



**POLICE & CRIME
COMMISSIONER**
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Ethics and Transparency Panel Annual Report

Wednesday 18 September 2024

Progress Update – Custody Detention Scrutiny Panel (CDSP)

Report Date	18 th September 2024
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Security Classification	Not protectively marked

Purpose of Report

1. The purpose of this report is to provide an update since the inception of the CDSP in May 2024 for the consideration of the Ethics and Transparency Panel and to allow for any recommendations to be taken to the PCC.
2. As an advisory body to the Police and Crime Commissioner (PCC), the Ethics and Transparency Panel is required to provide assurance to the Commissioner that ethics and integrity are embedded within Leicestershire Police and that the highest levels of professional standards and delivery of policing services to the public are being upheld, adding value beyond audit and scrutiny.
3. This report has been produced to outline for the Ethics and Transparency Panel the progress made with the Custody Detention Scrutiny Panel (CDSP) to date and the key findings highlighted so far through the reviews undertaken. The report will also outline how the CDSP will continue to strive to fulfil their duty through scrutinising police policies and procedure within a detention environment through the review of custody records.

Request of the Panel

4. As the Panel is still in its early stages, it is requested on behalf of the CDSP, that the Ethics and Transparency Panel considers the contents of this report and the progress that the CDSP has made to date. As the CDSP becomes more established, the panel would like to put forward the following questions to the Ethics and Transparency Panel;
 - a. Are the Ethics and Transparency Panel in agreement with the CDSP on the identified areas for consideration and improvement?
 - b. Would the Ethics and Transparency Panel be willing to present the recommendations outlined in their future annual report to the PCC?

Background

5. The primary objective for the CDSP is to independently report on detention and custody processes, advise on matters of disproportionality and assist with escalating any identified practice that is notable and/or may cause concern.
6. A paper was taken to the Ethics and Transparency Panel in June 2023 on the introduction and implementation of CDSPs. This was as a result of the Association of Police and Crime Commissioners (APCC) and National Police Chiefs Council (NPCC) recommending nationally, that forces consider the implementation of CDSPs to address many aspects of disproportionality within detention environments. The guidance provided advised that PCCs and Chief Constables will need to agree local governance processes.

7. Following an initial scoping session between the Office of the Police and Crime Commissioner (OPCC) and the Head of Custody, it was agreed that there could be scope to explore CDSPs being incorporated into the governance and work of the Ethics and Transparency Panel. However, due to a number of changes in panel membership and to the scrutiny governance structure over the year, the CDSP was not able to convene until May 2024.
8. The panel is currently made up of Ethics and Transparency Panel members and Independent Custody Visitors (ICVs). However, it is not limited to these members and will be opened up in future to include subject matter experts and police area representatives with lived experience of custody and/or disproportionality. Due to an insufficient number of panel members at the initial meeting, a Chair for the group was unable to be elected. However, as the panel currently has a fuller membership, the election of the Chair and Deputy Chair will be a priority for the next panel meeting.
9. The format of the meeting includes a number of unredacted custody records, that have been randomly selected, being reviewed by the panel. The number of custody records reviewed will depend on the number of members in attendance as reviews are conducted in pairs where possible. Custody records are reviewed in person supervised at a police site with an OPCC representative present throughout for the duration of the session.
10. The areas that are reviewed by the panel are:
 - Assigning of Female Officer and Offer of Female Hygiene/Sanitary Products
 - Offer of Rights and Entitlements
 - Religious Requirements
 - Food and Refreshments
 - Length of Detention
 - Right to speak to a Solicitor
 - Interpreter / Appropriate Adult
 - Observational Level Set
 - Strip Search
 - Provisions for Juvenile Detainees
 - Access to the Liaison and Diversion Team
 - Mental Health Flags/Considerations
11. The OPCC have facilitated 'on-boarding' sessions both in person and virtually for new members to provide some background and context on detention environments, introduce members to custody records and provide guidance on how to effectively scrutinise the treatment of the detainee and the custody record reviewed.

Summary of findings

12. The table shown below outlines the findings of the 17 custody records reviewed by the panel to date. The observations recorded are summarised below. If any records are deemed as inappropriate, immediate and specific learning is sent back to the force (and handling officer where necessary) and will be tracked the feedback to see if/when it has been acknowledged.

1 (Appropriate and consistent with Police policies and/or the CPS Code for Crown Prosecutors)	4	24%
2 (Appropriate but with observations)	13	76%
3 (Inappropriate and inconsistent with Police policies and/or the CPS Code for Crown Prosecutors)	0	0%
4 (Panel fails to reach a conclusion)	0	0%

13. Of the records considered appropriate but with observations, a common theme picked up from the reviews was that at times there was a lack of documentary evidence recorded on the custody record in relation to specific aspects of detention.
14. From a positive perspective, there were 4 cases that the panel felt were appropriate without observations (24%).

Areas of Concern and Notable Practice

15. The panel members felt that further information on the custody record would have been useful, particularly in some circumstances where detention was authorised, for example;
- a. In one custody record reviewed, it was found that the detained person concerned was a juvenile and although it was clear from the record that they required an interpreter, it was not clear from the record the time at which the detained person first had contact with the Solicitor. This information would have been essential in providing the panel with assurance that the force is effective at dealing with detained persons in custody. Although these concerns were raised overall, the panel members reviewing the record were satisfied that the force, had been effective at dealing with the detained person in custody.
16. It was noted that in the majority of cases, the detained person appeared to be well treated and cared for, this was especially the case when there were vulnerable detainees. For all 17 cases, the panel felt that overall, the detainee

was handled well from the record reviewed and in 12 cases (71%), it was felt that the overall feedback on the custody record reviewed was positive, with the other 5 cases being viewed as neutral (29%).

17. However, one observation made by the panel was around the hygiene/sanitary products offered. While the reviews found that all females were offered hygiene/sanitary products, there is no provision on the custody record for detained persons who are experiencing symptoms of menopause. It is the view of the panel that this should be a future consideration to be made by custody suites when offering these products and when documenting the custody record.
18. Of the 17 cases reviewed, there were 12 cases (71%) where a mental health flag was identified on the detainee's record. The panel found that there was a fitness to detain assessment noted on the custody record in only one case and there were no cases where a Mental Health Act Assessment was required. The panel's feedback on the treatment of the mentally vulnerable detainees identified from the reviews was largely positive with comments such as 'good treatment' and 'responsive care' by the officers and staff in custody.
19. This is notable and links to the ongoing work being undertaken by the force around being trauma informed and supporting individuals with mental health conditions when coming into custody, especially juveniles and in circumstances where strip searches are required to be carried out. The force is working hard to remain extremely mindful of the impact that these invasive procedures have and are in the process of extending their Child First Approach and with future plans to support children coming into custody and signposting support for them in the community.

Independent Custody Visiting

20. The PCC has a statutory responsibility for the Independent Custody Visiting Scheme in Leicester, Leicestershire, and Rutland and appoints volunteer ICVs to carry out this function. There is a total of 29 ICVs who make visits in pairs to the primary custody suites within Leicestershire, to both Euston Street and Keyham Lane. It is their responsibility to check on the conditions in which detainees are held, the detainee's health and well-being and ensure that they receive their rights and entitlements.
21. A total of 26 unannounced custody visits were carried out at Euston Street and Keyham Lane between April and June 2024. A total of 78 detainees were seen by ICV's on these visits.
22. During custody visit's, ICVs speak to detainees and receive an insight into their journey through custody at specific times to provide a snapshot in time. The CDSP enhances the ICV Scheme by allowing panel members to have a more holistic view of the full journey from the moment that a detainee arrives in

custody to when they are released through the review of unredacted custody records. This ensures that individuals are dealt with fairly and to a recognised and agreed standard whilst in custody.

23. During the ICVs custody visits, a theme highlighted in the last quarter was around detainees requesting their right to have someone notified of their arrest. However, following the review of the custody record by the Inspector, the Volunteers Manager was informed that a phone block was temporarily in place and a delay placed on the notification to protect investigation integrity. Further information can be found in the ICV Scheme Q1 Report at Appendix 1.
24. The CDSP will inform the ICV Scheme of specific themes that are highlighted. This will allow ICVs to check on these areas of detention that are raised to ensure that improvements are made and the highest standards are being met for detainees whilst in the custody environment.

Summary

25. As mentioned above, with the challenges to the membership of the panel and with only one panel having convened to date, it is the intention of the panel to provide a detailed report on findings and recommendations from the CDSP for the next annual reporting cycle. However, the key recommendations the CDSP panel would make to the Ethics and Transparency are;
 - a. Overall, from the records that the panel has reviewed, it is the opinion of the panel that the force is effective at dealing with detained persons, especially when supporting juveniles and individuals with mental health conditions within a custody environment.
 - b. there was at times a lack of documentary evidence recorded on the custody record in relation to certain aspects of detention. For example, evidence of when a solicitor had been contacted.
26. It is to be noted that the above recommendations are based off one review session and moving forwards the evidence base for the recommendations will be stronger.

----- **End of Report** -----

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE

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APPENDIX 1

Meeting: **CUSTODY VISITING SCHEME – ICV TEAM MEETING**

Date: **TUESDAY 3 SEPTEMBER 2024 AT 6PM**

Report of: **VOLUNTEER MANAGER**

Subject: **VISITS UNDERTAKEN BETWEEN 1-04-24 TO 30-06-24 UP TO DATE VISIT GAPS CHART AND ISSUES LOG**

Summary

1. This report is to provide information about visits undertaken by Independent Custody Visitors (ICVs) between 1st April to 30th June 2024.

Recommendation

2. ICV's are asked to discuss the contents of the report.

Visits

3. Visit forms have been received for a total of 26 visits for the period. Outlined below are the number of visits per custody suite:

Custody Suite	April	May	June	Total
Euston Street	5	3	5	13
Keyham Lane	4	4	5	13

4. A minimum of one visit per week should be undertaken to each of the primary custody suites. This has been achieved during the quarter.

Access to Custody Suites

5. The following table outlines information on the time taken for ICVs to gain access to custody suites once contacted. This is useful for identifying any emerging patterns of delay.

Immediate Access (1 - 5 mins)	Access Delay of 5 - 15 Mins	Access Delay of 15+ Mins
24	1	1

- Euston Street – 20 mins delay, staff very busy

Detainees seen, not seen or who refused a visit by Custody Visitors

6. The number of detainees who refused a visit, were seen or not seen by ICVs during the period are outlined below:

	<u>Euston Street</u>	<u>Keyham Lane</u>
Total number of detainees	166	93
Number offered visit	53	36
Number seen	47	31
Number observed	78	37
Number not available for a visit	30	15
Number not offered a visit	5	5
Number who refused a visit	6	5
Custody records seen	24	14
% of those agreed to be seen	89%	86%
% of custody records seen	51%	45%

Issues Resolved During Visit

7. List of Issues that were resolved during a visit

1 Apr 2024 to 30 Jun 2024 - *Leicestershire Euston Street*

Tag	ICV Comments
Not offered to have someone notified of arrest	Checked custody record copy and someone has been informed of his arrest
Solicitor not offered	Sergeant said that she has tried to call solicitor and is waiting for a call back. Custody record evidences attempt call made to solicitor.

Issues Log Q1 2024/25 – During and after ICV Visit

8. List of Issues that were not resolved during a visit, Inspector comments included

1 April 2024 to 30 June 2024 - Leicestershire Euston Street

Tag	ICV Comments	Inspector Comments
Appropriate Adult (waiting 2+ hours)	Checked and Mum is appropriate adult	I will provide feedback to the Custody Officer responsible as I cannot locate information on the record to detail why there was a delay in the attendance of an AA.
Female hygiene pack not offered		Log entered at 18:39 hours details that hygiene pack was offered to the detainee.
Not offered to have someone notified of arrest		The custody number provided is a digit short - but impossible for me to know where it is short. I have done some searches and checked 5 records but I could not identify any with this being an issue.
Not offered to have someone notified of arrest	Phone block now off. Detainee will be advised	Is the 'tag' automated from a menu? I raise as I cannot see a single time when this would not be offered aside from when a detainee is taken straight to a cell because of behaviour and therefore not practical or safe at that time to offer. But in this case it does not seem to be the reason as a phone block is listed. Therefore, the 'offer' would have been made but a delay placed on the notification.
Not offered to have someone notified of arrest	Contact has been deferred due to need to carry out search for evidence that is authorised by the inspector.	The detainee was offered to have someone notified, however, that right under Sec 56 PACE was delayed by an on duty Inspector to protect investigation integrity.
Other	Wanted to see daughter	Not clear without context why this is recorded as an issue? Detainees are not permitted to see anyone, unless in such a capacity as AA for example.
Phone call requested but not provided	Phone block in place	Record checked. The legal notification (56) and delay was removed and the person the detainee requested to be notified was notified.

Day and Time of Visits

9. The chart outlines the day and period of the week when visits were undertaken by custody visitors from April 2024 to September 2024

Euston Street

	00:00 - 07:59	08:00 - 11:59	12:00 - 15:59	16:00 - 19:59	20:00 - 23:59	Totals
Monday	1	2	1			4
Tuesday	1	1			1	3
Wednesday						
Thursday		1		1		2
Friday				1		1
Saturday	1	2	2	1	1	7
Sunday		1	1	1	1	4
Totals	3	7	4	4	3	21

Keyham Lane

	00:00 - 07:59	08:00 - 11:59	12:00 - 15:59	16:00 - 19:59	20:00 - 23:59	Totals
Monday		1	1	2	1	4
Tuesday						
Wednesday	1			1		2
Thursday		1		1	1	3
Friday		2	1	1		1
Saturday		1	1	1		3
Sunday	1	3				3
Totals	2	8	3	6	2	21

10. Visits on Friday 16 August at 10am and Friday 23 August at 8am had to be abandoned as Keyham Lane custody suite was closed. Visits logged on chart above as volunteers visited the suite.

11.1 visit was completed at Beaumont Leys Custody Suite, volunteers visited Beaumont Leys on Friday 16 August at 10am as they were informed that Beaumont Leys was operating, so they visited there.

12. Volunteer Manager has asked the custody managers to inform the OPCC in advance of planned closures as soon as possible.

Visit Summaries

13. A full list of visit summaries can be found on Appendix 1

Conclusion

14. The following conclusions were made:

- ICVs provided with immediate access on most occasions • Visit gaps chart – continue to fill the green slots.
- ICVs to elaborate on ICV Comments to issues raised.
- The inspector promptly responded to issues raised.
- The Independent Custody Visitors contributed an impressive 115 hours of their time volunteering for the OPCC between April and June 2024.

Implications

Financial:	Expenses relating to visits are contained within the budget.
Legal:	There is a statutory requirement for the PCC to have an ICV Scheme
Diversity:	The breakdown of ICVs is monitored and recruitment targeted.
Risk Management:	Training on health and safety is provided to all ICVs. A risk assessment has been undertaken for the Scheme and is reviewed annually. All custody suites have risk assessments in place. Insurance is in place for custody visitors.

Person to Contact

Dharmista Dave
Telephone: 0116 229 8980
Email: Dharmista.dave@leics.pcc.police.uk

APPENDIX 1

Visit Summaries

1 April 2024 to 30 June 2024

Visit ID	Suite	ICV Comments
ICV-483	Leicestershire Euston Street	<p>Very helpful escorting officer even though the suite was very busy. On exercise yard was closed as drain cover was broken also spotted putty around button had been scratched off.</p> <p>Needs replacing as quite sharp. Kitchen clean and also blanket store being replenished while we were there.</p>
ICV-485	Leicestershire Euston Street	<p>The exercise yard 1 mastic is missing from the corner of the metal plat next to the door.</p> <p>The exercise yard 2 is the out of use due to broken drain cover. This has been reported several times now but no action has been taken.</p> <p>The kitchen is clean and food are in date. The staffs were very helpful.</p> <p>We have observed a booking in process.</p>
ICV-488	Leicestershire Euston Street	<p>Whilst getting the iPad and waiting for details of detainees Emergency incident occurred, all staff ran to detainee. Detainee was on the floor and was under control. And ICVs were shifted in the rooms aside.</p> <p>In the meantime, a detainee was being booked, but because of the emergency he was left alone and unsupervised, thus we felt unsafe as we were waiting too. - he was waiting for his bail documents. Worth noting.</p> <p>23 detainees in total- prioritised most vulnerable</p>
ICV-490	Leicestershire Euston Street	<p>Staff very friendly and accommodating despite busy custody suite. Escorting officer was new so not well aware of custody visit procedures. Custody suite clean and food all in date. Kitchen and exercise yard clean too.</p>
ICV-491	Leicestershire Euston Street	<p>Observed booking in, all good, yard 1 a bit of mastic missing near metal plate near door, kitchen ok and food all in date that we checked. Checked store cupboard, all good and well stocked, yard 2 out of use drain cover.</p>

ICV-493	Leicestershire Euston Street	Delayed entry, staff seem very busy. Staff helpful. Kitchen and yard checked. Sergeant logging detainee in, very polite and respectful
ICV-495	Leicestershire Euston Street	Overall custody suite was quiet and staff helpful. Kitchen and suite were clean. Food all in date. Exercise yard is out of use due to drain being broken which has caused the suite problems as only one yard is in use and can get quite crowded.
ICV-498	Leicestershire Euston Street	Advised Beaumont leys is currently operating. Screens not working due to an update.
ICV-499	Leicestershire Euston Street	Yard 1 was ok. Yard 2 still out of action and repairs expected next week. Shower in wing 4 out of action and waiting for replacement light and has been reported. Kitchen was being cleaned as the visit was going on. Food in date. Staff were very helpful.
ICV-502	Leicestershire Euston Street	The yards was all ok & drain has now been fixed. All ok in kitchen & food in date. Showers were clean & tidy. Stock rooms have enough supplies. Staff very helpful & friendly. Number 4 on the phone in reception still not working.
ICV-504	Leicestershire Euston Street	Very helpful staff. Observed good practice checking in detainees. Kitchen clean and tidy, all food and drink in date. Exercise yard clean. Screens for viewing custody record is not working but officer assisted so that we could view on other device.
ICV-505	Leicestershire Euston Street	Escorting officer was friendly and helpful. The exercise yard and kitchen were clean and tidy.
ICV-507	Leicestershire Euston Street	Waiting for cleaners - shower and kitchen Sanitary well stocked. Ongoing issue with tech - IT The yard is clean.
ICV-484	Leicestershire Keyham Lane	Seen yard and kitchen. All okay.
ICV-486	Leicestershire Keyham Lane	Kitchen and exercise yard were clean and food in order. Staff helpful.
ICV-487	Leicestershire Keyham Lane	Kitchen checked - tidy. Yard clean. No concerns. Helpful staff.

ICV-489	Leicestershire Keyham Lane	The intercom was not working awaiting to be fixed. But can get notification by a light but not sound. Kitchen and exercise yard clean and staff were helpful
ICV-492	Leicestershire Keyham Lane	Custody officer mentioned that the Clothing & food supply very slow coming into the suite. Exercise & kitchen all looked ok. Staff friendly & helpful. We arrived & had forgotten it was handover time. We weren't kept waiting & only had to sit in the room for 5 minutes whilst waiting for the form.
ICV-494	Leicestershire Keyham Lane	Staff helpful. Straightforward visit. Kitchen and exercise yard clean and tidy
ICV-496	Leicestershire Keyham Lane	Exercise yard and kitchen all good
ICV-497	Leicestershire Keyham Lane	Pleasant visit with friendly staff. Checked kitchen - no issues. Exercise yard not checked as DP in there.
ICV-500	Leicestershire Keyham Lane	Kitchen clean, cup left in yard but clean, staff very helpful.
ICV-501	Leicestershire Keyham Lane	Overall was quiet, most detainees asleep. Very helpful custody staff. Custody suite was clean and organised. Kitchen clean and food all in date. Exercise yard clean too. Female hygiene products fully stocked up.
ICV-503	Leicestershire Keyham Lane	Yard clean, kitchen all in order, staff very helpful.
ICV-506	Leicestershire Keyham Lane	Pleasant visit. Kitchen and hygiene supplied checked - no issues. Flying ants in custody - becoming an issue.
ICV-508	Leicestershire Keyham Lane	Well received. Kitchen and exercise yard inspected and okay.