

‘Report on an inspection visit to police custody suites in Avon and Somerset Police’ published by HMICFRS on 16 May 2024
Avon & Somerset PCC response dated 11 July 2024

Custody was used over 20,000 times within the last year in Avon and Somerset. When the police take a person into custody they are temporarily depriving them of their freedom and this is one of the strongest powers the police have.

The [College of Policing](#) clearly states that “detention is always the last resort and custody officers should authorise detention only when it is necessary to detain rather than when it is convenient or expedient. The decision should not be seen as a rubber-stamping of the necessity to arrest but as a separate independent decision.” This is the reason why a Custody Sergeant makes the decision to take a person into police custody and this Sergeant is separate from the officers and teams that would be arresting people and bringing them in.

When somebody is in custody their welfare is of paramount importance and they should be treated fairly and with dignity and respect. This inspection report allows me to see the standards in Avon and Somerset Police, and most importantly provides an opportunity for the Constabulary to improve the service they are providing to people.

It should be noted that I have a legal duty to respond to inspection reports within eight weeks of their publication. However, the Constabulary have longer to address these areas for improvement. I oversee the Constabulary’s response to all HMICFRS recommendations and areas for improvement on a monthly basis through my Governance and Scrutiny Board.

Cause of concern and recommendation 1

The force needs to improve how it manages risk in custody to keep detainees safe. We found limitations to how the force identifies and manages risk. Custody officers don't record risk assessments in enough detail. They don't regularly review care plans and adjust risk levels in response to changes in detainees' circumstances.

Detainees under the influence of drink or drugs aren't always placed on level 2 observations with rousing checks. Anti-rip clothing is used without considering higher observation levels as a more appropriate and proportionate way to manage the risk of self-harm. When it is used, it often leads to the use of force or restraint, sometimes more than once.

Officers carrying out level 3 constant observations on CCTV do so in a busy area where they can be easily distracted.

Detention officers do not make good enough records of welfare checks. We found evidence of generic and repetitive entries and the use of stock phrases such as AIO to mean 'all in order'.

Custody officers don't oversee the pre-release risk assessment and handover process when detainees are released to court. Detention officers complete pre-release risk assessments without detainees being present, and the records kept are not detailed enough.

With immediate effect, Avon and Somerset Police should take action to make sure that all custody personnel understand and follow authorised professional practice and the force's own guidance on managing detainee risk in custody. It should put in place processes to assure itself that it is doing this to consistently provide a safe custody environment for all detainees.

Response

Following the feedback from HMICFRS a briefing was issued to custody officers and staff highlighting the identified concerns and where the service needed to improve: including risk assessment, care plans, observation levels (especially where anti-rip clothing is used) and welfare checks.

The Constabulary will incorporate this communication, and resulting changes, into training for new Custody Sergeants. The changes described will also be incorporated into the Custody Standard Operating Procedure (SOP).

All intoxicated detainees are now routinely placed on level 2 Rouse and Respond observations on their initial care plan.

Desktop computers for the carrying out of CCTV constant observations have been relocated to quieter areas in the custody unit where there are few distractions.

Custody Inspectors will dip sample the work of their teams to ensure they are compliant with authorised professional practice and improving against the practices highlighted in this report. The Individual Performance Review process will be used to identify any performance issues or training need.

A new process will be put in place so that Custody Sergeants coming on duty in the morning will complete the pre-release risk assessments with detainees at the cell door on initial checks. This will allow for relevant action to be taken and records updated prior to the detainees being released to transport services to take them to court.

Area for Improvement 1

The force should improve how it manages performance to keep detainees safe in custody by:

- making sure that custody personnel make accurate records with enough detail about detainees' individual circumstances; and
- accurately recording detainee ethnicity data.

Response

A communication has been sent to custody officers to remind them of the importance of completing detailed records which are specific to the detainee and including the detainee's ethnicity.

Compliance will continue to be monitored by supervisors dip sampling records.

Area for Improvement 2

The force should make sure reviews of detention follow PACE code C 2023 and are in the best interests of the detainee by:

- making sure that reviewing officers consider the progress of investigations when carrying out reviews;
- giving detainees the opportunity to make representations before the decision is taken to authorise their continued detention; and
- informing detainees about reviews carried out when they are asleep, and about decisions to authorise their continued detention.

Response

A communication has been sent to all Inspectors, with responsibility for completing reviews, ensuring they are aware of the procedures and expectations including the points highlighted here.

The Inspector reviews will be dip sampled for compliance.

Area for Improvement 3

The force should make sure it provides a safe custody environment for detainees by:

- addressing the safety concerns caused by potential ligature points and managing risks carefully where these points can't be immediately fixed;
- completing weekly, monthly and quarterly safety maintenance checks in line with authorised professional practice guidance; and
- making sure all custody personnel have practised evacuation procedures in case of a fire or other emergency, in line with authorised professional practice guidance.

Response

All ligature points highlighted have been reviewed and, where possible, fixed. The risk posed by those that cannot be fixed will be mitigated by the using CCTV or close

supervision of detainees in areas like corridors and wash areas. A briefing pack illustrating potential ligature points was given to all custody officers and staff.

Daily and weekly checks have been reviewed and the handover process changed so there is a walk round by the incoming/outgoing teams which is also checked by an Inspector for compliance. Monthly site visits have continued to be completed including contractors and those responsible for the maintenance of the custody site and facilities.

Fire Safety briefings have been completed for this year and practice evacuations will take place during the summer of 2024.

Area for Improvement 4

Avon and Somerset Police should improve how it manages and oversees of use of force incidents by:

- making sure that custody officers oversee and manage use of force incidents rather than getting directly involved;
- only using force to remove clothing from detainees at risk of self-harm as a last resort, and instead considering less intrusive methods, such as higher observation levels;
- making sure that officers follow the force's policies and training when using restraint techniques;
- making sure that the appropriate authority is in place for strip searches under section 54 of the Police and Criminal Evidence Act 1984;
- completing records of all use of force incidents; and
- completing the required use of force forms when force is used in custody.

Response

A communication has been sent to Custody Sergeants to make them aware of the points raised in this area for improvement and these issues will be addressed in Public and Personal Safety Training (PPST) for custody staff.

All PPST (which includes use of force such as restraint techniques) is carried out in accordance with the national scheme and supplemented with additional custody upskilling by a team of trainers based in custody.

De-escalation training has been booked for all custody staff; this will be a 'train the trainer' input which will then be cascaded to other custody staff.

Officers and staff are aware of the requirement to properly record use of force incidents and have been reminded of this. The recording of use of force will continue to be monitored by supervisors.

The Constabulary have queried the point about strip searches with HMICFRS as the law cited may not be correct.

Area for Improvement 5

The force should strengthen its approach to safeguarding children and vulnerable adults in custody by making sure that referrals are made when safeguarding concerns are identified in custody.

Response

As part of regular custody training days an input will be arranged to cover safeguarding referrals.

Custody officers and staff have also been told that if they receive new information about the detainee – for example a detainee sharing a fear/vulnerability relating to them leaving the custody unit – then the officer should submit a new vulnerability risk assessment which will be assessed by the specialist Lighthouse Safeguarding Unit.

The Custody Children and Young People's lead will conduct dip sampling through their work.

Area for Improvement 6

The force should make sure children and vulnerable adults in custody receive prompt support from appropriate adults and it should record contact and arrival times on custody records.

Response

A briefing has been circulated reminding Custody Sergeants to ensure children and vulnerable adults are afforded the support of an appropriate adult as soon as practicable and that a record is kept of this. Custody teams should continue to make the initial contact with parents or guardians or the Emergency Duty Team (of social workers) informing them of the detention and facilitating contact with the detainee.

The Custody Children and Young People's lead will conduct dip sampling through their work.

Area for Improvement 7

The force should improve the outcomes for children in custody by:

- prioritising booking in children;
- making sure that reviews of detention focus on the progress of investigations and timely arrival of appropriate adults so that children don't spend any longer than necessary in custody;
- allocating a female officer or member of staff to oversee the care and welfare needs of girls in custody under the age of 18;
- requesting local authority accommodation for all children charged and refused bail, as required by section 36 of the Police and Criminal Evidence Act 1984, and keep accurate records of these requests; and
- working with partners to improve the outcomes for children detained overnight in police custody after charge.

Response

The Custody Standard Operating Procedure will be amended to direct the prioritisation of booking in children.

A communication has been sent to all Inspectors, with responsibility for completing reviews, which highlights the issues about children being detained.

Officers and staff have been told about the need to allocate a female officer to oversee girls in custody.

Custody Sergeants have been reminded of the need to request local authority accommodation for all children charged and refused bail. It should be noted that the local authorities do not necessarily have accommodation available or the capacity to transport the child. Additionally, if a child is remanded with less than eight hours before being due in court the local authority do not provide accommodation.

Area for Improvement 8

The force should make sure that all medical rooms are fitted with lockable doors to assure the safety, security and confidentiality of detainees.

Response

The Constabulary will install doors on their custody medical rooms.

Area for Improvement 9

The force should provide a way of transferring medicines given to detainees in custody to court.

Response

The Constabulary are querying this recommendation with HMICFRS so there are no planned actions at the moment.

Area for Improvement 10

The force should strengthen its approach to safe release and transfer by:

- making sure that custody officers complete pre-release risk assessments with each detainee in person, including those going to court;
- when completing pre-release risk assessments, making sure that custody officers consider all risks identified during a detainee's time in custody;
- making sure that detainees get home safely after their release from custody and recording this information on the pre-release risk assessment;
- providing guidance to custody officers and investigating officers on the process for enhanced pre-release risk assessments for detainees released from custody after being investigated for sex offences; and
- making sure that custody officers supervise detention officers completing digital person escort records and take responsibility for overseeing the handover of detainees to Serco.

Response

A communication has been sent to all Custody Sergeants reiterating the need for considered and good quality risk assessments. A leaflet is currently being created for detainees that will make them aware of support services available.

Those responsible for the investigation – relating to the detainee – will be informed of their responsibility to ensure the transport of detainees back home and Custody Sergeants will be responsible for recording this in the pre-release assessment.

As well as communicating to officers about the enhanced pre-release risk assessment, leaflets are available to be given to those arrested for serious sexual offences upon their release.

Custody Sergeants have been given access to the system where the digital person escort records are kept and they have been told they should be checking the quality of these and providing feedback to the Detention Officers.

This response is published on the OPCC website <https://www.avonandsomerset-pcc.gov.uk/reports-publications/hmicfrs-reports/>

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