

City of London Corporation Committee Report

Committee(s): Police Authority Board - For information	Dated: 4 December 2024
Subject: Annual Custody Update	Public report: For Information
This proposal: <ul style="list-style-type: none"> delivers Corporate Plan 2024-29 outcomes 	Diverse engaged communities, providing excellent services.
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of:	Commissioner of City of London Police
Report author:	T/Detective Superintendent Anna Rice, Criminal Justice Services

Summary

The purpose of the report is to provide members with an annual report in relation to custody functions and activities within the City of London over the past 12 months.

The report provides data relating to annual demand, vulnerability data and information on Use of Force, juveniles and strip searching. It also provides associated diversion and inclusion data and provides an update on the position outlined in the June 2024 report relating to scrutiny of custody matters.

The report includes an overview and update on some of the measures implemented since the previous HMICFRS inspection in 2019 and improvements made to the custody estate.

Recommendation(s)

Members are asked to note the report.

Main Report

Background

1. The force previously provided members with an annual report on custody matters focussing on children and vulnerability, last provided in 2019. At the Police Authority Board meeting in June 2024, it was proposed and agreed that the force would provide an annual report on custody matters. This would specifically include relevant data relating to equality, diversion and inclusion to ensure members had appropriate oversight and is to coincide with the annual Independent Custody Visitor (ICV) report.
2. The report covers the period October 2023 to September 2024 and includes relevant data where available. It also provides updates relating to the custody estate and Operation Safeguard.

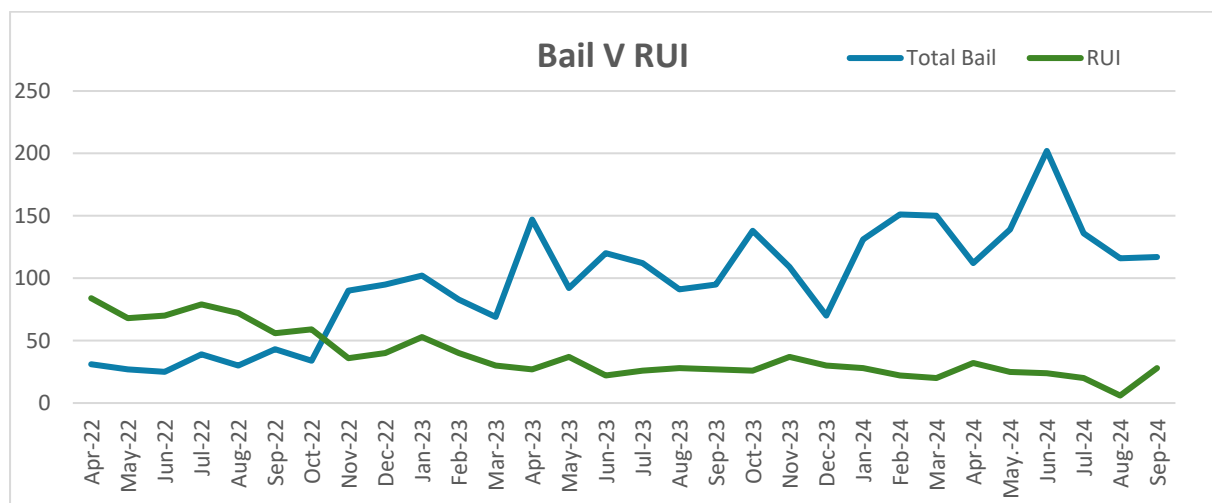
Current Position

3. Since the previous annual report and following recommendations in the 2018 HMICFRS custody inspection, a dedicated custody cadre was established which sits within Criminal Justice Services, Specialist Operations. This is staffed by 15 trained custody officers (sergeants) and 10 Dedicated Detention Officers (police staff) and is overseen by a Custody Management Inspector.
4. The establishment of the dedicated Cadre has professionalised the service provided within custody and led to increased focus on supporting vulnerable detainees and young people, the development of an effective performance framework and continuous improvement and training for officers.
5. Following the 2018 HMICFRS custody inspection, 23 areas for improvement were identified. Since this time, significant progress has been made against these outstanding recommendations which have now reduced to two, with both awaiting final sign off.
6. We are now expecting an imminent HMICFRS custody inspection, and as part of this improvement strategy, the Custody Management team alongside the Strategic Development team have undertaken proactive forward-facing work to make improvements prior to inspection. This has included reviewing other force custody inspection reports, national benchmarking and identifying and implementing best practice.
7. In addition, COLP have hosted a peer review from Thames Valley Police who have recently undergone their custody inspection to assist with learning and preparation for our inspection. A monthly custody newsletter is circulated to the Custody Cadre and is utilised to share learning from recent inspections, IOPC reports and reiterate policy, procedure and legislation.

Overall Custody Demand

- The average monthly detainees passing through custody has grown steadily since COVID. In April 2021 this was 124 and reached a peak of 235 detainees in August 2023. For the last 12 months this has levelled out but is consistently above 210 detainees per month. (See Fig 2). This is consistent with a rise in some crime types and increase in frontline police officer numbers following the Police Uplift Programme.
- In October 2022, legislation relating to bail changed as part of the Police Crime and Sentencing and Courts Act 2022. This removed the presumption against bail, to ensure victims, the public and suspects are safeguarded more effectively and to improve efficiency and timeliness of investigation.
- As a result, there was a sharp increase in the number of suspects released on bail from October 2022 and a reduction in use of RUI (Released Under Investigation) (Fig. 1). The continued increase in suspects bailed is in line with the increase in detainees through custody and is consistent with the national increase in bail use following the legislative change.

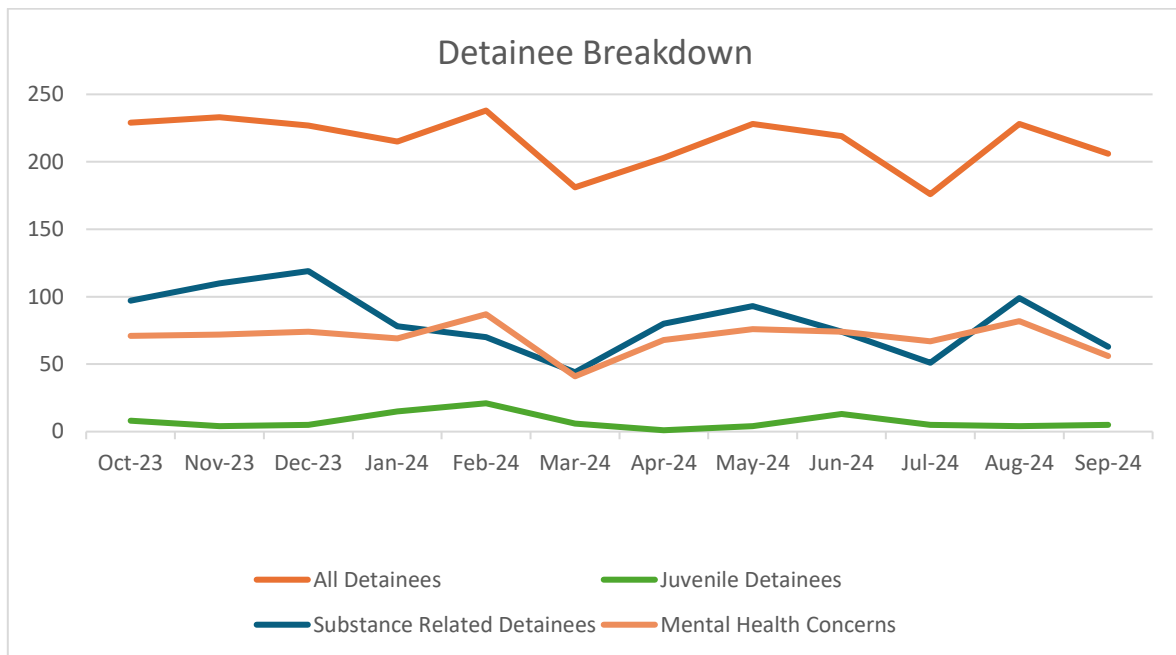
Fig. 1



Breakdown of Demand

- Not only has the overall demand and number of detainees increased, but so have the complexities and vulnerabilities of those passing through custody, along with the legislative requirements and processes custody officers are required to follow. Fig. 2 demonstrates the breakdown of categories of detainees with specific additional needs and vulnerabilities:

Fig. 2.



- 12. The overall number of juvenile detainees continues to remain consistent and on an average month less than ten juveniles pass through custody. The average age of juvenile detainees over the past year, is sixteen. The youngest detainee was thirteen years old.
- 13. A significant proportion of overall detainees present with substance related issues and mental health concerns, (**Fig 3**) with on average over 50% of detainees being referred to the Healthcare Professional (HCP) and/or Liaison and Diversion services. (**Fig 4**)

Fig. 3.

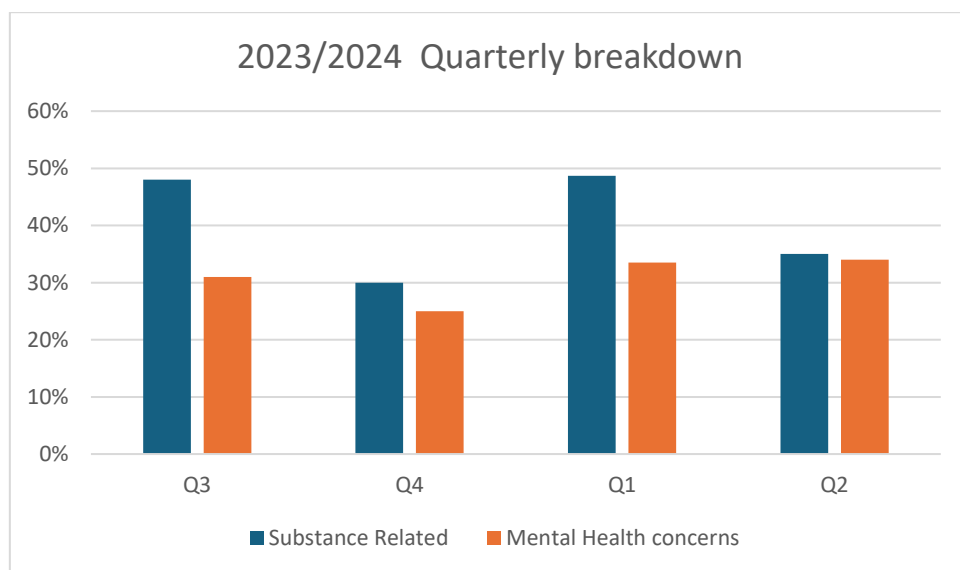
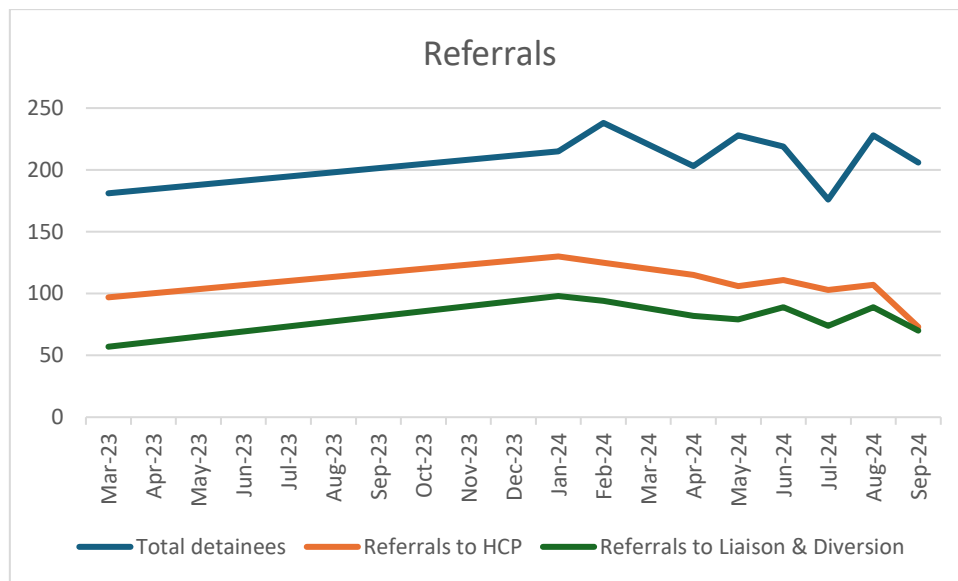


Fig 4.



14. PHL Group are contracted to provide an embedded healthcare service within custody. Detainees have access to this service 24/7 and custody officers are responsible for ensuring they are referred to the HCP (Healthcare Professional) when they present with medical concerns or mental health issues. The PHL contract, which is now in its third year, has been extremely successful, with PHL consistently meeting 100% of their Key Performance Indicators.

15. In addition, the East London NHS Trust are commissioned by NHS London to provide the local Liaison and Diversion services for those presenting in custody with mental health concerns. This is not a 24/7 service however email referrals can be made out of hours. The Liaison and Diversion services will assess and refer individuals to appropriate additional support where required.

Vulnerability

16. The custody environment can be an extremely overwhelming place for detainees, and this, coupled with the often chaotic or complex lifestyles of those that are arrested, places some detainees in a vulnerable position.

17. Much of the work of the Custody Management and Senior Leadership Teams over the past two years has focussed on effectively identifying specific vulnerabilities, improving the support available and managing risk to the detainees whilst in custody. There is also a focus on signposting people to relevant support services following their release. Over the past year, all custody officers and staff have been trained in the new College of Policing custody vulnerability package. Vulnerability features as a regular theme in custody continuous professional development (CPD) days where learning and best practise from other forces and agencies such as the Independent Office for Police Conduct (IOPC) is highlighted.

18. COLP have strengthened the response and support for children in custody, through the introduction of a range of distraction materials, changing processes

and introducing a bespoke pre-release risk assessment, to ensure that safeguarding measures and onward support have been identified and discussed prior to the release of any child or young person.

19. Following an identified area for improvement in previous HMICFRS inspections, the timeliness of attendance by appropriate adults has improved, through effective contract management and performance monitoring with The Appropriate Adult Service (TAAS), and the availability of a 'fallback' Appropriate Adult (AA) service where TAAS are unable to deploy within required timescales. This has ensured that young people and vulnerable detainees are provided with the necessary support and protection an AA provides.
20. In 2023 the percentage of detainees identified as requiring an appropriate adult was 10.71% for City of London, higher than the national average of 7.01%, demonstrating effective identification of vulnerable people. Of note, research by the National Appropriate Adults Network indicates that a much higher proportion of detainees nationally (39%) are likely to be vulnerable and may require an AA. City of London Police now co-chair the NPCC Betterment Workstream, currently working with national partners and academics to standardise custody risk assessment and improve identification of vulnerability.
21. COLP have embedded a support process for female detainees, ensuring they are provided with a female officer/staff 'buddy' whilst in custody and ensuring custody staff have been trained to understand the specific needs of females in custody. The HCPs are also aware of the range of support items available for females and in addition we offer healthcare/menopause screening for females over forty years old. This is linked to the findings of the recent Baird report and ensuring custody staff also have an understanding of how to respond to victims of Violence Against Women and Girls (VAWG) offences who may find themselves in custody.
22. COLP has become the first 'Veteran Accredited' custody suite, following work with PHL and the Veterans Covenant Healthcare Alliance, to ensure veterans in custody are offered support by a network of veterans within the force, and can access specific healthcare pathways available through the NHS. This has contributed to City of London Police Gold award for supporting Armed Forces under the Armed Forces Covenant. PHL have now rolled this model out through their other custody healthcare contracts, and it has been presented as national best practice at the recent National Custody Conference.
23. COLP have become the first force to pilot and roll out screening for ADHD within custody, recognising research suggesting there is an increased proportion of those with undiagnosed ADHD and other neurodiverse conditions within the criminal justice system which may impact their offending behaviour and likelihood of reoffending. This received national press interest and has been adopted by other Criminal Justice bodies both nationally and internationally.
24. The COLP relationship with Samaritans is well embedded and continues to provide valuable support for detainees whilst in custody and upon release. The partnership has recently been referenced in publications by the Independent

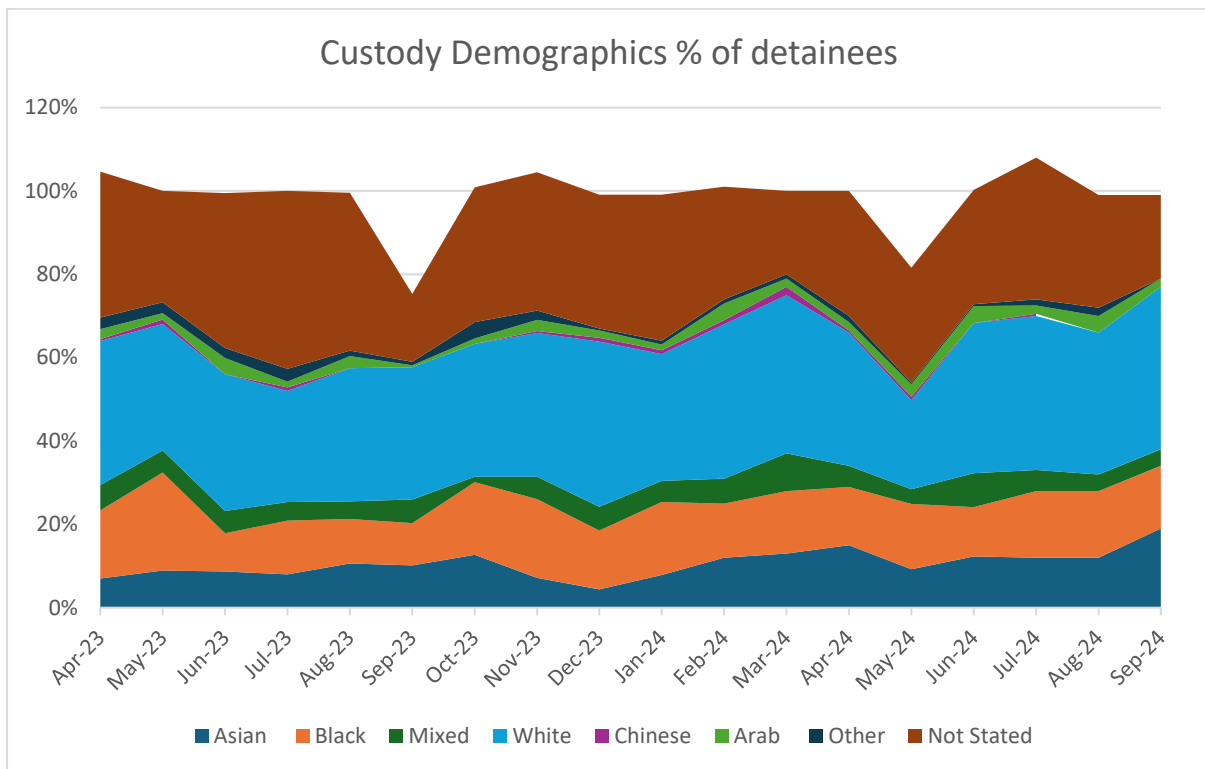
Advisory Panel on Deaths in Police Custody as innovative and best practice to assist in reducing deaths both in and following police custody.

25. Through the previous Government's funding for Drug Testing on Arrest, COLP has employed an Addiction Support Worker, to visit custody and support and signpost individuals to appropriate agencies within their area. This has been particularly effective and welcome due to the limitations on drug and alcohol provision now provided by Turning Point, following the withdrawal of dedicated Drugs Workers in custody. This was as a result of their own internal review of provision in police custody and demand for City/Hackney residents and a change in focus to community/voluntary support. Unfortunately, the government drug testing on arrest funding has now been withdrawn so at this time there are no identified funds to continue funding the Addiction Support Worker.

Equality Data

26. One of the recommendations following the 2018 HMICFRS inspection was related to effective scrutiny of equality data, to ensure the force has effective governance processes in place to review outcomes for those coming through custody and monitor disproportionality.
27. A custody performance dashboard has been developed which includes data over a range of metrics extracted from the Niche system. This includes EDI data and data relating to use of force, strip searching and juveniles in custody. This is scrutinised at the monthly Custody Management Meeting, which reports into a quarterly Custody Management Group, chaired by the Superintendent in Criminal Justice Services and attended by partners including the Independent Custody Visitors (ICV) Chair and Police Authority Compliance Lead.
28. Moving forward, at force level, this data will feed into the quarterly Strategic EDI Board, chaired by the Commissioner. This ensures data on areas such as juvenile detainees, strip searching, use of force, mental health and ethnicity is scrutinised at a strategic level outside of Criminal Justice Services for increased transparency and governance.
29. As shown in **Fig. 5**, the largest percentage of detainees define themselves as white, followed by black then Asian. A significant proportion are recorded as 'not stated' on the custody record. This is likely due to a combination of refusals and foreign nationals due to a language barrier. Further work is underway to review this against 'officer defined' demographic data to understand any differences.

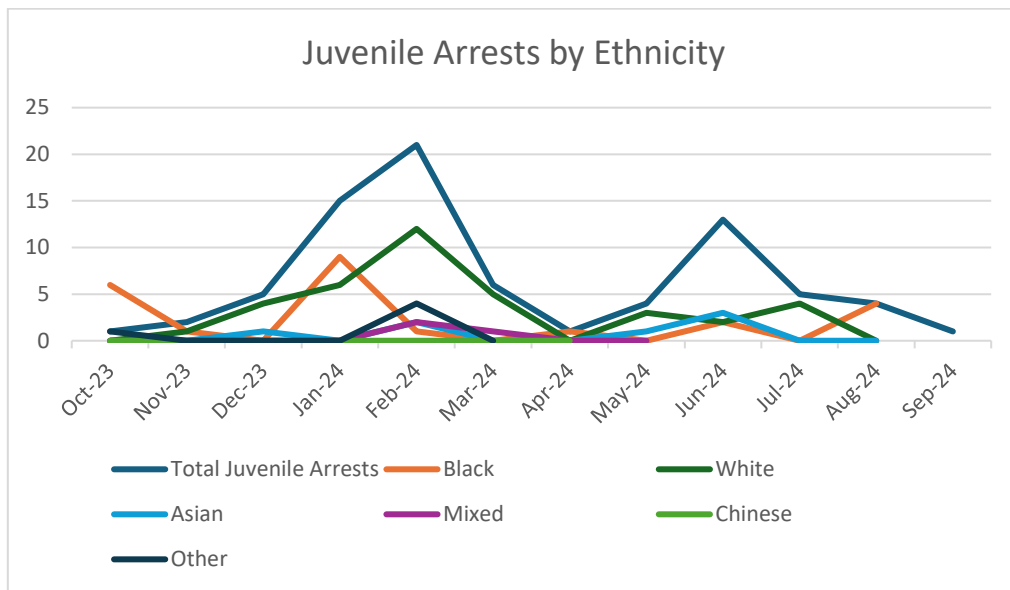
Fig. 5



30. Fig 5 also shows that the proportion of detainees from each ethnic background is fairly consistent and has not varied significantly over the past ten months. To note, the dip in September 2023 and May 2024 relates to 2 specific periods where custody was closed for maintenance work and as such the total number of detainees was reduced.

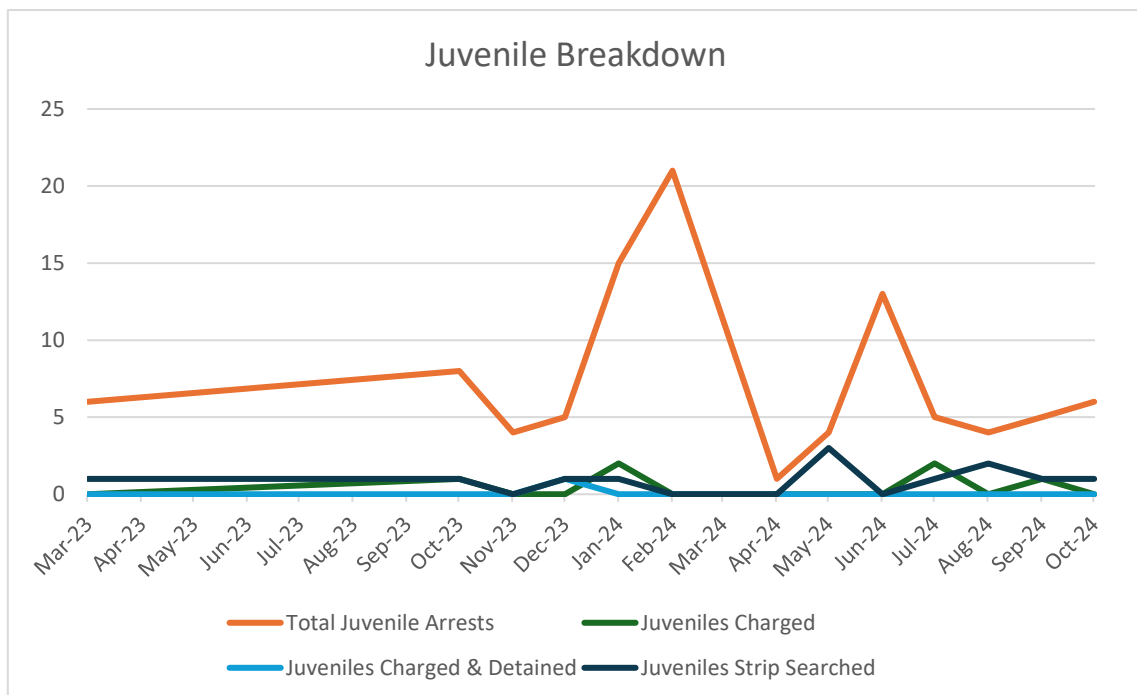
31. **Fig. 6** shows the juvenile detainee breakdown by ethnicity. The total number of juvenile detainees can fluctuate but is usually below ten and the proportion by ethnicity is consistent with that of the overall custody detainee breakdown.

Fig. 6.



32. **Fig. 7** shows the monthly breakdown of juvenile detainees who are charged and remanded and the number strip searched. This is consistently less than five per month. Only one juvenile has been charged and detained over the past twelve months which is a reduction of two from the previous twelve-month period.

Fig. 7.



33. Every juvenile detention record is scrutinised as part of the monthly custody dip sampling to ensure policy has been adhered to and appropriate safeguards have

been put in place for the young person, such as the presence of an appropriate adult, and ensuring sufficient grounds are recorded in line with PACE for any authorised strip search. The result of this dip sampling is fed into the Custody Management Group via the Custody Manager’s report. Any specific feedback for officers or staff is dealt with directly with the individual or shared as wider learning through continuous professional development days or the custody newsletter.

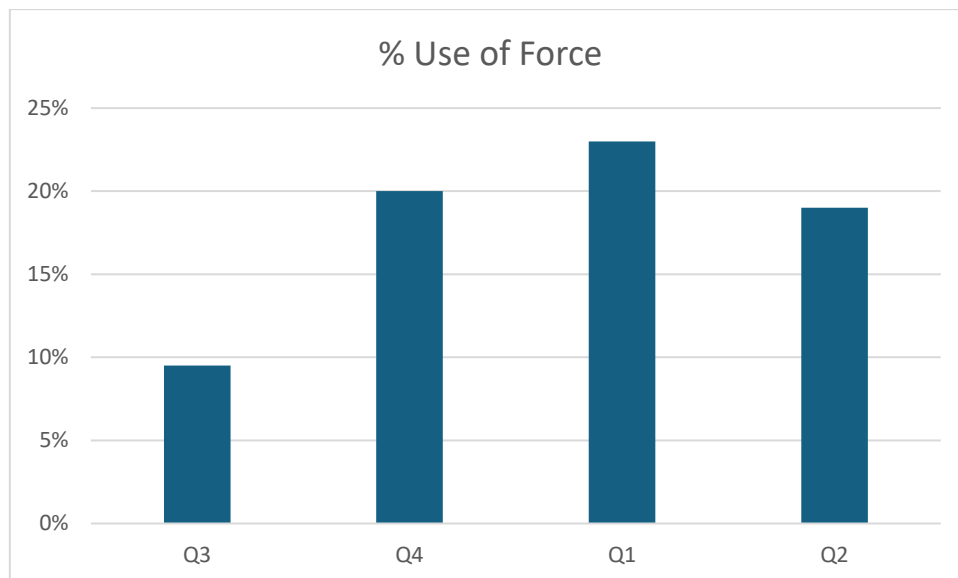
34. Further work is underway to obtain further demographic data, for example a breakdown of all strip searches by ethnicity and protected characteristics, and a breakdown of outcome data by ethnicity and protected characteristics.

Use of Force

35. As part of the monthly dip sample of custody records, the use of force is reviewed. This includes reviewing the detention log entry and rationale for use of force, alongside any available CCTV and completion of the required use of force form.

36. The results of these findings are reported into the Custody Management Group as well as the force’s Use of Force Steering Group. Fig. 8. Illustrates the percentage of custody records where a use of force on the detainee has been recorded. The most common use of force is application of handcuffs which makes up the majority of instances.

Fig. 8.



37. In addition to the monthly dip sampling, the Superintendent for Criminal Justice Services undertakes quarterly reviews of custody CCTV use of force. Learning is shared via the Custody Management Group and Use of Force Steering Group. Further to this, following more complex use of force incidents custody have also commissioned bespoke debriefs utilising the force’s Public and Personal Safety Training (PPST) instructors to identify learning and best practice.

External Scrutiny

38. In addition to the strong internal governance over custody matters, COLP are developing their external scrutiny, in line with national guidance following the Angiolini Inquiry, Lammy Review and recommendations from the Independent Advisory Panel on Deaths in Custody (IAPDC). In April 2023, the NPCC and APCC introduced optional guidance for PCCs and police forces to develop and introduce independent Custody Detention Scrutiny Panels (CDSPs), the objective being to assess and report on detention and custody processes and review and advise on matters of disproportionality.
39. The implementation of CDSPs was presented to the PAB as part of an ICV update report in June 2024 where it was agreed that due to the City of London's unique demographic, we would use our established Independent Advisory and Scrutiny Group (IASG) to scrutinise custody data on a quarterly basis.
40. A presentation was given to the IASG panel in May 2024, outlining the data that could be provided. Following agreement of the group to review custody data quarterly, the first data sample will be scrutinised at the November IASG meeting and will include data on use of force in custody, juveniles and ethnicity of detainees. The ambition is to include additional data relating to strip search, use of anti-rip clothing and outcomes, to allow more robust scrutiny as our data develops. This mechanism is similar to how other forces are introducing CDSPs and will provide a foundation on which CDSPs can develop in the City of London.

Estate

41. The Bishopsgate custody suite is an ageing facility, built approximately 20 years ago. Due to the constraints of both space and infrastructure within Bishopsgate Police Station, there are limitations to improvements that can be made. Custody facilities are required to adhere to the National Police Estates Group (NPEG) Design Guidelines. This is frequently updated following best practice and as technology develops.
42. Following the 2018 HMICFRS a number of recommendations relating to the estate were made, including the development of an exercise yard which is now in place. Ahead of the unannounced custody inspection, a proactive review of the custody estate was commissioned, and the NPEG conducted an assessment in 2023.
43. This resulted in a number of recommendations which have been reviewed, RAG rated and actioned where possible within the current building. This included a full redecoration of the custody suite, improved key security and replacement cell wickets to reduce ligature opportunities. There were a number of observations/recommendations that are not achievable within the current estate, for example, a secure vehicle dock, dedicated juvenile cells and booking in desk. In these cases, appropriate mitigation has been put in place and actions documented and the recommendations included in the accommodation programme to ensure inclusion in our new custody design.

Operation Safeguard

44. Operation Safeguard is the national contingency plan for the planning and delivery of policing support to His Majesty's Prison and Probation Service (HMPPS) in circumstances where:
- HMPPS forecast insufficient available prison capacity based on population projections and trajectory (14 days' notice).
 - HMPPS experience a loss of capacity through prisoner riot / disturbance (short notice).
 - In response to a sudden, un-projected rise in the prison population.
45. Delivery of Operation Safeguard is intended to ensure prison excess demand is managed and planned for, by using police cell capacity to alleviate temporary pressure on HMPPS prison supply. This is achieved through police forces temporarily holding prisoners who have been committed to prison service custody by courts if they cannot be received into a prison.
46. Due to the increasing pressure on the prison estate over the past 18 months, in July 2023, Operation Safeguard activations began across the country. City of London Police offered three police cells to the national response and these cells were first 'activated' for two months in October 2023, and for two further periods in May and August 2024. Cost recovery was undertaken within the agreed NPCC and HMPPS framework to cover any additional staffing and costs relating to accommodation and detainees.
47. During the activation periods, COLP were not required to hold any Op Safeguard detainees and there was minimal impact on our own business as usual. The income accrued from Operation Safeguard has been utilised to offset expenditure on the estate required as a result of the NPEG review and has allowed significant improvements and maintenance work to be undertaken with no impact on the custody budget.
48. Due to the Standard Determinate Sentence (SDS40) Early Release Scheme approved by the Labour Government in July 2024, this has significantly reduced the pressure on prison capacity and at this current time, Operation Safeguard national and local command structures are stood down, pending any significant change.

Corporate & Strategic Implications – [*Please state 'none' if not applicable instead of deleting any of the sub-headings below*]

None

[Sub-headings]

Strategic implications – Explain and provide assurance about how this proposal aligns with and will support the delivery of the Corporate Plan 2024-2029 (and note any CP performance metrics and associated data), any relevant corporate strategies and any relevant regional / national policies / international agreements.

Financial implications

Resource implications

Legal implications

Risk implications

Equalities implications – Explain how you have ensured the proposal complies with our public Sector Equality Duty 2010 - will the proposals within this report have any impact (positive or negative) on people protected by existing equality legislation – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity? If so, this section should address how this will be factored into decision making, including reference to the Equality Impact Assessment if appropriate

Climate implications

Security implications

Conclusion

49. Police custody is a high-risk environment where custody staff are managing a wide range of vulnerabilities on a daily basis and demand continues to increase. The introduction of a dedicated custody cadre, and strong governance processes has professionalised custody services within the City of London. Appropriate measures and pathways have been developed to support vulnerable detainees whilst within police custody, through a range of innovative and well-established partnerships. Scrutiny of custody activities and EDI data continues to develop and the use of the IASG as an external scrutiny mechanism, will only strengthen our processes as we look to embed CDSPs. This will ensure openness, transparency, increasing public trust and confidence in this area.

Appendices

None

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