

Submission to the Home Affairs Committee inquiry in to The Macpherson Report: Twenty Years On

by Her Majesty's Inspectorate of Prisons and Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services

1. HM Inspectorate of Prisons (HMI Prisons) and HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) welcome the opportunity to respond to the Home Affairs Committee inquiry in to The Macpherson Report: Twenty Years On.
2. HMI Prisons and HMICFRS carry out joint inspections of police custody in England and Wales, which are part of the joint programme of work undertaken by the criminal justice inspectorates. Both inspectorates are members of the UK's National Preventive Mechanism (NPM), the body established in compliance with the UK government's obligations arising from its status as a party to the UN Optional Protocol to the Convention Against Torture (OPCAT).
3. All inspections of police custody are carried out using our Expectations for Police Custody, which sets out the framework and criteria used by the inspectorates to assess police custody arrangements and the outcomes for those detained.¹ The Expectations are independently developed by the two inspectorates and informed by international human rights standards.
4. This response focuses on police custody (and not the work of forces more broadly) and is based on findings from joint inspections since our revised Expectations were introduced in April 2016.

Review of inspection methodology

5. The Expectations for police custody were revised in 2016, following the publication of a thematic inspection report by HMICFRS on the welfare of vulnerable people in police custody.² The updated Expectations incorporated learnings from the thematic report on the vulnerabilities of particular groups of detainees, including those from BAME backgrounds. The methodology for police custody inspection was also amended, including the addition of vulnerability based case audits and focus groups with staff. This new methodology enabled inspectors to better understand how forces respond to possible vulnerabilities of detainees.
6. A self-reporting data collection template was also developed which reflects the Equality Act 2010 protected characteristics. The template requests a wide variety of data broken down by ethnicity. HMICFRS ask for this data from the force on announcement of each joint police custody inspection. The data is then analysed and where relevant a judgement on the data is made and included in an inspection report.
7. Since the introduction of the new Expectations and methodology there have been inspections of the police custody facilities in 23 police forces across England &

¹ HMIP and HMICFRS' Expectations for Police Custody can be found here:

<https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2018/05/Police-Expectations-2018.pdf>

² The Welfare of Vulnerable People in Police Custody Report can be found here:

<https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/the-welfare-of-vulnerable-people-in-police-custody.pdf>

Wales (South Wales, Lancashire, West Yorkshire, Avon and Somerset, Hampshire, Sussex, West Midlands, Staffordshire, Essex, Metropolitan Police Service North and North East, Gwent, Cambridgeshire, Humberside, Dyfed-Powys, Northamptonshire, Thames Valley, Derbyshire, Norfolk and Suffolk, Merseyside, Metropolitan Police Service, Cheshire, Nottinghamshire and City of London).³ Relevant findings from these inspections reports are outlined below.

Data collection and analysis

8. In order to ensure that detainees with particular vulnerabilities are treated according to their individual needs, we expect that data on diversity is routinely collected and analysed by forces to identify trends and used to inform organisational learning and improve outcomes for detainees. However, inspections have shown that not all forces inspected since April 2016 have gathered sufficient data about the diversity of people detained in police custody. For example, in 2017 we reported that the Humberside force ‘was failing to collect comprehensive ethnicity data on detainees. Inspectors observed few detainees being asked their ethnicity, and some custody records either did not gather this or relied on police national records. Between the introduction of the new Connect system in June 2017 until the end of September 2017, the force did not record the ethnicity of detainees strip searched in 72% of cases.’⁴ The lack of accurately recorded data prevented the force from identifying areas of potential unequal treatment.
9. Lack of data analysis on diversity was also sometimes problematic even where forces were gathering sufficient data. This prevented some forces from being able to assess the impact of treatment against detainees from diverse backgrounds. For example, at both Cheshire police custody suites and the Metropolitan Police Service custody suites we reported that during the initial booking in process detainees were consistently asked to self-define their ethnicity, which was positive. However, it was not clear how this information was used to measure or identify any disproportionate treatment of particular groups of detainees.⁵
10. It was welcome that two recently inspected forces had prioritised tackling disproportional treatment by integrating recommendations from the Lammy Review of the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System. However, in one case inadequate data collection had inhibited the force’s well-intentioned work. Prior to the latest inspection, Norfolk and Suffolk police force conducted an internal review of services following the publication of the Lammy Review. However, their work was at times undermined by inaccuracies or incomplete data, including in information on self-defined ethnicity. These gaps prevented the force from identifying trends,

³ List of inspections which have taken place since April 2016 to the most recent inspection in November 2018. Individual reports can be found here: <https://www.justiceinspectorates.gov.uk/hmiprison/inspections?s&prison-inspection-type=polic-cell-inspections>. Please note that Nottinghamshire police custody report and City of London police custody report have not yet been published.

⁴ HMIP/HMICFRS, Report on an unannounced inspection visit to police custody suites in Humberside, 2017, [3.20] <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2018/03/HUMBERSIDE-POLICE-Web-2017.pdf>

⁵ See HMIP/HMICFRS, Report on an unannounced inspection visit to police custody suites in Cheshire, 2018, [3.6] <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2019/01/Cheshire-police-Web-2018.pdf> and HMIP/HMICFRS, Report on an unannounced inspection visit to police custody suites in Metropolitan Police Service, 2018, [3.5] <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2019/01/Metropolitan-Police-Service-Web-2018.pdf>

informing organisational learning and holding their external partners to account.⁶ Robust data collection on detainee diversity should be continuously undertaken by all forces to ensure that forces are able to analyse and address any disproportional treatment.

Staff Training

11. In order to ensure that police custody staff promote respect for detainees from diverse backgrounds, we expect forces to provide staff with equality and diversity training and to train staff to recognise and meet the needs of all individuals. Inspections since April 2016 found that custody staff in ten of the 23 forces inspected had undergone training on equality and diversity. However, inspections of the remaining forces found that forces did not provide equality and diversity training or did not provide refresher training following induction.
12. For example, at Lancashire custody suites, we reported that the approach to staff training was not sufficiently coordinated and that staff had no specific training on equality and diversity.⁷ At Cambridgeshire police custody suites, custody staff were required to complete basic online equality training during their induction to the role. However, there had been no specific Equality Act training for custody staff in the previous 12 months since the inspection, and an internal force audit conducted in July 2017 identified that refresher training was not provided to staff following induction. Inspectors were concerned that equality and diversity training was not included within the force's equality objectives for the next four years.⁸ In these forces, inspectors could not be assured that staff would be able to show an understanding of the individual and diverse needs of detainees.
13. One of the ten forces which conducted equality and diversity training exhibited good practice in relation to the quality of training. During our latest inspection of West Midlands police custody suites we found that cultural competency training was provided for all staff, and custody was considered as a priority department for such training. In the previous 12 months, this had included training sessions in cultural awareness. Staff comments in relation to this training were positive, and our observations showed staff to be respectful and understanding of individual needs.⁹

Conclusion

14. In light of the above inspection findings, HMIP and HMICFRS recommend improvements in data collection and analysis to allow forces to identify disproportionate treatment and to assess the impact of steps taken to eliminate disproportionate treatment. In addition, all forces should provide custody staff with up to date training on equality and diversity that allows staff to better meet the individual and diverse needs of detainees.

⁶ HMIP/HMICFRS, Report on an unannounced inspection visit to police custody suites in Norfolk and Suffolk, 2018, [S7] <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2018/10/Norfolk-and-Suffolk-police-Web-2018.pdf>

⁷ HMIP/HMICFRS, Report on an unannounced inspection visit to police custody suites in Lancashire, 2017, [5.7] <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2016/11/Lancashire-police-custodyweb-2016.pdf>

⁸ HMIP/HMICFRS, Report on an unannounced inspection visit to police custody suites in Cambridgeshire, 2017, [3.16] <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2018/02/2017-Cambridgeshire-police-cells-Web-2017.pdf>

⁹ HMIP/HMICFRS, Report on an unannounced inspection visit to police custody suites in West Midlands, 2017, [3.10] <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2017/06/West-Midlands-police-Web-2017-1.pdf>

15. We hope that you find this information useful and should you require anything further, please do not hesitate to contact us.

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