 1983

Figure 9 Age of people suffering Mental Health Crisis

| 136 MHA 1983 during Apr 2015- Mar 2016 | 136 MHA |
|--|-----------|
| | |
| 18 and over | 126 |
| Under 18 | 2 |
| Unknown | 1 |
| | Total 129 |

Source: CoLP Community Engagement

Figure 10 Method of transportation from scene of Mental Health Crisis

| 136 MHA 1983 during Apr 2015- Mar 2016 | Number |
|--|-----------|
| | |
| Ambulance | 75 |
| Police Vehicle | 52 |
| Unknown | 2 |
| | Total 129 |

Source: CoLP Community Engagement

Figure 11 Place of safety attended following Mental Health Crisis

| 136 MHA 1983 during Apr 2015- Mar 2016 | |
|--|-----------|
| | |
| Hospital | 126 |
| Reception at police station | 2 |
| Private Home | 2 |
| | Total 129 |

Source: CoLP Community Engagement

Background Documents

- 1) Use of Force Data (Showing Suspect Gender, Ethnicity and Age with Use of Force reason (between August 2015 - July 2016)
- 2) IPCC Report: Use of Force
- 3) NPCC Use of Force Monitoring Form: Guidance
- 4) NPCC Use of Force Monitoring Form