

Cambridgeshire and Peterborough Community Scrutiny Panel
Custody Detention Capture Document



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| Panel date: | 27 th June 2024 |
| Number of panel members in attendance: | 7 |
| Constabulary attendees: | 3 |
| OPCC attendees: | 2 |
| | <p>MP explained that the Chair, Jonathan Peryer, was unwell and unable to chair the meeting. Another panel member kindly offered to chair the meeting.</p> <p>It was explained that prior to this meeting, the Chair had requested that we look at the booking in process with particular interest on the assignment of observation levels and any decision making/risk assessment that takes place around changes to observation levels.</p> <p>The Head of Criminal Justice and Custody gave a brief introduction to how observations levels are decided.</p> <p>During their stay in custody the detainee will be checked on periodically, the frequency of those cell checks will be dictated by the risk assessments conducted and will be set as 'observation levels' by the custody sergeant at the point of being booked in. The Observation level will be dictated by the demeanour of the detained person, their answers o their self-assessment questions and informed by any prior knowledge of the custody staff.</p> <ul style="list-style-type: none"> • Level 1 Observations – Every 60 minutes, is the standard observation level for detainees with little or no vulnerabilities. • Level 1 Observations – Every 30 minutes, is the standard observation level for juveniles in custody and for those who have been identified as 'First time in custody', or for anyone |

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| | <p>with vulnerabilities where the custody sergeant has decided more frequent observations are required.</p> <ul style="list-style-type: none"> • Level 2 Observation – Detainee to be roused every 30 minutes, this level is generally used for persons who are intoxicated on drink or drugs when entering custody. Level 2 observations (unlike level 1) require the detainee to be roused and spoken to every 30 minutes. • Level 3 Observations – Constant CCTV observations, this level is used for detainees who have specific vulnerabilities or have made suggestions they wish to cause themselves harm. An officer (or 2) will sit in an office with the CCTV from that detainee’s cell playing so they have constant observations on them and are in a position to react if required to. • Level 4 Observations – Close proximity constant observations – used for the highest risk detainees. A minimum of 2 officers will sit at the open cell door with the detainee so they are very close to the detainee to prevent any harm coming to them. <p>The constabulary provided material to view based on the criteria set by the Chair. This included three records where the observation levels had been adjusted during the course of the detention period.</p> |
| Date of next meeting | 25 th July (Stop and Search) |

Record 1

Background Information:

- The circumstances of the arrest were that the detainee had got on top of the railway bridge in Peterborough.
- The detainee's demeanour on arrival was under the influence of alcohol / substance, co-operative.
- The observation level was initially set to *Level 2* - intermittent observation (Intoxicated through alcohol). The visit frequency was set to 30 minutes with rousal.
- During the strip search, the custody sgt reassessed his decision on observation based on the information available, and set the observation level to *level 3* (Constant CCTV observations).
- Whilst on level 3 observations the detainee was observed tying his jumper around his neck. This was removed and the detainee was placed in safety clothing for safer detention. The detainee was then put on *level 4* observations.

General questions, comments, concerns and/or compliments from panel members:

- Panel Question – Should his jumper have been removed before going into the cell? The Constabulary explained that to go to straight to safety clothing, there must be more than just a suggestion around self-harm. Current guidance says corded clothing should be dealt with on a case-by-case basis. Cambridgeshire's policy is any corded clothing should always be removed.
- Panel Question – Are the pencils given with the distraction pack not considered a self-harm risk? The Constabulary explained that every item given to a detainee will be risk assessed and allowed on a case-by-case basis.
- Panel Question – He was released in the morning. If he was deemed a risk to himself why was he release? The Constabulary explained that they only have 24 hours in custody, unless extended under Superintendent authorisation. The DP was brought in for PACE matters. For reassurance there is always a pre-released risk assessment. Panel member mentioned it would be interesting to look at prerelease risk assessments in a future session.
- Panel Question – During the booking in process it was deemed necessary for the detainee to require and Appropriate Adult, why did this change? The rationale may have changed throughout his stay. We can look into that.

- Panel Question – What is an Appropriate Adult? The Constabulary explained that with children and young people it might be a parent or guardian who's not if they're not involved in the offence. They also use the appropriate adult service who are trained individuals who deliver the service.

Observations based on the theme of the panel

- Level 2 observations were appropriate in the first instance.
- It was felt that the situation was dealt with extremely sympathetically, and changes to observations made at appropriate times.

Chair's comments and OPCC Summary:

OPCC: the panel asked some very useful questions that helped in their understanding with this process. There were a number of questions asked that were not specifically around the observation levels and any changes here, but they were reminded of the need to stay on theme, whilst appreciating there will be a number of non-thematic questions while panel members are learning about the different aspects of custody. Based on the information provided by the Constabulary at the start of the meeting, the panel members were able to effectively scrutinise this incident.

Actions arising:

Feedback:

It was deemed necessary for an appropriate adult to be present on booking in and this later changed. Why is that?

Having spoken to the custody Sgt who deemed the detainee as 'not requiring' an AA, He told me that on speaking to the detainee on morning walk round, he was satisfied that the detainee had a good understanding of custody practices and processes and the fact that the detainee had trouble reading and writing was not enough on its own to dictate the detainee required an appropriate adult. As discussed at the meeting, it is not uncommon for a detainee who has presented as intoxicated at the time of booking in (as this detainee did) be marked as 'requiring' an AA but this is later changed when the detainee has sober'd and the custody officer is in a better position to make an assessment of needs.

Name:

Date:

Record 2

Background Information:

- The circumstances of the arrest were that the detainee has contacted Op Shout to say she was on a bridge. She was arrested for a breach of court order.
- The detainee was classified as having a delayed arrival as she was taken PCH for suspected overdose.
- The detainee's demeanour on arrival was co-operative.
- Detainee would not fully engaged with mental health / suicide questions.
- The observation *level* 3 was set (constant obsvs via CCTV with visits every 30 mins).
- Once in her cell she has used a shoelace to tie around her neck whilst under the covers. Officer didn't remove her shoes before going to the cell.
- Observation level subsequently changed to *Level 4*.

General questions, comments, concerns and/or compliments from panel members:

- Panel Question – Why was the detainee allowed to keep her shoes on? The Constabulary explained that the officer forgot to remove her shoes (not custody staff). A custody incident report was raised and this incident has been addressed.
- Panel Question – Should the shoes have been searched? The Constabulary explained that every detainee that comes into custody is searched under section 54 PACE. Those searches are supervised by the booking in Custody Sergeant, and that would include a hands-on search of the detainee, as well as a metal detector search during that search, shoes are removed. The officer would check inside the shoe for anything and would also run the metal detector over both the inside and the outside of the shoe. The detainee would then probably put the shoe back on because generally, after booking in, you then go through certain other things that documentation before you go to the cell.

Observations based on the theme of the panel

- Dealt with sympathetically and observations levels were appropriate.
- After explanation from the Constabulary, the panel members were content that the shoe issue has been dealt with internally and no need to raise again.

Chair's comments and OPCC Summary:

OPCC: Based on the information provided by the Constabulary at the start of the meeting, the panel members were able to effectively scrutinise this incident. This was

further supported by the knowledge of the ICV panel members who were present, who knew for example that shoes should have been removed and searched. This was a useful incident to scrutinise as it allowed panel members to learn from it.

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| Actions arising: | Feedback: |
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| Name: | Date: |

Record 3

Background Information:

- The circumstances of the arrest are that the detainee was arrested for theft from a shop.
- The detainee is well known to custody staff.
- He was initially put on Level 1 observations. The Custody Sergeant deemed him not to have been intoxicated from the drugs he'd taken the night before. There were no concerns raised in his risk assessment.
- Whilst in his cell the detained person requests to see a medic. The medic assesses that his is not fit to detain due to a swelling to his groin.
- When the DP leaves the custody suite to go to hospital the observation level automatically changes to *Level 4* (close proximity).

General questions, comments, concerns and/or compliments from panel members:

- Panel Question – What does DNANW mean? The Constabulary explained that it means that a DNA sample is not required.
- Panel Question – If a DP has a drug dependency, how is that dealt with within custody? The Constabulary explained that if the DP is on a methadone programme, the HCP provider would oversee the administration of the medicine. If the HCP is not available, the DP would be escorted to the pharmacy as it has to be taken in the presence of the pharmacist
- Panel Question – Do the custody staff use their prior knowledge of an individual to inform a risk assessment? The Constabulary confirmed that when conducting a risk assessment, Custody Sergeants will use all information they have to hand including prior visits to the custody suite.
- Panel Question - Would it be normal for a detainee to remove their own jacket? The Constabulary responded yes, is it usual to conduct at the checking desk – yes so Custody Sergeant can observe, and it is recorded by CCTV for evidential reasons and safeguard both parties. Strip searches would be done away from CCTV and out of public view.
- Panel Question - How much longer after mentioning the groin injury was the DP taken to hospital? Was this comment picked up? Could have been added to the custody record. The Constabulary responded that there is there a chance that the

Custody Sergeant did notice it but it is not recorded on the log.

- Panel comment – It is unfair to suggest groin injury should have been picked up during the search. The DP had the opportunity to mention it and didn't.
- Panel Comment – It doesn't look like the shoes weren't scanned. The Constabulary will feed this back.

Observations based on the theme of the panel

- Observation appropriately applied.
- No other comments. Handled well.

Chair's comments and OPCC Summary:

OPCC: Based on the information provided by the Constabulary at the start of the meeting, the panel members were able to effectively scrutinise this incident. As with the first incident, there were a number of questions asked that were not on theme, but again this is due to custody being new to many of the panel members and therefore a need for learning on the broader topic of custody. These kind of questions are useful to be considered when thinking about a custody input on the training that is delivered to new starters.

Actions arising:

Feedback:

Shoes weren't scanned

All custody staff emailed and reminded about the importance of S54 PACE searches.

Name:

Date: