



COMMISSIONER'S INDEPENDENT SCRUTINY REPORT

Custody & Detention – Children in Custody

17 October 2023 & 08 November 2023

Scrutiny Panel:

Custody & Detention

Members:

Jim Rowley – Chair
George Beech MBE
Samantha Couzens
Sue Mather
Sophia Norrington
Sue Westwick
Martin Adams

Also present:

Chief Inspector Lucy Maskew
Sgt. Steve Lloyd-Warren
Michelle Ryan – SCO
Holly Sproston - SCO

Purpose:

That the correct procedure has been followed with regard to the booking in process of Children and Young Person (CYP) detainees. To ensure that the process is compliant with the law and best practice.

For all reviewed cases, the scrutiny was to answer:

- Was the detention justified?
- Has the CYP Risk assessment been undertaken?
- Has the discrete room been used?
- Has an Appropriate Adult been notified at the point of booking in?
- Did the Appropriate Adult arrive within a reasonable timeframe?
- Was the Appropriate Adult present for rights and entitlements?
- Was the Appropriate Adult present for biometrics?
- Was the CYP placed in a CYP cell?
- Was the CYP provided with distraction materials?
- Where required was the CYP referred to a Healthcare Professional and Justice and Health Team?
- Were Inspector reviews undertaken in person?
- Was the CYP detained overnight?
- Was the detention certificate completed?
- Has a safeguarding referral been made?

Panel Findings:

The panel were offered a selection of 124 records from the time period 1st July 2023 to 31st August 2023 for CYP brought into custody.



At the pre-meeting on 3rd October 2023, the panel chose 10 records to scrutinise. Custody Records were requested from the Force. CCTV was not provided due to the poor audio quality and the current refurbishments being undertaken at both custody facilities.

At the scrutiny meeting Custody Records for each detainee were provided. Due to the complexity of the cases and the length of time taken to undertake a robust scrutiny, it was agreed a further scrutiny meeting would be scheduled on 08 November 2023.

Custody Record C23010017 – Northern Custody Facility

- The custody log indicates that the detainee is a female. It is actually a male. Aged 14. Detained at 12:02. Released at 23:12.
- It is not clear on the custody log provided that the safeguarding referral was made. However, a check on the 'live' custody log confirmed that a referral was made.
- CYP Risk assessment completed.
- Other than the above, the panel noted that the processes were thorough and comprehensive.

Custody Record C23011939 – Southern Custody Facility

- Female arrested at 15:20. Aged 15. Arrived at Custody at 15:52.
- Detention not authorised and female released at 17:08.
- Female invited back to voluntary interview.

Custody Record C23010175 – Southern Custody Facility

- Male arrested at 20:03. Aged 17. Detained at 20:49. Released 03:49.
- CYP Risk assessment completed.
- The panel noted that the processes were completed.

Custody Record C23012425 – Southern Custody Facility

- Male arrested at 16:58. Aged 16. Detained at 17:54. Released at 20:45.
- Although biometrics were done, it is not clear on the printed custody whether the Appropriate Adult was present. A check on the 'live' system did not show that an AA was present for the biometrics.
- CYP Risk assessment completed.
- The panel noted that the processes were completed.

Custody Record C23011640 – Northern Custody Facility

- Male arrested at 12:40. Aged 12. Detained at 14:34. Released at 20:54.
- It was noted that the incident which led to the arrest was some time before the detainee was taken to custody.
- A discussion followed on why there was a delay and the reason for bringing the individual in to custody. It was noted that it may have been as an enabling measure to place bail conditions to prevent further incidents.



- CYP Risk assessment completed.
- The panel noted that the processes were completed.
- The panel indicated that it was valuable having the Chief Inspector present to give more context on the process and actions taken.

Custody Record C23012354 – Southern Custody Facility

- Male arrested at 04:38. Aged 17. Detained at 05:44. Released at 13:20
- CYP Risk assessment completed.
- The panel noted that the processes were completed.

Recommendations and Observations:

The panel have noted the following:

Observations:

- The panel were disappointed that CCTV of the booking in process was not available but accepted that at the moment the audio quality was not acceptable. The panel were made aware that the plan to update the custody facility would enable better quality CCTV. However, it needed to be determined whether the CCTV would have to be pixelated and dubbed before it could be shown.
- The panel noted that on a couple of occasions the printed custody record did not reflect what was on the 'live' record.
- The panel were pleased to see that of the custody records scrutinised, none of the detainees were detained overnight.

Recommendations:

- The Force looks to eradicate the issue of the omission of parts of the Live custody log on the printed record.

Force Lead Response:

I have read the above and it is an accurate reflection of the meeting.

It was apparent the issues between printing and actual live system. I will highlight this to PSD for IOPC purposes should there be issues in any investigation they are carrying out.

First prisoner transgender which caused issues around classification which was an explanation for the first custody record issue.

As custody lead I was glad to see that one of the records showed appropriate use of custody for a juvenile rearranging a detainee for voluntary interview.

In regard to the record where there were issues around an AA, to clarify, the record is not saying their AA wasn't present, it was just not data recorded and there was



not an area in which to do this. However given the AA was present at the custody desk a few minutes before, intimation was that they were there.

In regard to CCTV it was noted with PFCC lead that it has been discussed around the confidentiality and identification of the DP and if we moved forward with custody videos we would need to consider the blanking out of individuals and be mindful of collateral intrusion and other confidentiality issues around risk assessment.

It was a useful scrutiny panel and the presence of the Chief Inspector definitely allowed some of the queries to be answered which offered reassurance to the panel.