



Joint thematic inspection – the welfare of vulnerable people in police custody

Scoping document

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Scoping document

Purpose of this paper

This paper sets out Her Majesty's Inspectorate of Constabulary's proposed scope for a thematic inspection commissioned by the Home Secretary on the welfare of vulnerable people in police custody. The Home Secretary has stipulated that the scope of this work should include, but not be limited to, those with mental health problems, those from black and minority ethnic backgrounds and children. This in-depth thematic review will highlight good practice and make national recommendations. The Home Secretary has indicated that the thematic report should be published by the end of March 2015.

Background

Nationally, a series of high profile reviews and investigations have identified a number of risk factors contributing to or exacerbating vulnerability in police custody. These include:

- An examination of deaths in or following police custody in the ten years to April 2009 – conducted by the Independent Police Complaints Commission (IPCC).¹ This study of 333 deaths found that detainees from black and minority ethnic groups were significantly more likely than their white counterparts to be represented in deaths which followed the use of restraint and that 35% of deaths in police custody involve people with mental ill health.
- The Howard League for Penal Reform's initiatives on the treatment of young people in the criminal justice system, in particular the report on the overnight detention of children in police cells – an examination of the factors influencing whether children are held overnight.² Factors identified included limitations in police policies relating to children in custody and the pivotal role of children's social care in ensuring that appropriate accommodation is found. The Howard League has an ongoing campaign – UR Boss – which is promoting the interests of young people in the criminal justice system.
- Lord Bradley's review of people with learning disabilities or mental health problems in the criminal justice system highlighted the issue of dual diagnosis (mental health problems combined with drug and/or alcohol problems) and identified widespread concerns among stakeholders about the quality of risk assessments of detainees.³
- The Independent Commission on Mental Health and Policing chaired by Lord Adebawale reviewed 55 cases in the Metropolitan police area where detainees had died or been seriously injured following police contact, or in

¹ Hannan M, Hearnden I, Grace K and Burke T (2010) Deaths in or Following Police Custody: An examination of the cases 1998/99–2008/09. Independent Police Complaints Commission. London.

² Skinns L (2013) The overnight detention of children in police cells. The Howard League for Penal Reform. London

³ Bradley (2009) The Bradley Report – Lord Bradley's review of people with mental health or learning difficulties in the criminal justice system. Department of Health.

police custody and found significant failures of procedures to provide adequate care to vulnerable people in custody.⁴

Since publication of the IPCC report in 2010 there have been a further 52 deaths in or following police custody (2011 – present).⁵

Her Majesty's Inspectorate of Constabulary and HM Inspectorate of Prison (HMIC/HMIP)'s rolling programme of unannounced police custody inspections has highlighted a number of recurring issues relating to the treatment of vulnerable people. In addition, recent criminal justice joint inspections provided a more detailed examination of specific issues affecting vulnerable detainees. These were:

- *A criminal use of police cells? The use of police custody as a place of safety for people with mental health needs* – June 2013 HMIC, HMIP, Care Quality Commission (CQC) and Healthcare Inspectorate Wales (HIW).
- *A joint inspection of the treatment of offenders with learning disabilities within the criminal justice system* – January 2014 HMI Probation, HMIC, HM Crown Prosecution Inspectorate and CQC.
- *Who's looking out for the children? A joint inspection of Appropriate Adult provision and children in detention after charge* – December 2011.

The Police and Criminal Evidence Act 1984 (PACE) established key safeguards for people in custody. Applicable to all detainees, these provisions are particularly important for people in more vulnerable circumstances. Findings from the rolling programme of custody inspections show that police forces are broadly compliant with PACE – and with its additional protections where police and/or custody officers identify detainee vulnerability. The evidence on custody risks is therefore indicative of critical issues which include, but also go beyond, compliance with the provisions of PACE.

Recent research in this field is patchy in its coverage of the risk factors identified. In respect of ethnicity, concerns about the over representation of certain groups in the criminal justice system are longstanding and well documented. Black people are six times more likely (and Asian people twice as likely) as white people to be stopped and searched.⁶ HMIC's thematic inspection on the use of stop and search powers found that a quarter of people surveyed believed that these powers are used in a way that discriminates against certain groups. For black and minority ethnic people this rose to over a half who believed this to be true.⁷

People from black and minority ethnic (BME) groups are three times more likely to be arrested and are also less likely to be cautioned. They are more likely to be prosecuted and less likely to get bail.⁸ This over-representation is borne out by

⁴ Independent Commission on Mental Health and Policing Report. May 2013 Available at: http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/10_05_13_report.pdf

⁵ Source – Inquest <http://www.inquest.org.uk/statistics/deaths-in-police-custody>

⁶ Hurrell, K (2013) *Race Disproportionality in Stops and Searches, 2011-12* Equality and Human Rights Commission

⁷ HMIC (2013) Stop and Search Powers: Are the police using them effectively and fairly?

⁸ Race for Justice (2008) Less equal than others –ethnic minorities and the criminal justice system. Available at: www.clinks.org/sites/default/files/Race%20for%20Justice%20-%20Less%20Equal%20Then%20Others%202008.pdf

the Ministry of Justice's most recent data on Race and the CJS.⁹ The Bradley Report found that people from BME groups are 40% more likely to access mental health services via a criminal justice gateway.¹⁰

There are recurring concerns about the use of force either by arresting officers and/or by custody staff. 29% of the deceased in the IPCC study were involved in a struggle or violence on arrest, or while in transportation, custody or hospital. 26% were physically restrained by officers. For 16 people (5%) the cause of death was classed as restraint related. Joint HMIP/HMIC custody inspection reports have shown that few forces pay adequate attention to the monitoring of use of force, so are unable to identify or address trends. In 2013, the Independent Advisory Panel on deaths in custody published a set of common principles on the safer use of restraint – applicable across all sectors.¹¹

High numbers of those entering police custody are intoxicated.¹² The IPCC study showed that a high proportion of deaths in custody were related to alcohol or drugs in some way. Of the 333 cases examined, 184 had an alcohol factor and 120 a drugs factor.¹³ The Bradley Report suggested that a focus on dual diagnosis (mental health problems combined with drug and/or alcohol problems) is a vital component of addressing the issue of mental health and criminal justice.

A failure on the part of arresting or custody officers to recognise vulnerability and to conduct risk assessments sufficient to actively mitigate risks is also a recurring theme. Research has shown that standard police screening procedures missed a quarter of cases of severe mental illness and moderate depression, did not recognise the need for an appropriate adult in more than half of cases, and screened positive for a risk of suicide in only a third of detainees with a history of self harm or expression of suicidal ideas.¹⁴ Researchers involved in this study have developed a more robust health screening tool which has been piloted successfully by the Metropolitan Police. It is unclear whether this will now be adopted by other forces.

In relation to young people, a recent Freedom of Information request to the Metropolitan Police by Guardian newspapers has highlighted concerns about the numbers of children subject to strip searching and the vulnerability of young people in police custody.¹⁵ The critical role that frontline police play as gatekeepers to the criminal justice system has been highlighted by the Police Foundation's study on behalf of the Barrow Cadbury Trust's Transition to Adulthood initiative.¹⁶

This thematic inspection will be informed by this background and by current related national work.

⁹ Ministry of Justice *Statistics on Race and the Criminal Justice System 2012*. 2013

¹⁰ Bradley (2009) See footnote 3

¹¹ <http://iapdeathsincustody.independent.gov.uk/wp-content/uploads/2013/07/IAP-common-principles-for-safer-restraint.pdf>

¹² Bradley (2009) see footnote 3

¹³ Hannan et al (2010) see footnote 1

¹⁴ McKinnon I, Srivastava S, Kaler, G and Grubin D (2013) Screening for psychiatric morbidity in police custody: results from the HELP-PC project. *The Psychiatrist Online* 37: 389-394

¹⁵ <http://www.theguardian.com/uk-news/2014/mar/16/metropolitan-police-strip-search-children-4500>

¹⁶ Police Foundation (Feb 2013) *Policing Young Adults – a scoping study*

Current related national work

Mental Health Crisis Care Concordat

In respect of mental health related vulnerability, a number of projects have been constituted as commitments under the national Mental Health Crisis Care Concordat. The objective of the Concordat is to improve outcomes for people experiencing a mental health crisis. The commitments it contains are intended to drive multi agency improvements in meeting the needs of vulnerable people in urgent situations. Signatories include the Association of Chief Police officers (ACPO), the Association of Police and Crime Commissioners, British Transport Police, the College of Policing and the Home Office, as well as health and social care agencies.

The commitments made by the Concordat signatories collectively provide an important contextual framework of national improvement work within which this thematic inspection will be set. They include:

- Street triage pilots in nine police forces – completing autumn 2014
- Department of Health/Home Office review of the legislative framework for section 135/136 of the Mental Health Act¹⁷ (Spring 2014).
- Department of Health review of the Mental Health Act Code of Practice – includes a response to recommendations in the HMIC/CQC section 136 joint thematic inspection on use of police custody as a place of safety.
- Review of 2010 *Guidance on Responding to People With Mental Ill Health or Learning Disabilities* – College of Policing.
- Review of the curriculum for police officer training for sufficiency of mental health content – College of Policing summer 2014.
- Development of a toolkit with police forces to capture and articulate data which quantifies the demand for responses for people in mental health crisis, to ensure needs are met related to mental disorder and intoxication - Home Office with policing partners and Public Health England.
- Development of a web portal to enable exchange of effective practice for police/health service/local authority partnerships. (Home office/national policing leads).
- Proposals to develop the role of Neighbourhood Policing in helping to protect vulnerable people (national policing leads).¹⁸

Ethnicity

An independent initiative, backed by the Ministry of Justice, has been set up to review the outcomes and over-representation of young black and minority ethnic men throughout the criminal justice process. This review, led by Baroness Young of Hornsey, is due to report in autumn 2014.¹⁹

¹⁷ Section 135 Mental Health Act specifies circumstances under which a police officer may gain warranted access to private premises and remove a person believed to be suffering from mental disorder to a place of safety. Section 136 gives police officers the power to detain, in a place to which the public have access, an individual who appears to be suffering from a mental disorder and in need of immediate care and control, and remove that person to a place of safety.

¹⁸ HM Government (Feb 2014) *Mental Health Crisis Care Concordat. Improving outcomes for people experiencing mental health crisis*

¹⁹ <http://www.t2a.org.uk/category/home-page-news/page/2/>

Deaths in custody

The Independent Advisory Panel on deaths in custody has commissioned a programme of research and analysis from the University of Greenwich and Runnymede Trust, running through 2014/15. This includes a literature review on mental disorder and deaths in custody and provision of research to support the Independent Advisory Panel's separate Harris Review into self-inflicted deaths in custody of 18-24 year olds.

Earlier this year, the Chief Coroner's office announced that reports made by coroners to help prevent future deaths now will be published online as a matter of routine. 'Preventing future deaths' reports (previously known as Rule 43 reports) can be made by coroners at the end of an inquest for the benefit of individuals, organisations or public bodies. This initiative is intended to promote learning following inquests.

The IPCC is conducting continuing investigations of deaths in police custody.

The Equalities and Human Rights Commission has announced an inquiry, working in conjunction with other relevant bodies, to examine non-natural deaths of adults with mental health conditions while in state detention. It will examine the extent to which prison, hospital and police services comply with Article 2 of the European Convention on Human Rights and have implemented recommendations from previous inquiries and reports into non-natural deaths in detention.²⁰

Use of force

The IPCC is currently conducting a research study into police use of force study and expects to report in spring 2015.

During 2014, the Independent Advisory Panel on deaths in custody is evaluating the impact of the common principles on the safer use of restraint on operational practices in custody settings to date.

Children

The Equalities and Human Rights Commission is conducting work in 2014/15 focused on improving the life chances of children with mental health conditions at risk of detention. They will work with the Children's Commissioners in England, Scotland and Wales, Her Majesty's Inspectorate of Prisons, the Youth Justice Board and other partners to explore how to reduce the likelihood of children with mental health conditions being detained by the state.²¹

Statutory framework

The responsibilities of the police and related partner agencies to vulnerable people at risk of or in custody are governed by a wide span of legislation.

²⁰ Equalities and Human Rights Commission Business Plan 2014/15 p22

²¹ Equalities and Human Rights Commission Business Plan 2014/15 p22

Within the UK's domestic laws are:

- Police and Criminal Evidence Act 1984 and related Codes of Practice. Established key safeguards for people in custody.
- Human Rights Act 1998.
- Equality Act 2010 - places an equality duty on public sector organisations. Reasonable adjustments must be made to standard practices and structures to respect the rights of detainees who would otherwise be disadvantaged or placed at risk.
- Children Act 2004. Section 11 requires police to discharge their functions with regard to the need to safeguard and promote the welfare of children.
- Criminal Law Act 1967 – together with PACE 1984, Common Law, Criminal Justice and Immigration Act 2008 and the rights and freedoms contained with the European Convention on Human Rights governs the police use of force.²²
- Mental Health Act 1983 sections 135,136 and Code of Practice.
- Mental Capacity Act 2005 and Code of Practice – in particular the five principles which provide the framework for defining capacity and best interests.

The UK is a signatory to a number of regional and international human rights treaties which create binding international law on all states parties.

- Under the Optional Protocol to the UN Convention against Torture (OPCAT), the UK must ensure torture and ill treatment in detention is prevented through independent monitoring by a “national preventive mechanism”. The UK's NPM consists of 20 bodies, including HMIC and HMIP, who operate jointly to discharge these responsibilities in respect of police custody.
- The UN Convention on the Rights of Persons with Disabilities, the UN Convention on the Rights of the Child, and the UN Convention on the Elimination of Discrimination against Women contain provisions relevant to the issue. Article 37 of the Convention on the Rights of the Child states that “the arrest, detention or imprisonment of a child...shall only be used as a measure of last resort and for the shortest appropriate period of time’ and ‘Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age.”²³
- Further human rights standards relevant to the issue in question have been developed by authoritative human rights bodies and experts.²⁴

For policing, the key supporting policy guidance is the College of Policing Authorised Professional Practice²⁵ which gives guidance to police forces on responses to risks and vulnerabilities.

²² College of Policing (2013) : *Police use of force* [Internet]. <https://www.app.college.police.uk/app-content/public-order/core-principles-and-legislation/police-use-of-force/> [Accessed 13 May 2014]

²³ Convention on the Rights of the Child - Article 37(b) and (c). Officer of the High Commissioner for Human Rights ohchr.org

²⁴ For example UN Special Rapporteurs, European Committee to Prevent Torture

Characteristics of police custody population

The best available indication of the number of people going through police custody suites is arrest data. This data underestimates the total number of people held in custody as it includes only notifiable offences.²⁶ It excludes arrest for non-notifiable offences, such as drunk and disorderly, breach of the peace and anti-social behaviour. In the light of the evidence base on links between intoxication and/or mental ill health and vulnerability, it seems likely that there will be a significant representation of vulnerable people in arrests for non-notifiable offences.

Key data from relevant publications shows:

Total arrested for notifiable offences in 2012-13: 1.1million }
 Gender 15% female } Home Office 2014²⁷

Ethnicity

Data	Time period	Ethnicity						Total
		White	Black	Asian	Mixed	Chinese or other	Unknown	
Population age 10 or over	2011	87.1%	3.1%	6.4%	1.7%	1.7%	-	49,445,431
Stop & searches	2011/12	67.1%	14.2%	10.3%	2.9%	1.3%	4.2%	1,120,084
Arrests	2011/12	79.5%	8.3%	5.9%	3.0%	1.4%	1.8%	1,235,028

Data taken from the Statistics on Race and the CJS 2013 report²⁸ – shows proportion of individuals in the CJS by ethnic group compared to the general population England and Wales.

Children

In 2011/12 those aged 10-17 accounted for 10.8% of the general population and 13.6% of all arrests.²⁹

Research commissioned by the Howard League for Penal Reform found that 53,000 children were detained overnight in 2008 and 2009.³⁰ Of these:

- 10,845 were girls (21%)
- 10,050 were black and minority ethnic children (20%)
- 4 children were under 10, the age of criminal responsibility
- 1,674 were aged 10 and 11 years

²⁵ College of Policing (2013) *Authorised Professional Practice – detention and custody*

²⁶ Notifiable offences include all offences that could possibly be tried by jury (including some less serious offences, such as minor theft that would not usually be dealt with this way) – Home Office (2011) *User Guide to Home Office Statistics*

²⁷ Home Office (2014) *Police powers and procedures England and Wales 2012 to 2013*

²⁸ Ministry of Justice (2013) *Statistics on Race and the Criminal Justice System 2012*.

²⁹ Youth Justice Board & Ministry of Justice (2014) *Youth Justice Statistics 2012/13 England and Wales*.

³⁰ Skinnis 2013 – see footnote 2

s136 detentions under the Mental Health Act

2012/13	numbers	%
Total s136 orders made in England	21,184	100%
Police custody used as place of safety	7761	36%

Source: Health and Social Care Information Centre³¹

Defining key concepts

In addressing the scope of this inspection – and thereby the inspection questions – it is important to clarify the meaning of key concepts – in particular ‘vulnerability’ and ‘custody’.

Understanding ‘Vulnerability’

The Home Secretary has asked that the focus on vulnerable people in this inspection should include, but not be limited to, those with mental health problems, those from black and minority ethnic backgrounds and children. A key feature of the custody setting is that, of itself, it can create or exacerbate vulnerability. The international Association for the Prevention of Torture understands vulnerability as being linked in most cases to a minority status that increases the risk of stigmatisation and ill treatment; thus individuals may be vulnerable in a given context – for example, people from minority ethnic groups, women or people with disabilities. *Police have a key role to play in protecting and respecting individuals’ rights, especially as regards persons considered to be in situations of vulnerability because of the interplay between their status in a particular society and the social context in which they find themselves*³².

The expression “persons and groups in situations of vulnerability” is often used in human rights commentary to acknowledge the fact that vulnerability is not necessarily inherent to the individuals, rather created by their situation in detention. Vulnerability cannot be easily categorised. People may present to the police service with a complex interplay of different vulnerabilities – some apparent and some not. For example, a child may be mentally ill and/or have substance misuse problems. Some vulnerabilities are addressed explicitly in PACE Code C – others are not.

This inspection will use the examples of people with mental health problems, people from black and minority ethnic communities and children to explore how far police forces respond to vulnerability in a manner appropriate to individual rights and circumstances, within the requirements of the legislative and policy framework. It will use an in-depth focus on decision making and risk assessment as a dynamic process, together with findings from related inspections, to extrapolate to wider aspects of vulnerability in police custody.

³¹ Health and Social Care Information Centre (Oct 2013) *Inpatients Formally Detained in Hospitals Under the Mental Health Act 1983 and Patients Subject to Supervised Community Treatment, England - 2012-2013, Annual figures*

³² Monitoring Police Custody para 1.3 Association for the Prevention of Torture 2013

Understanding 'custody'

Currently outside the scope of the joint inspectorate police custody inspections is the role played by frontline police officers and staff. They are the first representatives of the system that individuals encounter either as victims or offenders. They decide whether or not an offence has taken place, who to engage with and whether to arrest. Their approach, attitudes and behaviours – which will be influenced by their training and management support – are critical in determining the outcomes for all concerned. Where a decision is made to arrest, or, in the case of someone who appears to be mentally unwell, to invoke the police powers of detention under s136 of the Mental Health Act, theirs is the first assessment of vulnerability and risk on the custody pathway.

The critical nature of interventions made at the point of arrest is further underlined by guidance on inspecting police custody from the Association for the Prevention of Torture:

“It is crucial not to consider ‘police stations’ to comprise mere physical spaces but to keep in mind at all times that from the moment of arrest to that of release or transfer there is a risk of mistreatment.”

This wider definition is reflected in the approach taken by the IPCC in its annual statistics on deaths following police contact. The IPCC uses the following definition for deaths in or following police custody:

*“Deaths of persons who have been arrested or otherwise detained by the police. It includes deaths which occur whilst a person is being arrested or taken into detention. The death may have taken place on police, private or medical premises, in a public place or in a police or other vehicle.”*³³

The Independent Commission on Policing and Mental Health’s case review found failures in the role played by the Central Communications Command in responding to calls relating to mental health to be the most frequently found failing.

On this basis this inspection will consider the complete ‘pathway’ of police custody from the first point of contact to release or transfer.

Inspection questions

It is proposed that the Home Secretary’s commission is translated into the following inspection question:

How effective are police services at identifying and responding to vulnerabilities and associated risks to the welfare of detainees in police custody?

A subset of questions will direct the fieldwork and determine the assessment criteria. These questions will be drawn from analysis of the evidence base on the recurring themes contributing to risks in custody – in particular the disproportionate representation of specific ethnic groups in arrest data, police understanding of vulnerability, risk assessment and related follow up action,

³³ Hannan et al Deaths in or following police custody IPCC 2010 p9

timely access to healthcare and other appropriate multi agency support or diversion services.

It is proposed that the following sub-set of questions be addressed through this inspection:

- 1) What options are available to a frontline police officer following an initial assessment that a member of the public poses a risk to themselves or others?
- 2) What are the key factors determining a decision to arrest by frontline police officers?
- 3) How does a police force ensure consistency across strategic, street and custodial functions
 - a. In the identification of and response to vulnerability?
 - b. In risk assessments at all stages of the custodial pathway?
 - c. In the communication of relevant information across the pathway?
 - d. In learning from serious incidents and near misses?
- 4) How do failures in responses from non police agencies – particularly health and social services, impact on outcomes for vulnerable people in police custody?
- 5) To what extent is vulnerability the norm in police custody?
- 6) How are police/custody officers supported to ensure they meet expected standards and are equipped with the right tools when making complex decisions in response to people who may be both challenging and vulnerable?
- 7) How do police forces ensure that their cultures and working practices demonstrably promote equality, mitigating the risks of unfair treatment in its responses to diversity?

Lines of enquiry

The inspection will pursue the following lines of enquiry:

Point of arrest to custody suite

- How is vulnerability identified at the first point of contact with the police – eg through the control centre?
- How is vulnerability identified and recorded at the point of arrest?
- How do forces translate the identification of vulnerability into the assessment of risk to that detainee – on detention
- What alternatives to custody are available to and used by police officers when an individual is identified as vulnerable?
- In transporting a vulnerable detainee from the point of arrest to a custody suite, what reasonable adjustments are made to standard practices in order to respect the rights of detainees who would otherwise be disadvantaged or placed at risk?
- How is information on vulnerability communicated by arresting officers to custody staff?

At the custody suite

- How do forces translate the identification of vulnerability into the assessment of risk to that detainee on arrival at the custody suite, pre-release?
- How are forces interpreting and implementing requirements for reasonable adjustments under the Equality Act for detainees in police custody?
- What criteria and safeguards are in place in respect of strip searching – especially for young people?
- What criteria do forces apply to trigger a request for appropriate adult attendance?
- What arrangements are in place for the provision of Appropriate Adults (AA) – for children – for vulnerable adults?
- What records are kept on time taken to call and arrival of the AA?
- What mechanisms are in place to assure quality and consistency of appropriate adult interventions?
- How is data on the use of AAs used to inform multi agency negotiations with partner organisations?
- How often has police custody been used as a place of safety in the last 12 months – for people detained under s136; for children?
- How many of those occasions were considered inappropriate i.e. circumstances not exceptional?
- How are lessons learned from internal and external (e.g. IPCC, HMIC/P inspection findings) analysis or investigation embedded in operational practice?
- What would help police officers/custody staff/forces deal more effectively with vulnerability?
- What policies/provision are in place to support the mental health needs or other vulnerabilities of police forces' own staff?
- What partnership arrangements are in place to support the identification and management of risks to the welfare of vulnerable detainees in police custody?

Pre release/transfer

- How do forces translate the identification of vulnerability into the assessment of risk to that detainee pre-release?

Policy and strategy questions

- How is vulnerability defined in police forces to support consistent practice and best possible outcomes for detainees?
- What is known in forces about the experience of vulnerable detainees in custody? By whom? How is/should this information acted upon to inform continuous learning and development?
- How is the use of force monitored, analysed and acted upon by police forces? Does any data collection include demographic information?
- What methods of de-escalation are police trained to use before force is applied?

- What training do police officers and custody staff receive on:
 - Vulnerability and risk assessment
 - Implications in practice of Equalities legislation
 - Use of force
 - Near misses
- How are near misses defined, recorded and acted upon by police forces?
- What mechanisms are in place to support the transfer of learning from near misses and other incidents across all police forces?
- What is known about factors that promote or obstruct effective partnership working between police forces and non-police bodies - and the consequent impact on outcomes for vulnerable people in police custody?
- How are policies and protocols on management of vulnerability in police custody reflected in the leadership, performance monitoring and accountability of police forces?

Other inspectorates involved

- Her Majesty's Inspectorate of Prisons
- Care Quality Commission

Methodology and scale

Using the outputs of the rapid evidence assessment commissioned by HMIC in phase one of this project, this inspection will take an evidence based approach to mapping identified risks within police custody along the custody pathway. Prompts will be designed within the inspection methodology to examine these points of risk.

The inspection will draw on and, as far as possible, be embedded within the rolling programme of unannounced inspections of police custody arrangements. It will also draw on the findings from previous relevant inspections. This will utilise the expertise and knowledge of an already well established team, minimise costs and reduce the inspection burden on forces.

It is proposed that custody arrangements in a minimum of 6 police forces should be examined against the HMIP/HMIC Expectations for police custody,³⁴ supplemented with specific inspection questions on vulnerability. Forces will be selected as far as possible in line with current risk based scheduling – with changes made only to ensure that an appropriate range of force characteristics is included within the thematic work.

The majority of lines of enquiry could be incorporated into the current Expectations – with some additional prompts. At this stage, the following exceptions/additional resource requirements have been identified:

- Additional requirements around the first point of contact with the police service and transport to the custody suite
- Additional stakeholder engagement as appropriate

³⁴ HMIP and HMIC (2012) Expectations for Police Custody. Criteria for assessing the treatment of and conditions for detainees in police custody

- Additional vulnerability focused requirements around the custody record analysis
- Focused work to understand the experience of detainees
- Additional data analysis
- Real time observation (reality testing) in force communications centres

The force inspections will constitute the core of the methodology. These will be supplemented with additional strands of fieldwork to enable conclusions to be extrapolated more generally:

1. A review of data capture and data flows between police forces, national oversight bodies and relevant partner organisations
2. Bespoke methodology to access and understand the views of vulnerable detainees. This should include the views of detainees, ex-detainees and their families and will almost certainly require the assistance of a specialist voluntary sector organisation.
3. Semi-structured interviews and/or focus groups with key individuals and organisations across England and Wales.

Timescale

The work is due for completion by the end of March 2015. On this basis, all fieldwork will be completed by the end of January 2015. This allows February for report writing and March for critical read/sign off. Stakeholder consultation, criteria and methodology development will take place in June and July, which means that fieldwork will not commence before August 2014.