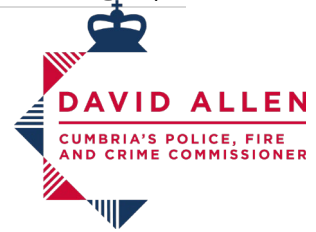


Community Scrutiny Panel



Title: Custody Detention Report

Date: 27 August 2024

Agenda Item No: 07

Originating Officer: Inspector Callum Young

CC: XXX

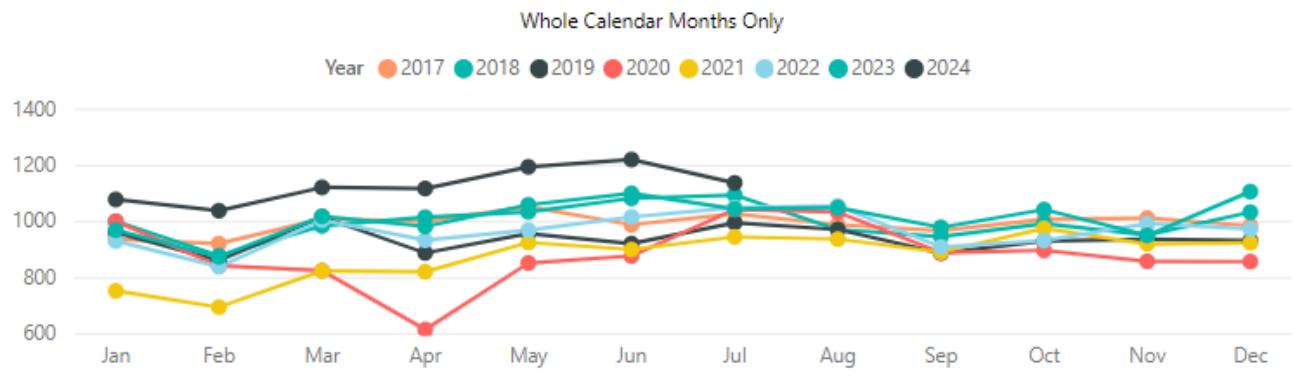
Executive Summary:

Recommendation:

1. Introduction & Background

This report will provide an overview of key areas of custody management to assure the Ethics and Integrity panel that the Constabulary has developed good processes and practices to keep people safe within our suites.

Custody Throughput



Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2017	809	772	862	836	872	805	812	787	817	819	817	798	9806
2018	809	690	786	795	814	864	898	762	799	799	774	852	9642
2019	789	691	843	736	780	749	795	785	726	733	712	789	9128
2020	810	702	683	576	777	757	929	899	749	738	698	705	9023
2021	626	600	661	648	782	753	806	817	760	788	743	767	8751
2022	770	672	817	741	798	842	894	877	745	781	815	814	9566
2023	778	744	862	847	903	924	882	909	834	907	814	1003	10407
2024	914	889	958	936	1041	1089	1002	695					7524

The above shows all custody records for the previous 8 years on average the force sits at approximately the 9400 unique custody records per year. During the COVID pandemic custody arrests dipped for a short period however rose quickly back to normal levels.

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2017	128	150	148	165	181	184	216	202	151	189	196	188	2098
2018	192	189	199	221	221	219	197	210	148	194	179	182	2351
2019	173	171	174	153	178	173	201	187	162	198	226	144	2140
2020	192	141	143	40	76	121	114	135	141	160	161	153	1577
2021	128	96	164	174	144	148	140	121	132	188	178	158	1771
2022	161	168	188	193	172	175	156	179	165	152	178	160	2047
2023	192	131	157	136	157	177	163	141	146	136	137	104	1777
2024	165	150	164	182	154	132	136	71					1154

Voluntary interviews are utilised where an investigator may wish to conduct an interview but there may not be a necessity ground for arrest. There is strict legislation around Voluntary attenders and is governed by the Police and Criminal Evidence Act 1984.

The Constabulary averages approximately 1900 Voluntary attender custody records per year and is likely to see a similar volume in 2024.

Custody Disposal

The highest disposal method within the Constabulary is Pre-Charge Bail "Police Bail" in 2022 legislation changed around the use of bail. The new legislation encourages Police to utilise pre-charge bail in every case where it is necessary and proportionate by removing the perceived presumption which was previously against the use of pre-charge bail.

Pre-charge bail is a tool used by the police to manage suspects who have been arrested on suspicion of an offence but where more time is needed to complete the investigation before a charging decision is made. This bail is often accompanied by a set of conditions. The investigation can continue whilst the suspect is on pre-charge bail. [Pre-charge bail: Police, Crime, Sentencing and Courts Act 2022 factsheet - GOV.UK \(www.gov.uk\)](#)

Released without Bail also known as released Under Investigation (RUI) is still available and is often used in road traffic offences such as cases under Section 5A of the Road Traffic Act 1988 - Driving whilst over the prescribed limit for a controlled drug where officers must await the forensic analysis of a specimen of blood to be analysed prior to charge and bail conditions are unlikely to be applicable.

First Custody Disposal/First Offence Disposal	Month Total	Month (% of Total)	Last Month	Last Month % Change	Last Year	Last Year % Change	3 Year Average	3 Year Average % Change
POLICE BAIL	494	45.36%	449	10.02%	412	19.90%	261.00	89.27%
RELEASED WITHOUT BAIL	162	14.88%	173	-6.36%	94	72.34%	200.67	-19.27%
CHARGED + BAILED	122	11.20%	119	2.52%	105	16.19%	95.67	27.53%
NO FURTHER ACTION	118	10.84%	117	0.85%	140	-15.71%	133.33	-11.50%
CHARGED NO BAIL (translated to Court Disposal)	65	5.97%	58	12.07%	50	30.00%	41.67	56.00%
HANDED TO ESCORTS	46	4.22%	61	-24.59%	54	-14.81%	40.67	13.11%
WARRANT EXECUTED	21	1.93%	12	75.00%	18	16.67%	15.00	40.00%
CAUTIONED	12	1.10%	5	140.00%	10	20.00%	14.33	-16.28%
REFUSED DETENTION	11	1.01%	11	0.00%	13	-15.38%	8.33	32.00%
TRANSFERRED OUT	11	1.01%	10	10.00%	8	37.50%	5.67	94.12%
unknown	11	1.01%	8	37.50%	6	83.33%	2.00	450.00%
BREACH OF BAIL	7	0.64%	14	-50.00%	5	40.00%	4.33	61.54%
TAKEN TO PRISON	7	0.64%	3	133.33%	6	16.67%	6.33	10.53%
CAUTIONED (COND)	1	0.09%					1.00	0.00%

Air lock Times

The Constabulary monitors "air lock times", the air lock is the room a detained person is placed in before being booked in by the custody sergeant. Sometimes a person is taken directly through to be booked in but during busy periods the air lock is used to hold them while they wait.

Detention Station	Detentions Started	Average Time per Detention	Median Time per Detention	Median Airlock Mins	Average Airlock Mins
Barrow Station	173	9.93	7.08	7.00	16.91
Durranhill Station Carlisle	292	14.83	10.43	8.00	18.91
Kendal	107	12.26	11.02	8.00	18.42
Workington	192	12.16	10.03	7.00	21.34
Total	764	12.69	9.48	7.00	19.01

**Please note that times are not calculated in as 60 seconds, seconds are calculated up to 100. Therefore if you have .95 in one box this would be 57 seconds.

Constabulary set a target of 12 minutes in the Airlock, as can be seen in 2024 the Average airlock slightly above target, the median is well within the 12-minute time frame. The average airlock time is skewed due to a small volume of cases that took significantly longer than others making the median the more accurate figure in this data.

An example of where these figures may be skewed would be multiple offenders arrested for the same offence i.e. multiple occupants of a vehicle may be arrested at the same time and would need to be held in the airlock to prevent conferring whilst their co accused are booked into custody.

Disproportionality

Demographics	Average Time per Detention (Hrs)	Median Time per Detention (Hrs)	Average Airlock Minutes	Median Airlock Minutes	Detentions Started	%	All	%
Female, Asian	12.67	11.05	22.84	6.00	25	0.17%	114	0.12%
Female, Mixed	12.60	8.97	20.92	19.50	12	0.08%	91	0.10%
Male, Asian	12.06	8.98	19.55	6.00	187	1.24%	960	1.01%
Male, Black	11.91	9.30	21.30	7.00	148	0.98%	718	0.76%
Male, Other	11.38	9.23	44.55	6.00	34	0.23%	474	0.50%
Male, Mixed	11.23	9.90	25.10	7.50	91	0.61%	552	0.58%
Female, Not Stated	11.15	7.52	15.74	5.00	47	0.31%	232	0.24%
Male, Not Stated	10.90	7.88	15.46	5.00	214	1.42%	828	0.87%
Male, White	10.27	7.38	13.90	5.00	11266	74.95%	71791	75.81%
Not Stated, White	9.86	3.32	4.88	4.00	9	0.06%	87	0.09%
Female, Other	9.32	7.53	33.75	18.00	8	0.05%	119	0.13%
Female, White	8.72	6.23	15.18	5.00	2950	19.63%	18457	19.49%
Female, Black	8.52	6.58	19.71	4.00	14	0.09%	103	0.11%
Not Stated, Asian	4.20	4.20	18.50	18.50	2	0.01%	4	0.00%
Not Stated, Not Stated	3.23	0.77	15.63	3.00	24	0.16%	170	0.18%
Not Stated, Black							2	0.00%
Total	10.02	7.17	14.49	5.00	15031	100.00%	94702	100.00%

August 2023 – August 2024

The above figures show the length of time on average someone is detained in custody by their ethnicity and their sex. The Police and Criminal Evidence Act strictly governs how long someone can be detained in custody and there are only certain extensions that can be authorised by an Inspector and a Superintendent. The Police have 24 hours in which to investigate an incident prior to releasing the person from custody. For serious offences it is expected to use the full 24 hours

however for less serious offences less time is often required. The maximum that this can be extended to is 36 hours and requires a Superintendents authority.

The most accurate figure is the median detention time as some individual cases with exceptionally longer detention times and the small sample size skew the figures. In relation to Asian females, there were two cases that were significant outliers, both females were arrested for complicated money laundering offences. In both cases, a translator was required, and premises searches conducted. One of the detainees was subsequently remanded and placed before the next available court.

Juvenile Detention

The Constabulary understands the importance of not criminalising youths, the Child Centred Policing Team (CCPT) works directly with youths and their families to prevent them entering into the criminal justice system. The Constabulary has a policy where any arrest of a juvenile (someone under 18) must be authorised by an officer of the rank of Inspector. The Inspector must consider the reasons for arrest and ensure that all safeguards are put in place should a child be arrested. The Inspector must then submit a form containing their rationale for authorising (or not) the arrest of the juvenile.

During the year 2024, 398 children have been arrested and taken to Police custody which was authorised by an Inspector. A further 17 cases were refused detention by an Inspector and other safeguarding measures put in place rather than arrest and detention.

CCPT review these cases to ensure appropriate measures are put in place which includes ensuring officers have submitted the relevant safeguarding referrals (SAF reports) .

The Children in Custody scrutiny meeting occurs quarterly. This governance meeting is chaired by the Custody Chief Inspector and is attended by partners from Liaison and Diversion , HCP, ICV's and representatives from the Office for Policing, Fire, Crime & Commissioning.

Custody Scrutiny

A sample of custody records are selected each month (74) to ensure consistency in approach and improvements are made. The reviews are conducted by senior management within the custody environment who have the capability to ensure improvements are made should any issues be identified. The QA checks review the following:

- The necessity to detain the person,
- If the person was given appropriate clothing,
- If the person was informed of Inspectors reviews,
- If the person was fed appropriate meals,
- If the person was given a female member of staff as a point of contact (females only),
- If females were afforded appropriate protections and were provided with access to sanitary products,

- If juvenile detentions were appropriately scrutinised,
- And more.

The Constabulary continues to review the information provided by the audits to ensure detained persons are kept safe in our custody suites and have access to all the rights afforded to them.

Governance

Overall Custody Management is by Superintendent Andrew Wilkinson and Chief Inspector Jo Walker, both hold responsibility for ensuring improvements to custody procedures and processes and that the suites are managed effectively.

Custody is governed through numerous governance boards:

- **Strategic Performance Board** – Trends (as included in this report) are reported to the board chaired by the Deputy Chief Constable, this board ensures Chief Officer strategic oversight of the custody environment,
- **Operations and Scrutiny Board** – A briefing is given from the Custody Governance Board to ensure that appropriate people are held to account, this meeting is Chaired by the Assistant Chief Constable.
- **Custody Governance Board** – Chaired by Superintendent Wilkinson – Performance across all suites is reviewed, numerous departments attend including estates to ensure the suites are safe.
- **Custody & Bail Management Performance Meeting** – Chaired by Chief Inspector Walker – This ensures that any plans put in place by the governance board are completed.

2. Issues for Consideration

Operation Safeguard

Operation Safeguard is the national contingency plan for the planning and delivery of policing support to His Majesty's Prison and Probation Service (HMPPS). This has been activated within Cumbria and the Constabulary currently has 3 dedicated cells in Durranshill Custody Carlisle. The staffing for this is funded by the HMPPS regardless of whether they are all occupied or not. [op order - operation safeguard 2023 .docx \(sharepoint.com\)](#)

Operation Early Dawn

Operation Early Dawn – has been activated within Cumbria and is the government response to the increased demand on the courts and justice system. Operation Early Dawn (OED) is a plan of action to reduce the risk of having remanded prisoners in courts without an identified prison or achievable safeguard place. There may be situations where detainees are not taken to magistrate's post charge and remote hearings may be implemented utilising the Cloud Video Platform (CVP). This will have an increased demand on the Constabulary particularly on custody officers and staff but can also have a wider impact on operational policing from situations where

detainees may require hospital treatment. This will have an increased demand by tying up Police resources.

There are legal implications surrounding Op Safeguard i.e. section 46 of PACE which can impact the Constabulary. This would be where a detained person is not taken by the courts and remanded to prison. The Constabulary could be left in a position where a decision would need to be made by the Chief Officer Group of the continued detention of a detainee is suitable. Breaching the legislation could result in a scenario of unlawful detention in custody which would have significant legal ramifications on officers, staff, and the wider organisation. See supplementary information.

3. **Supplementary information**

(List appended documents such as business case, EIA, PID, Media Strategy - all key points of information should be summarised within this document)



Section 46 PACE
Legal update v1.pdf