

# National Strategy for Police Custody



# Foreword



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Police Custody is a fundamental element of policing and it remains of significant national interest. Recent developments in the service's approach to topics such as mental health and children in custody and the current Independent Review on Deaths and Serious Incidents in Police Custody have served to maintain the high profile nature of this essential activity. Custody practice is well regulated and legislated, however despite the national interest in its use and development, there has not hitherto been an overall vision for developing the national custody provision in light of the challenges and opportunities that policing will face over the next few years.

The National Custody Strategy aims to fill this gap, and provide a simple vision for Police Custody based on six principles. It suggests that work to progress the strategy will be aligned to three work-streams, each with a small number of predominantly outcome-based aspirations, reflective of the needs of the service, the expectations of the public and the new challenges that can be reasonably foreseen. It is intended to be the high-level statement, rather than a detailed plan in itself.

The strategy has been developed with assistance from academics at both Loughborough and Sheffield Universities and consultation has been undertaken across a wide range of stakeholders including the following organisations and groups:-

- Howard League for Penal Reform
- College of Policing
- Crown Prosecution Service
- National Custody Forum
- Police Federation
- Superintendents' Association
- Independent Police Complaints Commission
- Children's Rights Alliance for England
- Independent Custody Visiting Association

It is my hope that this product will be of use to colleagues in the service and beyond, in setting out the direction of travel for police custody and will complement existing legislation and guidance. I will take responsibility for driving progress through the National Custody Forum and recently re-established Regional Custody Forums. I commend this strategy to you.

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# 1. Introduction & Strategic Vision

Police Custody is a fundamental element of the criminal justice process in England, Wales and Northern Ireland and is currently delivered within each force area under the direction and control of individual Chief Constables.

There is a significant body of legislation that sets out the 'rules' of police custody, most notably the Police and Criminal Evidence Act 1984 (PACE), supplemented by Codes of Practice and practitioner guidance issued by the College of Policing (CoP), referred to as Approved Professional Practice (APP).

What none of these instruments is designed to provide, however, is a vision for police custody that will inform a nationally consistent approach to new initiatives, new investment and improved practice.

This document therefore describes a single vision for police custody in England, Wales and Northern Ireland that is both consistent with police practice and reflective of the expectations of the public and other stakeholders. The vision is supported by six strategic principles with work being arranged under three thematic areas, each of which identifies a small number of aspirational outcomes that are sought.

The strategy builds upon the excellent practice already developed in terms of risk identification and mitigation, but gives equal status and importance to the effectiveness of police custody and the value it adds to the criminal justice system.

This strategy should be read in conjunction with other related strategies of the NPCC which set out the broader vision for policing, notably the National Strategy for the Policing of Children and Young People.

If used as intended, it will guide forces as they come to make decisions on issues as diverse as estate provision, demand management, transparency and legitimacy, working with partners etc.



The strategic vision of the NPCC Custody Portfolio is:

“ To develop a nationally consistent and transparent custody operation that is safe, effective and efficient. ”



## 2. Context



### 2.1 The Custodial Purpose

The primary purpose of taking an individual into police custody is to make them amenable to the investigation of a criminal offence of which they are suspected. Subjecting an individual to detention is to deprive an individual of their liberty; the process is intrusive, risk laden and for many it is a period of great anxiety and stress. Detention must therefore be a necessary requirement and must never be a product of other considerations such as ease of operation, convenience of the state or a punishment in itself. Detention or continued detention in police custody for any other reason, such as a lack of available alternative provision by local authorities or health care providers should be minimised as far as is practicable.

### 2.2 Custody 'stakeholders'

Detainees are rarely in custody by choice and therefore are unlikely to acknowledge any direct benefit from the process. Nevertheless, detainees have rights and needs that must be considered whilst they remain the focus of the custody operation. The period spent in custody, however, could also provide an opportunity for diversion; through access to medical and mental health support along with substance misuse programs, and in so doing, the custody

process should be, as far as is possible, to the long term benefit of the detainee.

By contrast, there are those that take direct and material value from the custodial process. Reflecting the multi-agency nature of engagement during detention, this definition extends beyond police officers to partner agencies engaging in the custody process and to those agencies that follow on in the Criminal Justice system, for example the Crown Prosecution Service (CPS) and Her Majesty's Courts and Tribunals Service (HMCTS).

Finally, society and the public at large are unwitting beneficiaries of the custodial process, albeit it is a process that is largely hidden from public view which therefore necessitates a clearly defined process for independent oversight and evaluation.

### 2.3 A Discipline of Risk Management

Custody has become, by most contemporary accounts, a discipline dominated by risk management to the extent of risk aversion, where risk is understood as potential for negative outcome. The management of risk occurs at all levels of the operation and informs its design; current practices understandably seek risk elimination but there is a limit to how

far such an approach can be taken without paralyzing the process.

By seeking evidence based assessment from our critical partners and working with the College of Policing, we will share best practice on a national level to drive improvements in the way we understand and manage risk. This strategy proposes a balanced approach; detention should be measured against a benchmark of normal life. It should mean that no action or omission of the process materially increases the level of risk beyond this level.

## 2.4 Professionalism in Service

The police service has made significant investment in its workforce to date, but inconsistencies still exist between forces regarding accreditation and training expectations. Good practice needs to be shared more effectively. There should be continued promotion of confidence in the professional knowledge, training and judgment of all our custody staff.

## 2.5 Inappropriate use of Police Custody

Police custody is not always the appropriate response for an individual, despite its legal provision in statute, for example when dealing with children or vulnerable people, yet through necessity such individuals often find themselves in police custody. Transfer to the appropriate service, once in the system, is costly and can be delayed, both blocking facilities and tying up resources. In part this is improved through effective application of multi-agency services (locally). It is avoided by pre-custody interventions (e.g. Street Triage). Of the future enhancements to Police Custody, one of the greatest benefits will arise from diversion activities and greater collaboration with partner agencies.

Based on all of these factors, the following strategic principles have been developed which will inform the further development of the strategy.



### 3. The Strategic Principles



#### **The six Strategic Principles are:**

1. Detention in Police Custody is safe and used only when necessary, not punitively;
2. Custody supports effective investigation of crime and adds value to the criminal justice system;
3. The custody experience is non-discriminatory and transparent for all that have engagement with the process;
4. Custody practitioners are professionals in their field, trained to a national minimum standard and accountable for their actions;
5. Custody practice is ethical and evolves, reflective of changing demands, identified best practice, learning from previous failings;
6. Engagement with partners is effective and efficient in the support of the investigation of crime.



## 4. Three Workstreams: Legitimacy, Efficiency and Effectiveness



In support of these six principles and in furtherance of the vision, a workplan that is outcome based and not process driven is suggested, arranged under the three themes of Legitimacy, Efficiency and Effectiveness.

Under each theme, a series of high level aspirations have been identified that take account of current thinking in each area. In time, each theme will have a documented workplan whose aim is to take the service closer to the aspirations it has articulated.

It will be the responsibility of the NPCC lead to oversee and monitor progress of these workplans and progress will be reported in through the professional committee and ultimately to Chief Constable's Council.

## 4.1 Legitimacy - Our Aspiration



Legitimacy means maintaining public support and acceptance for the Police use of Custody. This is dependent upon our ability to develop, maintain and communicate the competency and professionalism of our people, facilities and practices. This must be done in a manner that is transparent and thereby earns the trust and respect of the public and our staff. This is demonstrated in our doing, and being seen to be doing, the 'right things at the right time' even where there is extreme pressure on the system.

- We treat all detainees with dignity and respect, proactively protecting their rights, particularly those that are most vulnerable
- We are consistent in our approach to safety
- We use custody for children only as a last resort
- We eliminate the use of police custody for Mental Health Act detentions
- We assure our practices against Authorised Professional Practice
- We ensure custody staff are appropriately and consistently trained across the country
- We are consistent in what we record and how we record it
- We encourage and support independent monitoring of our service
- We seek evidence based best practice and development of our knowledge, sharing between peers



## 4.2 Efficiency - Our Aspiration



Efficiency means our ability to use public money wisely; ensuring that for the long term, practices are economically sustainable and provide best value. We should constantly seek to reduce waste across the wider system, thinking beyond individual budgets.

- We are consistent in our understanding and investment in managing risk using accurate information to identify and manage risk, and be accountable for our actions
- We take opportunities to collaborate where it will increase economic efficiency
- We invest in our practitioners, providing ongoing training to reflect the evolution of evidence based best practice
- We seek national agreements where appropriate with service partners
- We invest in new technology that supports economic efficiency across the wider criminal justice system

## 4.3 Effectiveness - Our Aspiration



Effectiveness is our ability to deliver a service that adds value to the criminal justice system. This is achieved through clarity of investigative practice in custody.

- We agree a set of minimum investigative actions to be undertaken in every case
- We encourage and innovate appropriate alternatives to custody
- We reduce the incidence and length of pre charge bail
- We are confident in the identity and antecedents of every detainee
- We increase the effectiveness of engagement with our law enforcement partners
- We work with our partners in the medical and mental health fields to manage the needs of detainees and identify opportunities for diversion from the criminal justice system

In supporting this strategic approach,  
the police service is committing  
to advancing the professionalism,  
efficiency and efficacy of the custody  
provision, not in a piecemeal or  
un-co-ordinated manner, but in  
pursuit of a vision that is reflective of  
the expectations and requirements  
of the public it serves.