Cumbria Office of Police and Crime Commissioner

**Cumbria Police and Crime Commissioner (PCC) response to inspections of Cumbria Constabulary published by Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS)**

*Section 33 of the Police Act 1996 (as amended by section 37 of the Policing and Crime Act 2017) requires local policing bodies to respond to recommendations in inspectors reports within 56 days.*

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| **Inspection Title:**  | Report on an inspection visit to police custody suites in Cumbria. |
| **Date Published:** | 24/03/2023 |
| **Type of Inspection:** | National Inspection  |
| **Key Findings**  |
| This report describes findings following an inspection of Cumbria Constabulary custody facilities. The inspection was conducted jointly by HM Inspectorate of Constabulary and Fire Rescue Services and the Care Quality Commission in January 2023. It is part of our programme of inspectors covering every police custody suite in England and Wales. The inspection assessed the effectiveness of custody services and outcomes for detained people throughout the different stages of detention. It examined the force’s approach to custody provision in relation to detaining people safety and respectfully, with a particular focus on children and vulnerable adults.To help the force improve, we have made one recommendation to it and its police and crime commissioner. This addresses our main causes of concern.  |
| **Causes for concern:**  |
| 1. #26227 The constabulary’s governance and oversight of its use of force isn’t good enough. The data it has is inaccurate because use-of-force forms aren’t completed for all incidents, and incidents aren’t always properly recorded on custody records. Quality assurance processes are limited, and our own review of CCTV incidents found they weren’t always managed well. The force can’t show that when force is used in custody it is always necessary, justified, and proportionate.
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| **Recommendations:** |
| 1. #26228 Cumbria Constabulary should scrutinize the use of force and restraint in custody to show that when force is used in custody, it is necessary, justified, and proportionate. This scrutiny should be based on accurate information and robust quality assurance.
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| **Areas for improvement:**  |
| 1. #26229 The force should make sure all custody procedures and practices comply with PACE and its codes of practice and follow Authorized Professional Practice guidance.
2. #26230 The force should improve the standard of recording on custody records so that actions taken, and the reasons for important decisions, are clear. Quality assurance should make sure records are completed to the required standard.
3. #26231 The force should protect detainee dignity at all times and make sure detainees don’t stay naked in cells if their clothing is removed.
4. #26232 The force should strengthen its approach to meeting the diverse and individual needs of detainees by using private telephone interpreting services at all points during detention where important information needs to be given or requested and making sure that all staff have a good understanding of different religious practices, including how to handle religious items respectfully.
5. #26233 The force should improve its management of risk by making sure:- custody officers ask arresting or escorting officers if they have any additional information about detainee risks;- officers carrying out level 4 observations keep a log of their observations;- the removal of footwear or clothing with cords from detainees is decided on an individual risk assessment with the reasons for removal clearly recorded;- the use of anti-rip clothing is appropriate and justified for the risks posed, and the reasons for its use clearly recorded;- all staff on duty are fully briefed about detainees’ risks through effective handover arrangements; and- custody officers routinely visit each detainee when taking responsibility for their welfare and record this in each detainee’s custody record.
6. #26234 The force should have arrangements to avoid voluntary interview attendees coming into custody.
7. #26235 The force should carry out reviews of detention in the best interests of the detainee and improve its approach by:- consistently complying with PACE and its codes of practice; and- making sure reviews while the detainee is asleep are only carried out in recognised rest periods and the detainee is reminded at the earliest opportunity.
8. #26236 The force should improve the safety and environment of the custody suites by:- addressing the safety concerns caused by potential ligature points and, where resources don’t allow immediate rectification, managing the risks appropriately; and- making sure all staff are involved in a practical fire evacuation.
9. #26237 Vulnerable adults and children should always have prompt support from appropriate adults, including at night and weekends.
10. #26238 The force should continue to work with local authority partners to improve the provision of alternative accommodation for children who are charged and refused bail.
11. #26239 Detainee dignity should always be protected during clinical examinations.
12. #26240 L&D staff should have easy access to the community mental health records for all detainees so that they can meet detainee needs promptly and minimise any risks that a detainee may potentially pose to them.
13. #26241 The force should improve how it releases detainees by custody officers:- taking account of all risk information about the detainee when completing pre-release risk assessments; and- checking and signing off digital and handwritten person escort records before releasing detainees to court or other agencies.
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| **PCC & Chief Constable Response to Report and Recommendation:** |
| Cumbria’s Police, Fire and Crime Commissioner has welcomed the inspection by His Majesty’s Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS) regarding an inspection visit to police custody suites in Cumbria. “Within my Police and Crime plan I am committed to review public concerns raised about the Constabulary and the quality of the service received. I welcome the immediate action that the Constabulary took following the previous inspection in 2015 and note that HMICFRS have identified that Cumbria Constabulary has improved its Custody provision, highlighting good oversight arrangements in place for the safe and respectful provision of custody.” “Regarding the recommendation highlighted for Cumbria Constabulary to scrutinize the use of force and restraint in custody to show when force is used it is necessary, justified and proportionate a wide range of legislation encapsulates lawful activity and HMICFRS determines compliance and areas for improvement, few mechanisms, other than independent custody visiting schemes (ICVs) exist for the regular, independent review of detainee treatment of those in police detention.”“I have considered the guidance surrounding the introduction of Custody Detention Scrutiny Panels (CDSPs) to increase transparency, scrutiny and performance within police custody & will ensure this is reflected utilising the existing Ethics and Integrity Panel. This panel will bring local communities closer to the decision-making processes, delivering assurance, legitimacy, and transparency around police custody procedures as well as providing opportunity for learning internally.”“ICVs have received an update regarding the HMICFRS Custody Inspection highlighting work already undertaken by the force, and areas that still require improvement. They will continue to ensure that the Constabulary provide an excellent service when carrying out their visits in custody, reporting their findings to the OPFCC.” “At the recent ICV Annual Conference (April 2023), ICVs received a use of force demonstration highlighting the types of force that are used in custody, and that may be witnessed by ICVs. This enables them to understand what force may need to be used and when unacceptable force is being used and they can report upon it.”  “During all custody visits, any areas of concern that are not dealt with at the time by the Custody Sgt will be raised by the scheme administrator to the appropriate custody leads for escalation and action.  These are then monitored until conclusion.”  “How custody visitors can oversee and monitor work within custody suites is continually developing and will seek to support the recommendations within the HMICFRS report.  Further to the comments included in this report regarding the function of Custody Detention Scrutiny Panels which will be carried out by the Ethics and Integrity Panel, within the membership of this panel is a previous ICV with knowledge and experience of how the scheme operates and understands how visits are undertaken. The ICV scheme administrator will also attend any business of the panel in relation to Custody Detention Scrutiny Panels.” “I will continue to seek assurance from the Chief Constable in relation to accurate recording processes for use of force to ensure consistency & robust quality assurance.”The Constabulary have provided the following response:“Cumbria Constabulary welcomes the publication of this report. HMICFRS have identified that Cumbria Constabulary has improved its Custody provision since the last inspection and highlights the good oversight arrangements in place for the safe and respectful provision of custody.”“The Constabulary is pleased at how HMICFRS has recognised its work with partners and in particularly its work to divert children and young people away from Custody and how this is applied by frontline officers. HMICFRS have also found that staff in our custody suites interact respectfully and courteously with detainees, their approach to detainee care is good and they demonstrate a caring attitude, doing their best to meet individual and diverse needs.“The constabulary also acknowledges that some of the processes in recording information can be improved, including those relating to the use of force. Our priority in custody is to ensure the safety and welfare of detainees.”“Our officers and staff deal with difficult and complex situations each day, some of which require appropriate use of force to ensure the safety of an individual concerned, our officers or the public. It’s important that we record these interactions effectively to ensure use of force is necessary, justified, and proportionate.”“Following the inspection in January we have already started to address the areas highlighted for improvement and welcome these recommendations to help us to continue to improve our custody provision. We have already amended our recording process for use of force to drive consistency and enhanced our existing quality assurance processes in recognition of this feedback.” “We also acknowledge the good work from our custody staff which has been rightly highlighted by HMICFRS in this inspection.’’ |