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Acting Police, Crime & Victims' Commissioner:
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Stephen White
Jon Carling

06 December 2019

Dear Home Secretary,

HMICFRS Inspection Report: Durham Police - Joint inspection of police custody

This letter constitutes the response to the above inspection from Ron Hogg, Durham Police, Crime and Victims' Commissioner, in order to fulfil his responsibilities with regard to Section 55 of the Police Act 1996. The reply to HMICFRS will also be published on his website. I am replying as acting PCC whilst Mr Hogg is unwell.

In turn, here are position statements showing what the Constabulary is doing to meet the recommendations and areas for improvement which relates to Chief Constables, of which I am in support:

Leadership, accountability and partnerships;

Recommendation: The force should agree and implement clear plans for the future of the custody estate with clear timescales for delivering these so that all detainees are held in a suitable environment and can have their needs appropriately met.

This is recognised by the force as a key area of risk. Significant options are being developed to re-configure the custody estate to best meet demand and detainee needs. Capital spend and financial resource capability will be key to delivery of this in a short timescale. The case and timescales for the medium term estate are being presided over by the executive.

Recommendation: The force should ensure that recording on custody records is full and accurate, and clearly reflects the individual action taken for each detainee. It should robustly quality assure custody records, to identify and act on any concerns.

Custody management staff have been instructed to dip-sample and track records, as appropriate and proportionate.

A review has begun to identify Key Performance Indicators (KPIs) and develop a business process in relation to said KPIs, allowing for systematic data extraction. This data will then be inputted into the force DCOP data system. Tasking and Coordination are set to form a standing agenda at fortnightly and quarterly accountability meetings. Furthermore, a new performance meeting process has been set up under the governance of a D/C/Supt, who will feed into the ACC. These meetings will be supplemented by a management meeting chaired by a D/C/Insp, and agreed KPI's will then be facilitated and presented.

Continued investment into Red Sigma custody will serve to supplement record keeping and management of records. This will include improvements to the Use of Force recording system, which is being built into the new Red Sigma custody system. From a practical perspective, submission of Use of Force Forms (UFF) is being built into the Monthly Performance Reviews (MPR) process. Furthermore, all staff are being reminded to submit UFF in the appropriate circumstances.

There has been a review of training and knowledge to all acting and substantive ranks involved in custody. In addition, the people commander is to give standing delegated authority to all those doing Acting Inspector role the ability to do PACE reviews.

In the custody suite;

Recommendation: Custody staff should ensure that detainees who are strip-searched are left appropriately clothed.

Detainees who are strip searched either; are stripped in stages and clothing returned after each section, or if clothing is removed as evidence, wet or soiled, replacement clothing will be issued immediately. Specific instruction to offer footwear has been circulated and will form part of the Autumn Continuing Professional Development (CPD) training.

Recommendation: Detainees should be able to make telephone calls, especially those to legal representatives, in sufficient privacy.

The Custody estate makes provision of telephone calls in an area without CCTV problematic. Best efforts are made to ensure that detainees are able to speak to their legal representative in privacy. The new custody build will address this issue.

Recommendation: The force should ensure that detainees are made aware of how their privacy is affected by closed-circuit television (CCTV) coverage in the suite, including the cells it covers and in particular that toilets are obscured from view. Notices advising detainees that CCTV is in operation throughout the custody suite should be clearly and prominently displayed in all custody suites.

Detainees will be made aware of how their privacy is affected and maintained, and signage is being reviewed to ensure this is met.

Recommendation: The force should strengthen its approach to meeting the individual and diverse needs of Detainees.

Additional religious books and texts have been purchased and distributed across Durham Constabulary's custody suites. Wheelchairs for all sites have been ordered. Mobility seating and stools for showers are being sought. Zimmer frames, whilst not highlighted as a requirement have been discussed and will be ordered.

Recommendation: The approach to managing detainees' risks should be improved.

Additional staffing has reduced waiting times, which is one of the requested measures for the performance framework. Triage training is to become part of the Autumn CPD training to identify any risks presented by detainees waiting to be booked in. Additional signage is being designed to highlight the requirement (for both escorting officers and custody staff). Part of the Autumn CPD training will also incorporate consistent approaches to responding to cell call bells and documentation of muting and isolating.

Due to some custody suites not having full CCTV coverage in the cells funding has been agreed to remedy this.

Recommendation: Custody officers should be aware of the availability and importance of translated documents and provide them to detainees in line with PACE code C, annex M. (3.45)

The decision was taken that it was simpler to remove printed copies and instead guidance has been sent to all staff along with a link that will always contain the most up to date versions (Home Office site), which can then be relayed to detainees.

Recommendation: Complaints should be taken while detainees are still in custody, unless there is a good reason not to do so.

There will be a CPD event to cover instruction that complaints will be taken as soon as they are raised, with clear instruction as to the processes involved in achieving this. While the IOPC do not produce a poster in relation to this, a new poster has been designed, approved and distributed.

Recommendation: The force should ensure that it adheres to the legal requirements for fire safety.

Evacuation grab bags are now present in all custody sites, and evacuation procedures have been reviewed to meet expectation. Consequently, an updated spreadsheet that caters for these additional expectations has been devised.

Recommendation: The governance and oversight of the use of force in custody should be improved, to provide assurance that it is safe and proportionate to the risk or threat posed.

Use of force will continue to be dip-sampled and lessons learned. A proportionate number will be examined and will form part of the MPR framework for custody staff.

Recommendation: The force should improve its approach to detainee care.

Detainee care is more resource intensive in force due to the poor estate. Many facilities such as hand washing and drinking water will be addressed in the new estate strategy. Consequently, this will improve the quality of custody units and care of detainees. Revised staffing rosters have also increased our ability to respond to detainee care issues.

Recommendation: The force should ensure that custody officers have sufficient oversight of the safeguarding arrangements for children and vulnerable adults in custody, to help to manage their needs while in custody and their safe release.

Staff have access to the most up to date guidance and dip-sampling will be carried out to ensure this is bedded in. This will be checked while performing bronze role.

Recommendation: The force should strengthen its approach to securing appropriate adults (AAs) for children and vulnerable adults.

A reminder about timeliness about AAs has been circulated and planned for inclusion in next CPD. The AA contract for County Durham has changed, and from 1st Nov will be operated by a new provider - Child Action North West. This has formed part of the meetings with the new management team.

Recommendation: The force should ensure that it consistently identifies when children need to be seen by health care professionals in custody, and refer them accordingly.

All individuals, whether children or not, will be referred to a health care professional according to their risk assessment and individual needs.

Recommendation: Managerial oversight and clinical governance arrangements should ensure effective support and supervision of custody care practitioners, and routinely monitor clinical standards and medical equipment.

There are regular governance meetings concerning the clinical contracts. This includes the contract doctor and the lead Health Care Professional, where issues encountered and complaints are discussed and monitored.

Recommendation: Medicines management arrangements should ensure that medicine stocks are fully accounted for, with clear audit trails of medicine disposal and reconciliation established.

This is carried out by the medical staff. Medicines will be stored until such time as the detainee is required to receive said medicines. What medicines are taken and when they are administered whilst in custody is recorded.

Recommendation: Detainees with drug and alcohol problems should receive specialist support while in custody.

All detainees with drug and alcohol problems will be referred to a medical professional whilst in custody, and if required, a mental health specialist. They may also receive a referral for when they have left custody.

I am also copying this letter to Sir Thomas Winsor, Her Majesty's Chief Inspector of Constabulary and Fire and Rescue Services.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Steve White".

Steve White
Acting Police, Crime and Victims' Commissioner for Durham



The Police and Crime Commissioner for Durham is an accredited Living Wage Employer with the Living Wage Foundation