

National Strategy for **Police Custody**



FOREWORD

Custody is a fundamental element of policing, and it remains of significant national interest. It plays a pivotal role in the criminal justice process and cares for some of the most challenging and vulnerable people in society at what is often a very testing time. Our aim is to be effective, safe and to ensure that people are treated fairly, with as much dignity as possible. Having professional officers and staff who are well trained is essential.

I was a Custody Officer for two years in a busy custody centre and whilst that was some years ago now, I have never forgotten some of the challenging and rewarding times I experienced during that period. I became NPCC Custody Lead in October 2017 and whilst the previous National Strategy for Police Custody has served us well, it is now time for a new and refreshed strategy, that reflects the changing world and society that we live in and outlines the direction and objectives of police custody in the United Kingdom in the coming years.

During the tenure of the last strategy, we have seen the launch of the Custody Early Warning System (CEWS) which already has a record of helping to identify the deteriorating health of detained persons and has almost certainly helped in saving lives.

We have worked with the College of Policing to develop new training and development, including testing and evaluating virtual reality training.

May 2018 saw the first National Custody Awards, which are now joint awards with the Police Federation of England and Wales, recognising outstanding people, teams, and their achievements in custody. We now have a standardised set of custody performance metrics captured in the Custody Performance Management Framework. We are working with academics from Warwick, Nottingham, and Sheffield universities to improve standards and better assess risk.

Excellent work is being completed to agree a consistent approach to custody scrutiny panels. The annual NPCC National Custody Forum shares learning and best practice, and has grown, recently including addresses from the Minister for Crime and Policing, the Director General of the Independent Office for Police Conduct, and the Chief Executive of the College of Policing.

This is a refreshed and updated plan cognisant of developments in policing, society, technology, and our people. It deals with the important issue of dignity for detained persons when in custody and of the continuing need for the development and support for officers and staff working in the custody environment.

I could not introduce this updated strategy without mentioning the Covid-19 pandemic. The challenges this posed for police custody were significant and it has likely changed the way in which we operate and some of our guidance forever.

The National Strategy for Police Custody remains a simple vision, based on six principles. It suggests that work to progress the strategy will be aligned to four workstreams, each with a small number of predominantly outcome-based aspirations. These aspirations are 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.



A stylized signature of Nev Kemp in white ink.

Nev Kemp QPM

NPCC Custody Lead
Deputy Chief Constable,
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This refreshed strategy has been developed in consultation with:

- Children's Rights Alliance for England
- College of Policing (CoP)
- Crown Prosecution Service (CPS)
- Home Office
- Howard League for Penal Reform
- Independent Custody Visiting Association (ICVA)
- Independent Office for Police Conduct (IOPC)
- His Majesty's Courts and Tribunals Service (HMCTS)
- His Majesty's Inspectorate of Constabulary and Fire & Rescue Services
- Ministry of Justice
- National Appropriate Adult Network (NAAN)
- National Custody Forum
- National Police Estate Group (NPEG)
- National Health Service (NHS) England and NHS Improvement (NHSE/I)
- Police Federation of England and Wales (PFEW)
- Police Superintendents' Association (PSA)

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INTRODUCTION AND STRATEGIC VISION

Police custody is a fundamental element of the UK criminal justice process and is currently delivered within each force area under the direction and control of individual Chief Constables or the two London Commissioners.

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, the Human Rights Act 1998 and practitioner guidance issued by the College of Policing (CoP), referred to as Authorised Professional Practice (APP) and the Custody Design Guide produced by the National Police Estate Group (NPEG) and His Majesty's Inspectorate of Constabulary and Fire & Rescue Services Expectations.

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, investment and improved practice.

This document therefore describes a single vision for police custody in England and Wales that is also relevant to Scotland and Northern Ireland. This 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 four thematic areas, each of which identifies a small number of aspirational outcomes that are sought.

The strategy has evolved, and this refresh builds upon the excellent work that is now part of day-to-day custody business.

The NPCC Custody Portfolio seeks to exploit digital technologies to make the custody environment safe, effective and efficient, with positive outcomes and dignity at the heart of all decision making. It will look at how the police service can contribute to risk management throughout the Criminal Justice System (CJS).

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

“ THE STRATEGIC VISION OF THE NPCC CUSTODY PORTFOLIO IS:

To achieve an efficient, safe, professional and welcoming police custody space, where policing's primary role is to support the criminal justice system and public. ”

CONTEXT

Reviewing the current context of police custody, the Strategy explores the following key areas:

- Custodial purpose
- Custody stakeholders
- Risk management
- Professionalism in service
- Appropriate use of police custody

CUSTODY
ASSISTANT



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; to support the criminal justice process and public safety.

We also aim to ensure that when they leave custody, it is in a better condition or circumstances than when they arrived. Subjecting an individual to detention is to deprive them 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 and their dignity preserved.

CUSTODY STAKEHOLDERS

Detained people are rarely in custody by choice and therefore are unlikely to acknowledge any direct benefit from the process. Nevertheless, detained persons have rights and needs that must be considered whilst they remain the focus of the custody operation. The period spent in custody, however, also provides an opportunity for diversion, through access to medical, vulnerability and mental health support along with substance misuse programmes. In so doing, the custody process should, notwithstanding its overriding aim to support the criminal justice process and protect the public, as far as is possible be to the long- term benefit of the detained person.

Reflecting the multi-agency nature of engagement during detention, this definition extends beyond police officers to partners and support services such as learning and development, engaging in the custody process. It also involves agencies that follow on in the CJS, for example the Crown Prosecution Service (CPS) and His Majesty's Courts and Tribunals Service (HMCTS).



Finally, society and the public at large, are unwitting beneficiaries of the custodial process, which is largely hidden from public view, in a mature civilised democracy. This therefore requires, a clearly defined process for independent oversight and evaluation.

A DISCIPLINE OF RISK MANAGEMENT

Custody has become, by most contemporary accounts, a discipline dominated by risk management.

Understanding risk throughout detention, will provide clarity and reduce risk aversion resulting in the right outcomes. The management of risk occurs at all levels of the operation and informs its design; current practices understandably seek to remove all risk. However, it is recognised that not all risk can be eliminated and that there is a limit to how far such an approach can be taken.

By seeking evidence-based assessment from our critical partners and working with the College of Policing, the Police Scientific Advisor and healthcare colleagues, we share best practice on a national level to drive improvements in the way we understand and manage risk with the Custody Early Warning Score (CEWS) and risk assessment research. 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.

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, recognising the prestige and independence of the Custody Officer role as supported in PACE.



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. However, 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. This can be greatly improved through effective use of multi-agency services (locally). Custody can be avoided by pre-custody interventions (e.g. street triage and voluntary interviews). Of the future enhancements to police custody, one of the greatest benefits will arise from appropriate diversion activities and greater collaboration with partner agencies.



STRATEGIC PRINCIPLES

THE SIX STRATEGIC PRINCIPLES:

We will work in partnership and have a culture and estate that ensures:

1. Justice and the protection of the public
2. Detention in police custody is safe, ethical and used only when appropriate
3. Custody is non-discriminatory and transparent
4. Everyone is treated with dignity and respect
5. Custody practitioners are professional experts in their field
6. We will continually learn, improve, and innovate



FOUR WORKSTREAMS: PROFESSIONAL, BETTERMENT, EXPEDITIOUS AND ENVIRONMENT

In support of these six principles and in furtherance of the vision, a work plan that is outcome based and not process driven is in place, arranged under the four themes of: Professional, Betterment, Expeditious and Environment.

Under each theme, a series of high-level aspirations have been identified that take account of current thinking in each area and relate to proactive activity underway, co-ordinated through the custody portfolio. This is in the form of a number of working groups, which are chaired by innovative leaders; supported by stakeholders who share the custody vision and are striving for betterment.

It is the responsibility of the NPCC Custody Lead to oversee and monitor progress of these work plans. Progress will be reported on, through the Criminal Justice Co-ordination Committee and the National Custody Forum, as well as other stakeholder engagement events.



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PROFESSIONAL - OUR ASPIRATION

Professional means we are well-trained experts in our field, maintaining public support and acceptance for the police use of custody by maintaining legitimacy, trust and transparency. We demonstrate our professionalism in our day-to-day practice. We have the ability to develop, maintain and reassure regarding the competence 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 doing, and being seen to be doing, the 'right things at the right time' even when there is extreme pressure on the system.



- A golden thread throughout activity should be a desire to ensure people's dignity is maintained, and that wherever possible, a person leaves custody in a better condition or circumstances than when they came in.
- We are trained to consistent high standards and assure our practices against Authorised Professional Practice.
- We regularly review our custody training programmes to include the latest learning and best practice.
- We are consistent and effective in our management of risk.
- We provide outstanding care and safety, ensuring, wherever possible, people leave custody in a better condition than when they came in. To do this we procure professional and skilled healthcare services.
- We always consider the welfare and dignity of all detainees.
- We treat all detainees with respect, proactively protecting their rights, particularly those who are most vulnerable.
- We are resilient, flexible, and adaptable.
- We support each other and work together with all those who visit police custody.
- We are accountable for our actions, encouraging the independent monitoring of our service.
- We will highlight and recognise good work.
- We continually learn and improve.

BETTERMENT - OUR ASPIRATION

Betterment means the act or process of improvement. Building on our professionalism, we endeavour to continually improve our service, our teams and safety. This includes making our service more efficient, using public money wisely; ensuring that for the long term, practices are economically and environmentally sustainable, providing best value. We should constantly seek to reduce waste across the wider system, thinking beyond individual budgets.



- We work in partnership to ensure that custody is safe and efficient.
- We invest in new technology and solutions that support safety, welfare, dignity, and economic efficiency across the wider CJS.
- We are innovative, seeking new and improved ways to provide excellent service.
- We have agreed, national performance measures to allow comparative review and the sharing of best practice.
- We respond positively to independent scrutiny of our performance to help us identify areas that require improvement.
- We have effective strategies to improve areas of underperformance.
- We reduce adverse incidents and deaths in custody.
- We have effective internal monitoring processes to ensure disproportionality and the use of force in custody is monitored and scrutinised.
- We work with health providers and NHS provisioned liaison & diversion partners to deliver excellent care and to eliminate police custody for Mental Health Act detentions.



EXPEDITIOUS - OUR ASPIRATION

We are expeditious in our processes and investigations, ensuring that no detained person is in police custody for any longer than is appropriate. This will be achieved whilst also supporting the investigative process, the wider CJS and public safety.



- Our working practices facilitate effective, thorough, and efficient investigation whilst ensuring the rights and dignity of detained persons are maintained.
- We work with our partners to ensure matters under investigation can be resolved at the first opportunity, preventing unnecessary progression through the wider CJS.
- We encourage and innovate appropriate alternatives to custody.
- We ensure that custody is only used when appropriate and never punitively.
- We work to reduce the average time detainees spend in police custody.
- We develop effective relationships with partners to ensure that the custody process can occur smoothly without lengthy delay.
- We work with our partners in the medical and mental health fields to meet the needs of detainees and identify opportunities for diversion from the CJS.

ENVIRONMENT - OUR ASPIRATION

To deliver a world-leading, safe and professional service environment for detained people, officers, staff, partners and visitors. It will support the welfare and dignity of the detained person. Our custody environment will make the best use of technology and evidence-based research, to ensure we can provide a safe and welcoming estate for all that is adaptable to changes in climate, use, and need.



- We will invest in the custody estate and resource to ensure that we provide a safe and welcoming environment.
- We will work with partners, such as the National Police Estate Group, to support this primary aim of safety, but also ensuring value for the public purse in any refurbishment or new build project.
- We will make use of the latest technology to ensure custody buildings are energy efficient and sustainable, ensuring we can deliver value for money, minimise environmental impact and deliver efficiency to the wider justice system.
- Our estate will be inclusive, being able to support all who may use it, including those with physical, mental, and/or neurodiverse needs.
- Custody design supports the welfare of detainees, the staff who work there and any visitors to those areas.
- We use custody for children only as a last resort. If it is used for children, we have specialist provision to meet their additional needs, ensuring we meet the Concordat on Children in Custody.

CONCLUSION

In supporting this strategic approach, the police service is committing to advancing the professionalism, safety, and care of custody provision, not in a piecemeal or uncoordinated manner, but in pursuit of a vision that is reflective of the expectations and requirements of the public it serves and respecting the rights and dignity of all parties.



