



# Best Value Review of Offender Handling

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Issue 1.0

August 2004

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# EXECUTIVE SUMMARY

## INTRODUCTION

The objective of the Best Value Review of Offender Handling was:

**“To review the process of dealing with suspects from the point of decision to process a suspect for offences that are liable for arrest, through to the suspect either being bailed or their first appearance at court, whichever is first.”**

The Police Authority selected the following areas for review:

- Delays in the custody process;
- The provision of general medical services;
- The use of Prisoner Handling Units;
- Arrests made on warrants;
- The long term custody requirements.

The following areas were selected for light touch review:

- Interview techniques;
- Use of forensic opportunities;
- The use of police bail;
- The impact of ANPR and fixed penalty notices.

## SUMMARY CONCLUSION

While the commitment and professionalism demonstrated by staff is high, the ability of the Offender Handling Process to offer an improved level of service is frustrated by the considerable number of constraints that are outside the Force's control. These include: legislative requirements, dependency on outside agencies such as solicitors and social services, with further limitations imposed by the current IT system and the custody infrastructure.

However there are opportunities to increase the efficiency of the prisoner handling process, such as reducing the waiting time for police surgeons and the booking in process through more effective management of the detainees. These actions will reduce the average prisoner detention times and therefore generate available cell space. The recommendations of how this can be achieved are detailed below.

Recommendation	Cost	Non Cashable Saving	Report Section
1. That Assistant Custody Officers and Civilian Detention Officers are used in a more proactive fashion to process detainees. The Custody Officer should not input data routinely but should act in a decision-making and managerial capacity.	Nil	£64K	4.4
2. That the Force enters into a collaborative agreement with Essex, Cambridgeshire and Suffolk Police to provide mixed doctor and nurse medical services cover to custody units on a regional basis.	Nil	£40K	5.5
3. That Central Division retains their PHU. Luton and Bedford Divisions continue their civilianisation programme, while maintaining and expanding the section based PHU approach e.g. each Division continues with its current approach while expanding the resources.	Nil	Nil	6.3
4. During a 6-month period of stability across all Divisions, analysis should be undertaken to establish which provides the optimum model Prisoner Handling Unit in Bedfordshire.	Nil	Nil	6.4
5. That the planning process for arrests on no-bail warrants includes a step to co-ordinate with the custody officer to minimise the demand for cell accommodation.	Nil	Nil	7.4
6. That the Force purchases a mobile custody unit.	£130K	£64K	8.2
7. That the Luton Division plan to convert some vacant space into a suite of interview rooms is progressed as a matter of priority.	£100K	£46K	8.7
8. That Business Management produce a specification of custody needs, within the next 9-12 months, which will then feed into the Estate Strategy. This specification will be informed by: <ul style="list-style-type: none"> <li>• The new processes and the recommendations from this review being established;</li> <li>• The impact of Fixed Penalty Notices, the civilian investigator programme and PHUs being assessed;</li> <li>• A Post Implementation Review being completed of the Mobile Custody Unit to demonstrate its effectiveness of managing the periods of peak demands</li> </ul>	Nil	Nil	9.6

<b>Management Action</b>		<b>Report Section</b>
1.	That all ACOs and CDOs should be fully trained in the use of CJS to superuser level and on PNC Names. Existing staff should be trained as a matter of priority, and that any new custody staff receive CJS to superuser and PNC Names as part of their Custody Induction training.	4.5
2.	The NSPIS Custody and Case Preparation Project to consider maximising the number of terminals in the custody suite, and that the functionality is available to capture digital signature from the Custody Officers at the necessary authorisation points.	4.6
3.	That a standard monitoring database be used to record warrant activity, and provide a central view of the warrant position. This should be covered by the CJS Replacement Project.	7.5
4.	That the National LCJB are approached to lobby Group 4 into providing a quicker turnaround service for transferring prisoners to foreign forces.	7.6
5.	That the LCJB arrange with the Magistrates Courts for bailees to surrender straight to court rather than custody.	7.7
6.	That Luton Magistrates Court consider alternative means of advising warrants to Dunstable, to improve the speed of dispatch and establishing a means of confirming receipt. Possibilities include faxing on day of issue, while continuing to forward hard copy, or use a courier service.	7.8
7.	That the formal monitoring of interviews by supervisors is re-introduced, and targets set in line with the PDR process.	10.3
8.	That the procedures for dealing with the issue of bail for further enquiries (47(3)(b) PACE), are adjusted to ensure that custody officers: <ol style="list-style-type: none"> <li>1. Satisfy themselves that bail is appropriate;</li> <li>2. Agree an action plan with the investigating officer with regard to the enquiries and activities that will need to be undertaken during the period of bail;</li> <li>3. Ensure that if the bail is cancelled, the decision is made by the custody officer and not the investigating officer;</li> <li>4. That if bail is cancelled the detainee is sent a formal letter to that effect, even if already advised in person.</li> </ol>	11.4
9.	That the Administration of Justice Department formalises a regular review programme to ensure that Group 4 are following the local protocol for accommodating HMP lockout prisoners.	12.2
10.	That the Force develop and enforce an acceptable standard for prisoner photographs/images in adherence to the specifications dictated by PITO, and that all custody staff receive the necessary training as a matter of priority.	13.3

## 1. INTRODUCTION

- 1.1.1 As part of the five year Best Value programme, a review of offender handling took place during the fourth year of the programme, and was carried out between November 2003 and August 2004. The Best Value initiative requires that Bedfordshire Police Authority provide evidence that it is delivering the services demanded by its customers to clear standards, both in terms of quality and cost.
- 1.1.2 For the purposes of this review the Best Value Project Board, in November 2003, agreed the definition of Offender Handling to be:  
*“The process of dealing with suspects from the point of decision to process a suspect for offences that are liable for arrest, through to the suspect either being bailed or their first appearance at court, whichever is first.”*
- 1.1.3 This document should be read in conjunction with the Scoping Study for this review published in March 2004. The findings presented in this final report are intended to give account of the work that has been completed as part of this review.
- 1.1.4 The Police Authority selected the following areas for full 4 C review:
- Delays in the custody process;
  - Provision of general medical services;
  - The use of Prisoner Handling Units;
  - Arrests made on warrants;
  - The long term custody requirements.
- 1.1.5 In addition to the areas for full review, the following were selected for light touch review:
- Interview techniques;
  - Use of forensic opportunities;
  - The use of police bail;
  - The impact of ANPR and fixed penalty notices.
- 1.1.6 This review seeks to challenge the established view by identifying ‘smarter’ working practices where staff can be used to maximum effectiveness for the mutual benefit of the individual and the organisation. Best Value principles of service effectiveness, efficiency and economy have therefore been applied throughout.

## **2. METHODOLOGY**

### **2.1 *The 'four Cs'***

2.1.1 The review of offender handling was conducted over a 4 month period and it utilised the Best Value Process of challenging, consulting, comparing and competing.

### **2.2 *Challenge***

2.2.1 Many of the procedures within custody are determined by provision of the Police and Criminal Evidence Act (PACE) and as such offer no opportunity for manoeuvre. For these reasons this review concentrates on those issues to have the most significant impact on future service delivery.

2.2.2 Internal challenge was provided by means of a questionnaire, which was distributed to all users of the custody process. This was followed up by interviews with the Divisional Management Teams, CID, selected members of staff, and a focus group (consisting of representatives of each role within the custody suites). An additional internal challenge was provided by nominated members of the Police Authority through a series of Scrutiny Panel meetings.

2.2.3 External challenge has taken two forms:

- (a) Through meetings and interviews with other forces, namely: Hertfordshire; Essex; South Yorkshire; Nottingham; Suffolk and Cambridgeshire.
- (b) As part of the external challenge, external users (solicitors and doctors) were requested to provide feedback with their views on the custody service that Bedfordshire Police provides.

2.2.4 Where possible the comments resulting from the external challenge have been incorporated in this report.

2.2.5 In arriving at the proposed recommendations, careful consideration has been given to ensure compatibility with the aims of the Race Equality Scheme, that is to:

- Eliminate unlawful racial discrimination;
- Promote equality of opportunity;
- Promote good relations between people of different racial groups.

2.2.6 This has been achieved through:

- external consultation with the Bedfordshire Police Independent Advisory Group;
- internal consultation with the Gay Police Association (GPA) and the Black and Asian Staff Support Group (BASSG);
- Police Authority Member scrutiny throughout.

## **2.3 Compare**

- 2.3.1 Due to the nature of the data and also the variation on Custody systems (some Forces still use paper records), any form of quantitative comparison being conducted was precluded. It is difficult to pick out who are the best performing organisations as there are no measures or Best Value Performance Indicators that are relevant to the custody process that will allow direct comparisons to be made.
- 2.3.2 Qualitative data has been obtained from liaison with representatives from a number of other police forces. The forces were identified through research and reputation as having developed innovative approaches to the various aspects of the custody process.

## **2.4 Consult**

- 2.4.1 There has been extensive internal consultation with service users and service providers. Each divisional commander or nominated representative has been interviewed. The focus group meeting with Custody staff was used to elicit the views of constables, sergeants, inspectors and police staff from their varied roles. Where possible the findings of these interviews and meetings have been included in this review. A complete list of those involved in the consultation phase of this review can be found in **Appendix 1**.
- 2.4.2 External consultation has taken place with a number of the doctors who provide Forensic Medical Examiners (FME) services to the custody suites. The views of local solicitors were actively sought via a questionnaire, as were the views of detained persons, however the latter failed to generate any response. The consultation process was focussed on each of the key 4C areas, and the identification of areas for potential improvement.

## **2.5 Compete**

- 2.5.1 Clearly defined indicators do not cover measurement of performance in this area. The Home Office collates figures for the number of deaths in custody, which may be taken as the ultimate measure of unsatisfactory performance.
- 2.5.2 Since standards and procedures in relation to custody are to an extent determined by law, a large part of this review has involved consideration of causes of delays and identifying ways of delivering the service more efficiently and hence more economically. It was considered that the main potential measurable improvements lie in making better use of staff and reducing some of the unnecessary delays.

### 3. OVERVIEW OF CUSTODY FACILITIES

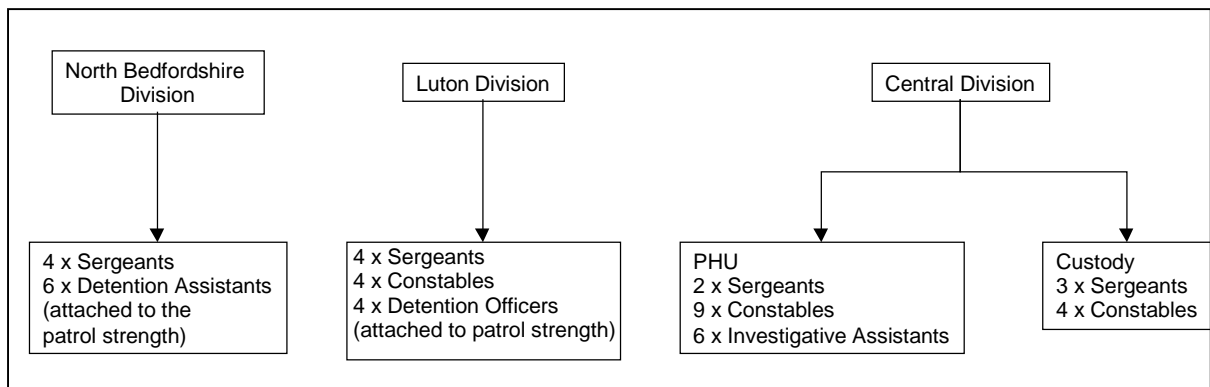
#### 3.1 Current Position

3.1.1 Bedfordshire Police has 47 cells in designated custody units, with a further 3 cells available at Ampthill Police station for occasional emergency use. During the 12-month period ending on 31 March 2004, these units housed 20,867 prisoners.

#### 3.2 Organisational Structure

3.2.1 Each of the three Divisional Headquarters is a designated police station with a dedicated custody unit for the processing of arrested persons. The structure and operation of these facilities is governed by primary legislation, the most important being the Police and Criminal Evidence Act 1984 (PACE) and its associated Codes of Practice. While legislation does not prescribe the levels to which custody facilities should be resourced, it does stipulate that the Custody Officer must be a Police Officer of at least the rank of Sergeant.<sup>1</sup>

**Figure 1 Current Prisoner Handling Methods**



3.2.2 Custody staff at Luton and Bedford are attached to patrol sections, whilst Dunstable Division has a dedicated Prisoner Handling Unit supplemented by Custody Sergeants and Constable Assistant Custody Officers. The distribution of designated cells across the force is shown in **Table 1** below.

**Table 1 Current Cell Provision**

Cell Type	Division		
	North Bedfordshire	Luton	Central
Male	9	14	8
Female	4	4	3
Juvenile	2	1	2
<b>TOTAL</b>	<b>15 (31.9%)</b>	<b>19 (40.4%)</b>	<b>13 (27.7%)</b>

<sup>1</sup> Section 36(3) PACE 1984

**Table 2**      **Distribution of Arrests.**

	Division			Force Total
	North Bedfordshire	Luton	Central	
Prisoners p.a. <sup>2</sup>	6,493 (31%)	9,018 (43%)	5,356 (26%)	20,867
Average Detention time	8hrs 29mins	10hrs 8mins	7hrs 44mins	8hrs 47mins

3.2.3 As depicted by **Table 2** the distribution of cells across the County is proportionate to the number of prisoners handled by each division. The figures show that the average detention time per prisoner at Luton is 2 hours and 24 minutes more than at Central Division. A number of contributory factors as to why this is the case have been identified as part of this review and are detailed in later sections of this report.

3.2.4 It should be noted that unless otherwise stated the data used throughout this paper has been taken from the custody system (CJS) for the period 1 April 2003 to 31 March 2004. As such the data for Luton covers both the period with a PHU and that following, which may somewhat skew the results.

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<sup>2</sup> Source :- CJS Data 01 June 2002 – 31 May 2003

## **4. DELAYS IN THE CUSTODY PROCESS**

### **4.1 *Current Position***

4.1.1 The process map included as **Appendix 2**, indicates each stage in the offender handling procedure. Each individual step represents the potential for a delay. No delay occurs without implications, those of main primary concern are the unavailability of patrol officers for high visibility policing and cell occupation rates.

### **4.2 *Booking In Process***

4.2.1 Some Custody Officers (COs) will not allow Assistant Custody Officer (ACOs) or Civilian Detention Officers (CDOs) to use the CJS computer and insist on inputting all data themselves. This is because historically the Custody Officers were responsible for recording of information. It can take up to 45 minutes for a Sergeant unfamiliar with the CJS to book in a prisoner. When there are multiple arrests, there can be delays in booking detainees into custody of several hours. The agreed protocol for such a situation, that of back-record conversion (i.e. paper record input later), is not always used and even when it is, saves little time when Custody Officers conduct all the work themselves.

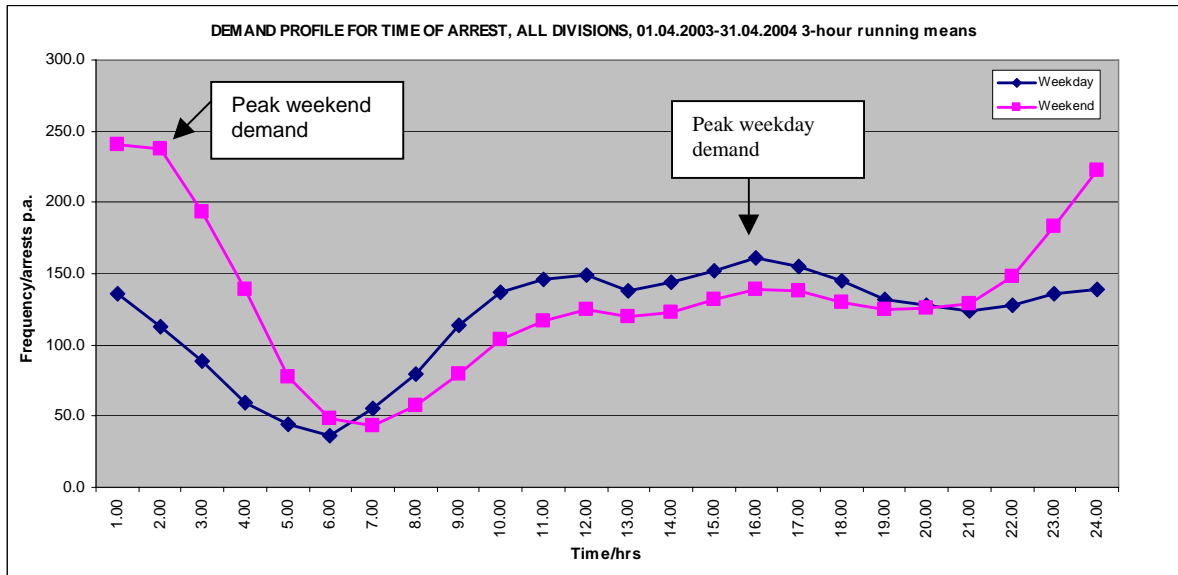
4.2.2 PACE does not say that Custody Officers should physically deal with every detainee. The Custody Officers' role is to make decisions in relation to authorising detention, charging (at least prior to implementation of the Crown Prosecution Service (CPS) charging scheme), bail and releasing detainees among other things.

4.2.3 Consultation with focus groups, defence solicitors, custody staff, police managers and operational users of the custody unit all have a common theme. One of the most common delays in the custody process is that caused by the custody staff themselves. When the custody unit is busy there is only one decision-maker available and that person is generally personally dealing with one case at a time. This causes the whole process to come to a grinding halt.

4.2.4 Custody staff favour having two Custody Officers per unit as in Luton. However this would not address the fundamental problem of ACOs and CDOs being barred from inputting data. It would also increase the pressure on the Sergeant rank at a time when there is a National shortage of Sergeants.

4.2.5 The arrest profile gives a broad indication of when custody units are likely to be busy. **Figure 2** illustrates that the demand profile for arrests shows different patterns on a weekday to a weekend. During the week the peak demand occurs at 1600 hours, whereas on a weekend it is busiest at 0100 hours.

**Figure 2 Time of Arrest Profile**



**4.3 Best Practice**

4.3.1 In visits to West Yorkshire Police and Staffordshire Police, the Custody Officers are managers of the custody unit. All routine tasks are completed by ACOs and CDOs. Custody Officers do not as a rule input data but manage and oversee the entire process. This allows multiple prisoners to be booked in at the same time subject to availability of computer terminals and inputters.

**4.4 Recommendation 1**

That Assistant Custody Officers and Civilian Detention Officers are used in a more proactive fashion to process detainees. The Custody Officer should not input data routinely but should act in a decision-making and managerial capacity.

**4.5 Management Action 1**

That all ACOs and CDOs should be fully trained in the use of CJS to superuser level and on PNC Names. Existing staff should be trained a matter of priority, and that any new custody staff receive CJS to superuser and PNC Names as part of their Custody Induction training.

**4.6 Management Action 2**

The NSPIS Custody and Case Preparation Project to consider maximising the number of terminals in the custody suite, and that the functionality is available to capture digital signatures from the Custody Officers at the necessary authorisation points.

#### **4.7 Benefits of Using the ACOs and CDOs to Process Detainees**

- 4.7.1 Removing the task of inputting from Custody Officers frees them to concentrate on decision making, to work with officers to develop action plans for bailees and to manage bail to ensure that every opportunity for detection is being fully explored in order to charge on immediate return from bail. This change also improves the availability of COs for issue resolution and process management, thereby improving the efficiency of the service.
- 4.7.2 The booking in process should speed up as ACOs and CDOs can focus on the task in-hand without the distraction that a Custody Officer would face when being expected to make decisions and provide guidance to others at the same time as inputting.
- 4.7.3 Any reduction in these delays ensures that patrol officers can return to higher priority tasks earlier than is currently feasible.
- 4.7.4 This recommendation leads to more effective use of support staff and greater utilisation of resource, with more effective management of the custody process.
- 4.7.5 Non-cashable efficiency savings can be expected of **c£64K p.a**, assuming an average reduction of 10 minutes per prisoner due to the increased availability of custody officers and decrease in booking in time.

#### **4.8 Fit To Be Detained**

- 4.8.1 Once the CO has authorised the detention and the booking in process started, the CO has to decide if the offender is fit to be detained. If in any doubt, a doctor will be required to examine the offender and make the decision. Waiting for the doctor to arrive to make this decision is one of key delay points in the process, and will be discussed in detail in **Section 5** (Provision of Medical Services).
- 4.8.2 PACE provides that vulnerable persons should have an advisor (appropriate adult) with them whenever they are interviewed or when samples are taken from them.<sup>3</sup> The custody staff will always make the initial request to the parent or guardian, but in instances where the parent or guardian fails to act in this capacity the responsibility has traditionally fallen to Social Services. **Table 3** illustrates the volume of prisoners requiring Appropriate Adults to attend.

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<sup>3</sup> PACE Codes of Practice C14

**Table 3 Prisoners requiring FMEs and Appropriate Adults**

Division	Total Prisoners	Request for FME	% total req. FME	Appropriate Adult required	% total req. App adult
North Bedfordshire	6,479	870	13.4%	855	13.2%
Luton	9,023	1,198	13.3%	997	11.0%
Dunstable	5,362	605	11.3%	859	16.0%
Force	20,864	2,673	12.8%	2,711	13.0%

4.8.3 Custody staff continue to have problems contacting Social Services out of hours. This is due to Social Services internal procedures for handling call outs and their prioritisation process (i.e. if the juvenile is being detained in custody, they are at least safe and secure, as opposed to their other call outs for individuals at risk). As such it is outside the control and scope of this review to make recommendations to improve the response times provided by Social Services.

#### 4.9 Solicitors

4.9.1 The next potential delay point having decided the offender is fit to be detained and if relevant, is accompanied by an appropriate adult, is if a solicitor is required. Although any person arrested and detained at a police station is entitled to legal advice from a Solicitor or Legal representative the offenders often decline this right, as illustrated in **Table 4**.

**Table 4 Solicitor involvement**

Division	Total Prisoners	Duty Solicitor	Nominated Solicitor	Total Solicitor	% total req. solicitor
North Bedfordshire	6,479	768	2,084	2,852	44.0%
Luton	9,023	1,406	1,978	3,384	37.5%
Dunstable	5,362	668	895	1,563	29.1%
Force	20,864	2,842	4957	7,799	37.4%

4.9.2 While there is some evidence to suggest that there can be significant delays waiting to interview offenders when a solicitor has been called, this wait time is not always directly due to a slow response by the solicitor.

**Table 5 Attendance Time for Solicitors**

Division	Number of Calls	Average attendance time (mins)	Total attendance time (hours)
North Bedfordshire	86	26	37.3
Luton	122	68	138.3
Dunstable	55	147	134.8
Force	263	71	310.4

Activity Sampling 27/10/03 – 10/11/03

- 4.9.3 As will be discussed in greater detail in **Section 8.5**, some of the delay before interviews can be attributed to the lack of interview accommodation rather than the solicitors' slow response. The solicitor may have attended promptly, but have then had to wait for an appropriate area to be available for consultation, before the interview can take place. Many of the solicitors and staff consulted during this review raised this point as a major issue of concern, particularly those attending the Luton Custody Suite.
- 4.9.4 The variation in response times between divisions is influenced by a number of factors. Both C and D Divisions rely more on duty solicitors (41.5 % and 42.7% respectively) than is found at B Division (26.9%). A duty solicitor will often be required to represent more than one offender at the same time. Extreme examples have been found in the past year, where one duty solicitor was representing 6 offenders who were all in custody at the same time. As such he had to speak to each one in turn and accompany them at their interviews. This sort of situation can cause significant delays, but the duty solicitor scheme will regularly reject requests for additional solicitors to attend.
- 4.9.5 A further contributory factor to the variation across divisions is that very few solicitors are based in close proximity to D Division's custody suite, and can be involved at the courts closer to B and C Divisions, which will affect how quickly they can arrive.

## 5.0 PROVISION OF MEDICAL SERVICES

### 5.1 *Current Position*

- 5.1.1 The past 30 years has seen significant growth of a drug culture in our communities as well as an increasing reliance upon community based care for mentally ill people. Issues such as these have caused an increase in Forensic Medical Examiners (FMEs) workload (the need to examine prisoners/persons in custody).
- 5.1.2 PACE Act 1984 governs the treatment of detained persons and the circumstances in which evidence can be obtained from prisoners in custody. The requirements of this legislation are explicit and the discretion given to custody officers in this area is limited.
- 5.1.3 Forensic Medical Examiners are required to fulfil two functions:
- To provide for the welfare and medical needs of prisoners and those attending custody suites, including determining fitness to detain and interview;
  - To provide evidence of a medical or forensic nature.
- 5.1.4 The current arrangements for the provision of medical services for custody units are shown in **Table 6**.

**Table 6** *Current FME arrangement*

Division	Supplier	Number available
North Bedfordshire	Primecare and Local Surgeries	Primecare is providing 1 doctor on call, to support the existing 2 Doctors
Luton	Local Surgeries	C use the same surgery as D (5 Doctors)
Central	Local Surgeries	One surgery (5 Doctors) at Dunstable, one surgery at Ampthill

- 5.1.5 Traditionally in this and other forces the FME services has been provided by General Practitioners (GPs) from local surgeries. However retaining the commitment from the GPs to ensure adequate and consistent service provision is proving to be an increasingly difficult task nation-wide. GPs now have many other opportunities, and freedom of choice than previously afforded to them, resulting in police call outs becoming less attractive.
- 5.1.6 The effect of this changing culture has been felt particularly hard in the north of the county at B Division, where the continuing lack of local FME resource resulted in a temporary contract being entered into with the commercial operation 'Primecare'. This contract was for a 12-month period for call handling, with the Force electing to retain full control of the 3 existing FMEs, with Primecare filling the gaps with their doctors on an adhoc basis.
- 5.1.7 During the course of this review, the situation at B Division reached critical following the resignation of their main doctor, and the expiry of the temporary contract with Primecare.

This necessitated an accelerated analysis of the available options, which will be examined further on in this chapter. As an interim solution, Primecare agreed to continue to provide 1 doctor on call, with the arrangement being reviewed on a month by month basis.

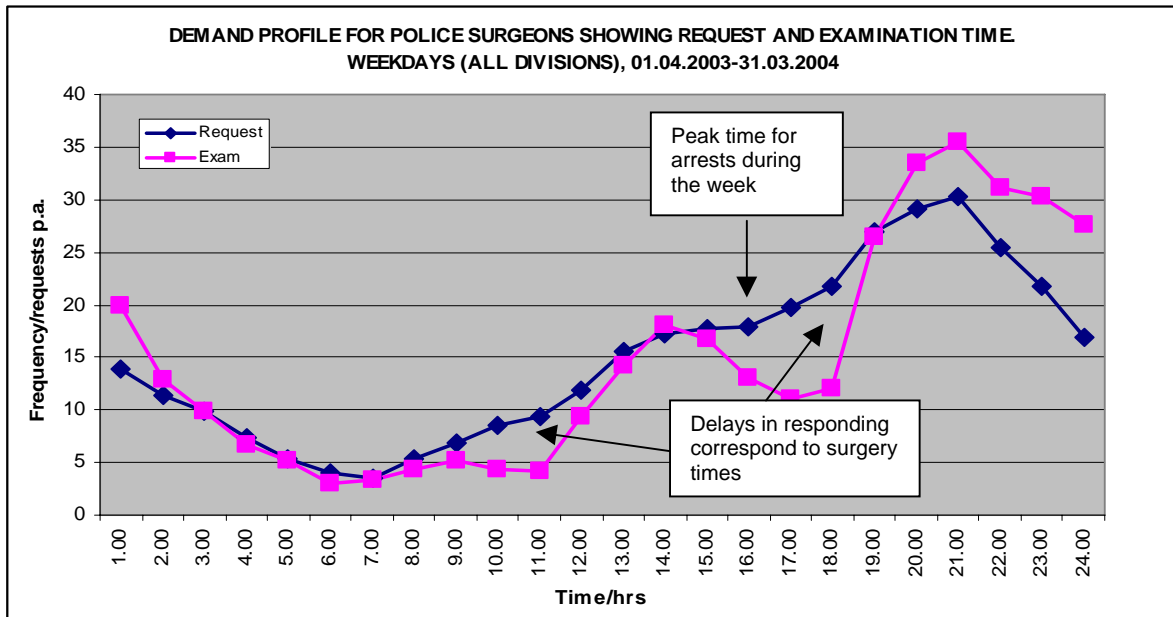
5.1.8 Analysis has found that there is little variation in the level of demand across the divisions in proportion to the volume of prisoners, however there is a large variation in waiting times, as shown in **Table 7**.

**Table 7 FME service**

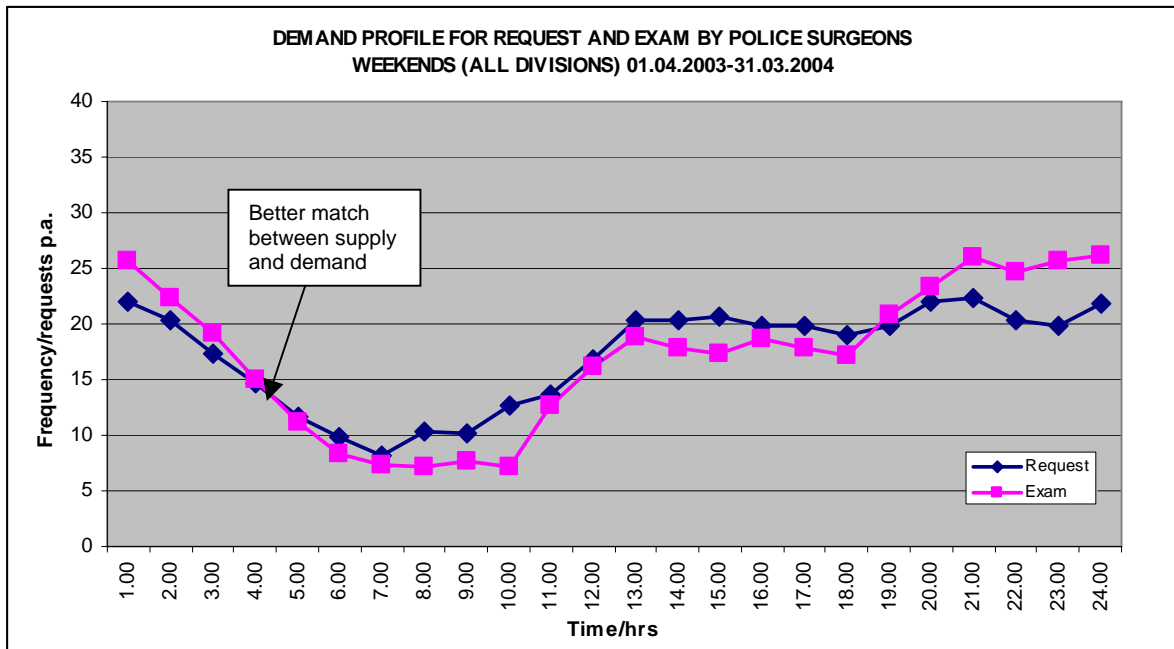
Division	Total Prisoners	FME request	% Total req FME	Average delay
North Bedfordshire	6,479	870	13.4%	74.7mins
Luton	9,023	1,198	13.3%	70.5mins
Central	5,362	605	11.3%	54.9mins
<b>Force</b>	20,864	2,673	12.8%	68.3mins

5.1.9 During the week there are two critical periods when police surgeons delay responding to a request to attend custody: between 0900 –1200 and 1400-1800 hours, as shown in **Figure 3**. This shows a close relationship with the opening times of surgeries at police surgeon practices. Each of the delays has knock-on effects and impacts the investigative process. There is a better match on a weekend (**Figure 4**) and this would fit with limited surgeries causing police surgeons to delay attending custody areas.

**Figure 3 FME Request and Arrival Profile - Weekdays**

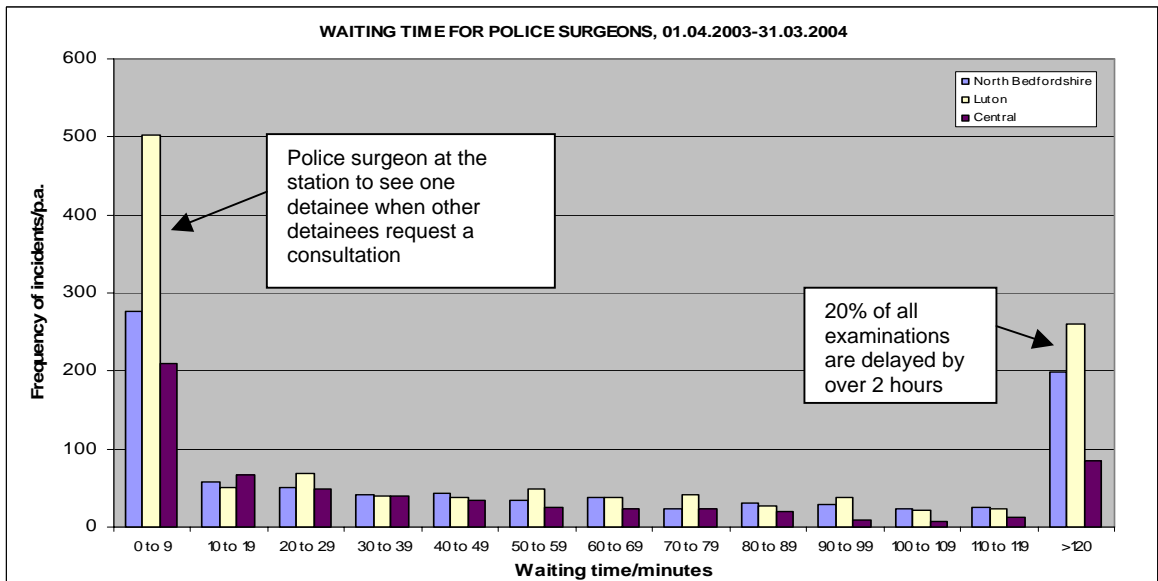


**Figure 4 FME Request and Arrival Profile – Weekends**



5.1.10 The delay in the arrival of the police surgeon impacts significantly upon the throughput of prisoners, as subsequent investigation is reliant upon the detainee being certified as fit to detain and interview. **Figure 5** demonstrates that a large proportion of prisoners appear to see the FME almost immediately, this occurs when the FME is already on site to see one prisoner when others request a consultation, so the wait time will be non-existent. Of greater concern in this figure is the 20% of examinations that are delayed by more than 2 hours, representing a significant waste of police resources, in effect stalling the offender handling process, wasting cell space, officer time and also increasing the potential health risk of the prisoner.

**Figure 5 Waiting Time for Police Surgeons**



## 5.2 **Cost of Providing Medical Services**

5.2.1 The costs of providing medical services to custody is split between the divisions themselves based on their demand level, while the cost of retainer fees is currently met by Specialist Crime Services - Q Division. The breakdown of expenditure is detailed in **Table 8**.

**Table 8 Cost of Medical Service Provision for Custody**

Division	2002/03	2003/04
North Bedfordshire	117,791.47	117,140.41
Luton	92,964.28	103,232.52
Central	53,812.40	52,159.46
Specialist Crime Services	70,735.12	63,301.94
<b>Total</b>	<b>£335,303.27</b>	<b>£335,834.33</b>

## 5.3 **Evolution of Medical Provision to Custody**

5.3.1 Analysis of the workload for the FME has shown that 95% of the demand is therapeutic in nature i.e. the treatment of minor injuries, pain relief, and treatment for alcohol or drug consumption, and only 5% relates to specialist evidence gathering skills.

5.3.2 PACE<sup>4</sup> instructs that a CO must immediately call a Health Care Professional if a person brought to a police station or already detained there:

- Appears to be suffering from a physical or mental disorder;
- Is injured;
- Fails to respond normally to questions or conversation (other than through drunkenness alone);
- Otherwise appears to need medical attention.

5.3.3 The Home Office issued guidance<sup>5</sup>, in line with this amendment to PACE, that clarifies the procedures that can be undertaken by police surgeons, nurses or paramedics. As there is no longer a requirement that a police doctor be called to see detainees, the drive from the Home Office<sup>6</sup> is for forces to look at using nurses instead of doctors wherever possible, in line with their guidance. The Home Office states that this would reduce costs and improve the care of detainees.

## 5.4 **Options for Medical Service Provision**

5.4.1 Consultation with other forces has revealed that many are facing the same issues as Bedfordshire, with regard to delays, consistency of service, and also the same desire to maximise the opportunity that the Health Care Professional changes presents.

<sup>4</sup> PACE Codes of Practice C9.5

<sup>5</sup> HOC 20/2003 "Healthcare professionals in custody suites" – Police Leadership and Powers Unit April 2003

<sup>6</sup> Policing Bureaucracy Taskforce – Detention Management Report

5.4.2 Following consultation with a wide variety of sources, including several other forces, HM Prison Bedford, Luton NHS Primary Care Trust, Primecare and some of the existing FMEs, a number of options were considered, namely:

1. Do nothing.
2. Introduce outsourcing agency for all the County.
3. Amalgamate all FMEs for the County under one lead Doctor.
4. Mixture of current FMEs with forensic nurses.
5. Paid 12 hour retention.
6. Collaboration between forces (e.g. Beds and Cambs.).

#### 5.4.3 *Option 1: Do Nothing*

In reality, staying with the current situation is not a valid option as the current service provision at North Bedfordshire is unacceptable. This situation is going to be further exacerbated in October 2004, when one of the doctors will be overseas for a minimum period of 2 months, leaving only one remaining doctor. The position for the south of the county is currently stable, but research has revealed that there is a Government review of Doctors' pensions and superannuation underway. The results of this review are not due until later this year, but the existing FMEs have voiced concerns that they may have to reconsider the viability of remaining an FME depending on the results.

#### 5.4.4 *Option 2: Introduce an outsourcing agency*

The temporary cover provided by Primecare at Bedford has been relatively successful, although it has not been without some significant issues from time to time. However, in order to extend this contract the Force would need to go to tender, as there are competitors that need to be considered. Indicative estimates from the Procurement Team have suggested that it could take up to 9 months to complete this process.

Initial discussions with Primecare were concerned only with Bedford, and concluded in the following proposal:

- An initial 12 month contract for an inclusive price of £294K;
- 60 hour flexible rostering Forensic nurse provision of three and three quarters full time equivalent backed by appropriate FME cover;
- Additionally the nurses not being utilised to be used at other custody suites.

If this were to be extended to cover the County, discussions with Primecare have suggested that the need would rise to five and a half full time equivalent nurses, with the cost adjusting to approximately £350K to cover the extra resources.

Caution is required when considering this option in light of the difficult time experienced by Nottingham Police, who had to release their agency due to poor service. This not only

has had significant cost implications for them with the agency, but in order to re-establish links with local doctors, they have had to offer significantly enhanced fees, leaving them in a worst position than their starting point.

#### 5.4.5 *Option 3: Amalgamate all current FMEs under one lead doctor*

There is a possibility that the pensions review previously mentioned will recommend a link to the profit of the practice i.e. more profit, more pension. As the FME side is the only source of profit within the West Street Surgery which serves the South of the County, they have expressed an interest in extending their cover to the rest of the county.

The results of the review will not be known for some time yet, after which a period of time would still be required to provide the Lead doctor the opportunity to recruit FMEs for the north of the county. The Force has had vacancies in this area over the past few years, so this may not be a straightforward task.

#### 5.4.6 *Option 4: Mixture of current FME and forensic nurses*

As described in **Section 5.3** the recent changes in legislation have paved the way for significantly increasing the range of activities that can be undertaken by nurses, therefore presenting an opportunity for changing the current arrangements for the provision of medical services to custody.

Consultation has revealed that a number of other forces have adopted this approach, (Kent first piloting in January 2000, later joined by others including the Metropolitan Police Service, Northumbria, West Yorkshire) although there are two implementation models. Most commonly employed is the direct employment of custody nurses, supplying a 24/7 service. The level of service received has been highly praised<sup>7</sup>, and indeed where this is being used, an increase in demand has been experienced. However this blanket cover does come at a premium and requires administration by 'lay people', and as such is not without issues.

The second model is to outsource to an agency of nurses. This removes the administration overhead, but has seen increasing costs and variability of service quality.

A third variation has been explored for this review, looking at the possibility of NHS nurses providing cover in addition to the current complement of FMEs. This model presents the same benefits as the other nursing models, and the additional benefits of access to medical records and closing the care loop. However the problem with FME cover for Bedford remains unresolved (although the implications of this would be significantly reduced). Early indications on costs were found to be prohibitive (£393k for one custody

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<sup>7</sup> Assessment Report on the Kent Custody Nursing Scheme – Home Office Police Leadership and Powers Unit 2002

suite). Discussions have also disclosed the significant recruitment and retention issues the NHS is facing, which could affect the availability and reliability of this option.

#### 5.4.7 *Option 4: Paid 12-hour retention*

This system is used by Thames Valley Police (TVP), whereby a nominated FME is released from their normal surgery on a daily basis to service the needs of the force. The FME is then immediately available for the next twelve hours to respond to any police requirements.

For a daytime shift of 12 hours the remuneration is £350 and for a 12-hour night shift the rate is between £450 - £550. These rates are payable whether the doctor is called out a number of times or not at all. In order to provide adequate cover given the geographical spread, TVP have found this a very expensive option and are currently reviewing their options.

#### 5.4.8 *Option 5: Collaboration between Forces*

Consultation has revealed that several of Bedfordshire's partner forces in the Eastern Region have reached the same conclusion on provision of medical services. Each has the desire to exploit the HO changes with regard to greater use of nurses, and are also all are experiencing similar issues with recruitment and retention of FMEs.

### 5.5 **Recommendation 2 (Fast track)**

**That the Force enters into a collaborative agreement with Essex, Cambridgeshire and Suffolk Police to provide mixed doctor and nurse medical services provision to custody units on a regional basis.**

#### 5.5.1 *Key Features*

- The consortium do not bind themselves to accept the lowest Tender or any Tender and reserve the right to accept the whole or part of any Tender at their discretion. This clause ensures we retain the decision to proceed and there are no immediate financial implications.
- The award of Contract will be made on the basis of the most economically advantageous offer, taking into account the following criteria:
  - Ability to deliver the services by suitably qualified staff;
  - Price;
  - Availability to contact 24/7;
  - References;
  - Financial Assessments;
  - Site visits.

## **5.6 Benefits of Collaboration on Medical Services Provision**

- 5.6.1 Essex had already commenced work on the Tender specification before the decision was taken to form a Consortium with the other forces. This has significant time saving benefits in that the Tender was advertised by the end of June with a view to the contract starting 1 October 2004. These timescales would be unachievable if Bedfordshire were to go on its own, as the lead-time has all but been removed.
- 5.6.2 HMIC has held up Bedfordshire as a lead force on developing collaborative initiatives with neighbouring forces that improve efficiency, effectiveness and economy. This is in light of the success of the Transport collaboration with Thames Valley Police, and the tri-force agreement with Hertfordshire and Cambridgeshire for firearms. Therefore this collaborative approach to medical services will serve to strengthen this position further.
- 5.6.3 In addition to the obvious purchasing power benefits of four forces against one standalone, there are efficiency savings to be gained from this arrangement related to the SLA. As an example, reducing the waiting time for police surgeons to 30 minutes will produce non-cashable efficiency savings of **c£40k p.a.**

## 6. PRISONER HANDLING UNITS

### 6.1 *Current Position*

6.1.1 Central Division operates a Prisoner Handling Unit (PHU) and while not officially endorsing the concept of a PHU, sections in North Bedfordshire Division have staff on restricted duties that perform a similar role.

6.1.2 A decision was made with effect from 12 January 2004 that the Prisoner Handling Unit at Luton would be disbanded, and the resources have since been utilised to create:

- A Level 1 Tasking Team for the Division; and
- A dedicated Burglary and Auto Crime Unit that targets volume crime offenders and is also responsible for processing of DNA and fingerprint identifications in these volume crime areas. The personnel on this unit are a mix of Detectives and uniform Constables.

6.1.2 The Prisoner Handling Unit at Luton had been in existence for several years. Activity Based Costing compared the performance of basic command units, in particular B Division, which had no Prisoner Handling Unit (see **Table 9**). This analysis provided data that prisoners were taking longer to process at Luton, effectively thereby increasing the financial costing.

**Table 9** *Time Spent Dealing with Detained Suspects*

Average Time in Hours per officer		
North Bedfordshire Division	Luton Division	Force
3.5	4.8	3.9

*(Source: Activity sampling conducted over a two-week period in October and November 2003)*

6.1.3 Further analysis was also made before the decision was taken to disband the Luton PHU, in terms of efficiency and effectiveness with regard to the numbers in percentage terms that were being positively disposed of. Again the data demonstrated that the performance was not as effective as that of a BCU without a PHU. Historical data identified that since the creation of the Prisoner Handling Unit at Luton, the number of offences taken into consideration had reduced. In terms of personnel it was also identified that a large number of operational officers had become de-skilled in the area of interviewing prisoners. This factor is considered to be contributory to the reasons why officers were declining attachment to the Criminal Investigation Department.

6.1.4 However resource modelling methodologies support the concept of PHUs as a mechanism for improving patrol efficiency and thereby generating non-cashable efficiency savings, and this concept appears to be working in practice for Central Division.

- 6.1.5 The failure of the Luton PHU is partly attributed to the bureaucratic hand-over procedures which were employed, with a number of other influencing factors including: high abstraction rates; increase in scope of work; and the lack of resource modelling to determine the required supporting infrastructure.
- 6.1.6 Consultation has shown mixed responses, with PHUs continuing to be a topic that polarises opinion. This consultation, both internally and externally with other forces, has also shown that there are a number of factors that are critical to the potential success of a PHU. In particular, there is a need for:
- a strong management structure ensuring that the scope is consistently adhered to (i.e. only dealing with certain types of crime);
  - that the supporting infrastructure is in place, as determined by resource modelling (staff levels, interview rooms, cell provision); and
  - a straightforward, efficient handover procedure is followed.
- 6.1.7 In the recent, HMIC Baseline Assessment<sup>8</sup> the lack of cohesion and co-ordination in relation to the prisoner-handling function was highlighted as an area for improvement. The closure of Luton's PHU has taken place since this assessment was made, and 2004 is being used as a year of transition for all divisions with the increase in use of civilians as investigators. These changes will require a period of stability prior to it being possible to assess the relative performance of each of the offender handling processes in use within the Force.
- 6.1.8 In addition to the changes described above the Force's Crime Management processes have also been re-examined and significant changes are being made across the divisions to drive up performance. The improvements have already started to filter through as demonstrated in recent Quarterly and Annual Performance figures reported, in addition to the changes at Luton.

## **6.2 Best Practice**

- 6.2.1 The Policing Bureaucracy Task Force considers the use of PHUs as best practice. Successful implementation has the potential to provide the following benefits:
- Release of officer hours to conduct post arrest enquiries on the street;
  - Improved criminal investigation process, intelligence, file preparation and case build;
  - Improved outcomes, specifically better decisions and increased conviction rate;
  - Reduced costs of dealing with prisoners;
  - Fewer discontinued cases;
  - An increased capability to arrest by appointment.

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<sup>8</sup> HMIC Baseline Assessment for Dec 2003, published 14 June 2004.

6.2.2 PHUs are also considered as best practice by HMIC, who have in particular highlighted Dorset Police, Gloucestershire Police and Thames Valley Police as examples.

**6.3 *Recommendation 3***

**That Central Division retains their PHU. Luton and Bedford Divisions continue their civilianisation programme, whilst maintaining and expanding the section based PHU approach e.g. each Division continues with its current approach while expanding the resources.**

**6.4 *Recommendation 4***

**During a 6-month period of stability across all Divisions, analysis should be undertaken to establish which provides the optimum model Prisoner Handling Unit in Bedfordshire.**

**6.5 *Benefits of approach to PHU Assessment***

6.5.1 By allowing for a period of stabilisation, will ensure that future evaluation can be made using ABC data to accurately compare each division, to establish the most effective and efficient model.

## 7. ARRESTS MADE ON WARRANT

### 7.1 *Current Position*

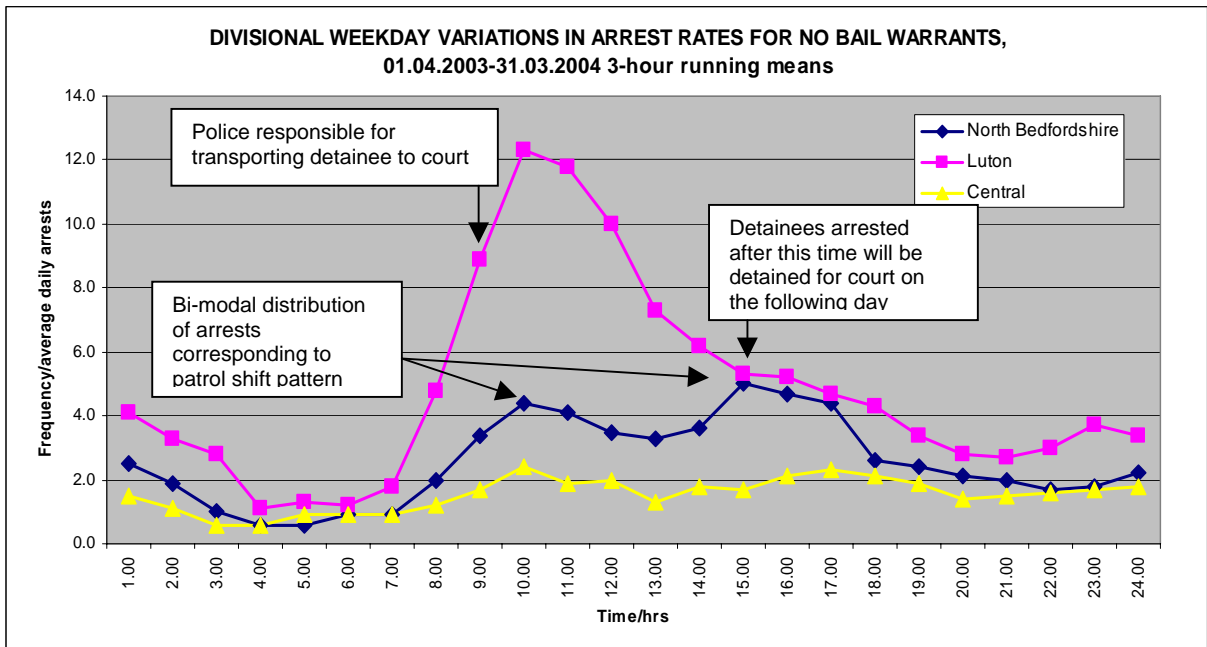
- 7.1.1 While it was found that each division is configured differently to deal with warrants, each system was found to suit its purpose, without any best practice model emerging. Luton and Central Division both have a civilian Warrant Officer (although Central's Warrant Officer has been on long term sick leave) whereas North Bedfordshire relies on section staff to execute warrants.
- 7.1.2 The majority of the work performed by the warrant officers is in connection with Fail to Appear Warrants, although the Warrant Officer at Luton also handles on average 20 Summons per month.
- 7.1.3 As shown in **Table 10** there is considerable variation in the volume of warrants handled per division, which is one of the key drivers to each division having different processes in place.

**Table 10**      **Warrant activity**

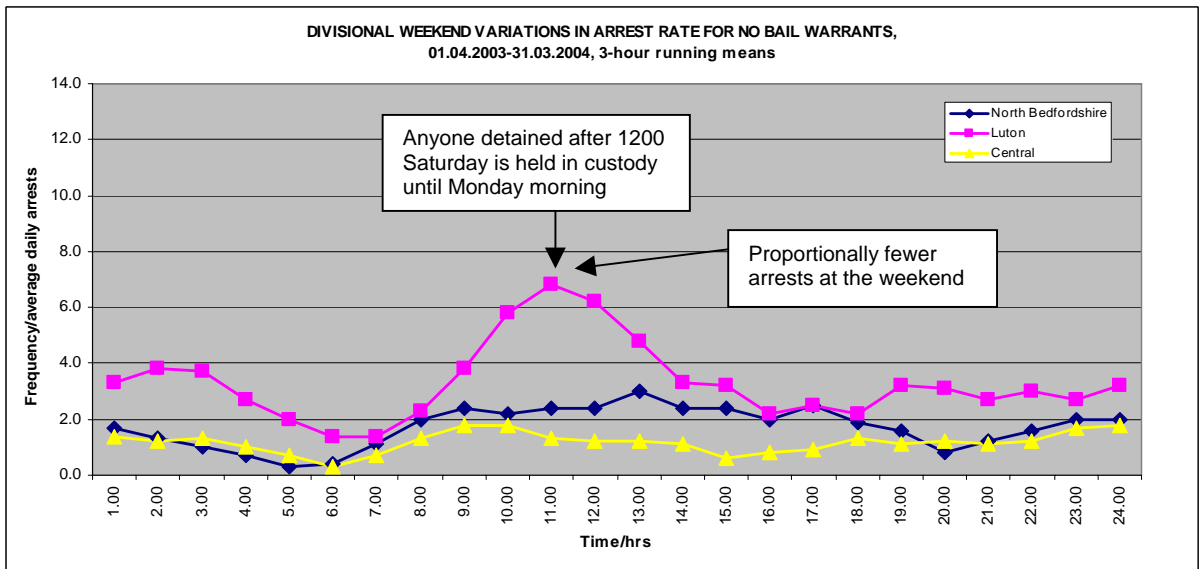
May 2004	North Beds	Luton	Central	Force Total
New warrants received	52	89	12	153
No of foreign force execution requests received	3	22	1	26
<b>Total warrants received</b>	<b>55</b>	<b>111</b>	<b>13</b>	<b>179</b>
No of warrants executed	33	85	10	128
No of foreign force warrants executed	0	20	0	20
<b>Total warrants executed</b>	<b>33</b>	<b>105</b>	<b>10</b>	<b>148</b>

- 7.1.4 Warrants have the potential to be a significant investigative tool as they allow lawful access to premises. Once inside, an officer can use powers under s19 PACE to seize property. The civilian warrant officers cannot exert this authority.
- 7.1.5 The speedy execution of a warrant sends a positive message out to offenders who quickly lose respect for the Criminal Justice System if the police are seen to give warrants a low priority. The warrant officer role provides the opportunity to keep 'on top' of the warrants being issued, without abstracting officers from higher priority functions.
- 7.1.6 Across the Force there were 1,352 people arrested on warrant between 1 April 2003 and 31 March 2004. Each prisoner occupied a cell for an average of 10 hours 37 minutes (637 minutes) and in total they were responsible for 7.6% of all detention time.
- 7.1.7 The time of arrest profile for arrests on warrant is shown in **Figures 6 and 7**.

**Figure 6 Arrest on Warrant Profile – Weekdays**



**Figure 7 Arrests on Warrant Profile – Weekends**



**7.1.8 Key Points**

- The demand profile reveals a clear pattern to the times that offenders are arrested on warrant for Luton Division, which is the only division currently using the services of a Warrant officer, with a peak time at 1100 hours. The lowest level of demand across all divisions is between 0400 – 0700 hours.
- The restricted opening hours of the relevant court and the legal requirement to withhold bail to secure attendance before the next sitting of the court ensures that 65% of all such arrested persons are detained overnight in police cells. This provides an explanation as to why the average cell occupancy for such prisoners is in excess of the average cell occupancy for all prisoners.

- Prisoners arrested after 0900 hrs generally have to be escorted to court by a police officer. While this is not a problem at Luton due to the proximity of the court and the custody area, it does abstract officers from front line policing in North Bedfordshire and Central Divisions.
- The bi-modal demand profile in North Bedfordshire correlates with the shift pattern worked by patrol officers. The peak at 1000 hrs relates to the morning shift and the peak at 1500 hrs relates to the afternoon shift.
- There will always be offenders who are happened upon in the course of officers' duties where there can be no control over the time of arrest or the implication that this may have on the length of detention that will ensue.
- It can take anywhere from 2-5 days (or longer) for a warrant to reach Dunstable Police Station (DPS). There have been occasions where defendants have surrendered to DPS knowing there is a warrant for their arrest, but DPS have not yet received the hard copy as it has been in transit, and have had to send the defendant away. Luton Magistrates do not keep copies of their warrants and therefore are unable to fax copies over if such a situation as above arises.
- There is no communication route in place between Luton Magistrates Court and DPS to confirm that all warrants dispatched are actually received. This provides a potential problem area.
- Some police officers do not complete a 'detained' report (cancelling the warrant on the Police National Computer). If this is not done, then there is the risk the defendant will be wrongfully arrested on the warrant at some future date. Anecdotally this is a fairly rare occurrence, but when it does occur it necessitates that the warrant officers continually check to see if the 'detained' report has been done.

## **7.2 Benefits of improving the warrant process**

7.2.1 By improving the warrant process the following benefits can be expected:

- By co-ordinating planned arrests with custody the potential for excess demand can be minimised, avoiding the need to transfer prisoners to other divisions.
- Planning the arrest times also benefits in that the prisoners can be quickly processed and removed to the custody of another authority.
- More professional co-ordinated approach improves working relationships between custody and other units, which in turn eases pressure and stress for the staff working in such a demanding environment.
- Reduction in the time wasted dealing with defendants who surrender themselves, but the warrant has not yet been received.

### **7.3 Best Practice**

7.3.1 While there is no nationally recognised best practice for dealing with warrants, consultation has revealed that West Yorkshire have divested the police of all warrants and that warrants are now dealt with by enforcement officers for the Magistrates' Court.

7.3.2 Before this arrangement was secured, their procedure was to mail anyone wanted on warrant and advise them of a time and place to surrender direct to court. This process while still carrying some administration overhead still protected their custody suite resources from being burdened in the way Bedfordshire is currently experiencing.

### **7.4 Recommendation 5**

**That the planning process for arrests on no-bail warrants includes a step to co-ordinate with the custody officer to minimise the demand for cell accommodation.**

### **7.5 Management Action 3**

**That a standard monitoring database be used to record warrant activity, and provide a central view of the warrant position. This should be covered by the CJS Replacement Project.**

### **7.6 Management Action 4**

**That the National LCJB are approached to lobby Group 4 into providing a quicker turnaround service for transferring prisoners to foreign forces.**

### **7.7 Management Action 5**

**That the LCJB arrange with the Magistrates Courts for bailees to surrender straight to court rather than custody.**

### **7.8 Management Action 6**

**That Luton Magistrates Court consider alternative means of advising warrants to Dunstable, to improve the speed of dispatch and establishing a means of confirming receipt, possibilities include faxing on day of issue, while continuing to forward hard copy, or use of a courier service.**

## 8. CUSTODY REQUIREMENTS

### 8.1 Current Position

8.1.1 Since 2000 it has become increasingly self-evident that during certain peak periods of demand, Bedfordshire Police has insufficient cell capacity to accommodate every person that is arrested. This has routinely led to prisoners arrested in one territorial division being held and processed at a neighbouring division, and in some cases another force area.

8.1.2 This problem is expected to increase, as not only is the underlying number of arrests showing a period of sustained growth, but there are three other factors that are beginning to impact on the number of arrests:

- The introduction of Automatic Number Plate Recognition (ANPR);
- An increase in police establishment; and
- Population growth within the county.

8.1.3 In the year to April 2004, the custody units accommodated almost 21,000 prisoners with an average cell occupancy duration of 8 hours and 47 minutes per offender. The cell occupancy rate for the Force was 45.6%. As previously illustrated in **Figure 2** the arrest profile and hence the cell occupancy profile varies markedly across the week and during weekend nights it averages 90% in Luton Division and 70% in North Bedfordshire and Central Divisions.

**Table 11 Custody Performance**

	Division			Force
	North Bedfordshire	Luton	Central	Total
Cells	15	19	13	47
Prisoners p.a	6,493	9,018	5,356	20,867
Average Detention Time	8hrs 29min	10hrs 8mins	7hrs 44mins	8hrs 47mins
Maximum cell availability/hrs p.a	131,400	166,440	113,880	411,720
Actual cell occupancy/hrs p.a.	55,082	91,310	41,450	187,842
Average % Cell occupancy	41.9%	54.9%	36.4%	45.6%

8.1.4 External comparison demonstrates that Bedfordshire has higher cell occupancy rates than other forces. A study of 34 BCUs that were able to supply data, found an average cell occupancy of 28.3%, while modern bespoke custody units aim to attain average rates of 35% as this makes allowance for daily variations in demand. This has been shown to be the optimum rate of cell occupancy.

8.1.5 Following the cell occupancy study conducted in 2003, a business case was submitted in January 2004 which outlined the difficulties in cell capacity and identified a short-medium term solution by the purchase of a mobile custody unit.

8.1.6 The short-term problems surrounding cell capacity within the Force can be significantly reduced by the purchase of this vehicle. This, together with the potential savings available suggested that the vehicle be purchased as soon as possible. It was therefore agreed that the decision to purchase the mobile custody unit could be a fast track recommendation as part of this review at the scoping stage. This procedure was in line with best practice identified by HMIC and the Audit Commission.

8.1.7 Following the agreement to fast track the recommendation to purchase a mobile custody unit, the main chassis has since been ordered. Thames Valley Police are co-ordinating the build and delivery. Work on the detailed specification including the IT and Communication requirements are being finalised at the time of writing this report.

## **8.2 Recommendation 6 (Fast track)**

**That the force purchases a mobile custody unit.**

## **8.3 Benefits of a Mobile Custody Unit**

8.3.1 The full range of benefits are detailed in the Mobile Custody Facility Business Case and include:

- A significant contribution to the strategic aims of the force in the areas of public reassurance, managing demand, and reducing crime;
- Increase cell capacity in the force;
- The creation of a flexible resource capable of deployment at the point of need;
- Non cashable financial savings of **£64k p.a.**

8.3.2 A post implementation review of the Mobile Custody Facility should consider whether there is benefit in similar solutions to meet peaks in demand at existing custody locations.

## 8.4 Cost of a Mobile Custody Unit

**Table 12 Breakdown of Mobile Custody Unit costs**

	Year 1 £000	Year 2 £000	Year 3 £000	Year 4 £000	Year 5 £000
<b>Setup Costs (Capital)</b>					
Base Unit capital cost	21	0	0	0	0
Base Unit conversion cost	55	0	0	0	0
Detention and welfare of prisoners	4	0	0	0	0
IT requirements <sup>9</sup>	3	0	0	0	0
Communication requirements	2	0	0	0	0
<b>Ongoing Costs (Revenue)</b>					
Base unit running costs	13	13	13	13	13
IT requirements <sup>10</sup>	30	30	30	30	30
Communication requirements	2	2	2	2	2
<b>TOTAL</b>	<b>130</b>	<b>45</b>	<b>45</b>	<b>45</b>	<b>45</b>

## 8.5 Interview Facilities

8.5.1 There is a large variation in the duration that prisoners are held in custody between Divisions. Consultation has revealed that one of the major problems is the lack of interview rooms. Of the interview rooms available there is a wide variation in the quality and size. Some are too small to accommodate more than two people comfortably.

8.5.2 The data previously shown in **Table 11** demonstrates the variation in detention time across the county. While C Division have more prisoners to process than the others, they are actually taking longer with each one to do so. A key factor in this extra time can be attributed to the bottleneck effect caused by the limited interview facilities available, which also double as consultation rooms for the defence solicitors with the prisoners.

8.5.2 Precise measurement of the frequency and duration of the delays caused by the interview room scarcity is not available from either CJS or ABC data, as it cannot be split from the delays incurred waiting for legal representation.

8.5.3 The Police Authority Finance Committee agreed the funding on 6 July 2004 for C Division to have eight additional rooms created in their Custody Suite. This work will be included in the Refurbishment of the Enquiry Office Project, which is due to complete by 31 March 2005. The estimated cost for this work is £100k.

## 8.6 Benefits of Increasing Interview Facilities at C Division

8.6.1 The expected benefits for this redevelopment work include:

- Reduction in waiting time for interview facilities.

<sup>9</sup> Does not include cost of *Livescan* as these have yet to be established by the supplier.

<sup>10</sup> Annual running costs of *Livescan* including maintenance

- Reduction in detention time of prisoners, leading to less demand on the current cell capacity/occupancy.
- Greater efficiency in prisoner handling and processing which would release officer to front line duties.
- **Non-cashable efficiency savings can be expected of c£46k p.a., assuming a 30-minute reduction in waiting time for interview facilities at Luton.**

### **8.7 Recommendation 7 (Fast Track)**

**That the Luton Division plan to convert some vacant space into a suite of interview rooms, is progressed as a matter of priority.**

### **8.8 Overflow Facilities**

- 8.8.1 During the course of this review an arrangement has been secured with Luton's Magistrates Court, that the Custody Manager at Luton now holds keys to access their cells. Although the Court is closing for refurbishment and sittings are being transferred to Dunstable's court, the cells will still be available 8am – 4pm for those prisoners due in court prior to transport. Group 4 have agreed to provide one member of staff, providing C Division match this with one officer. This arrangement ensures that C Division will not be adversely affected during the court refurbishment, and the status quo can be maintained.
- 8.8.2 In addition to this arrangement, agreement has also been given for these cells to be used on an exception basis (e.g. when major operation results in excess demand, as seen with Euro 2004). On such occasions officers will be required to supervise these cells overnight, as Group 4 only cover court hours.
- 8.8.3 The arrangement ensures that 'overflow' facilities are available, which could be utilised by the other divisions in times of need, providing they supply their own officers, and not rely on C Division resource.

## 9. CUSTODY PROVISION LONGER TERM

### 9.1 Population Growth

- 9.1.1 The purchase of a mobile custody facility will alleviate the pressure on custody units in the short term and this review will reduce some of the delays inherent in the custody process. Despite these attempts, it is likely that prisoner numbers will continue to rise and this will be exacerbated if the Government's house building strategy for this area comes to fruition.
- 9.1.2 The Milton Keynes and South Midlands Housing Strategy proposes two growth areas within the region covered by Bedfordshire Police (Bedfordshire and Luton), as shown in **Table 13**.

**Table 13 Proposed Population Growth**

Growth Area	Proposed New Housing		
	2001-11	2011-21	Total 2001-2021
Bedford	9,000	10,000	19,000
Luton/Dunstable and Houghton Regis	10,272	10,272	20,544
Total Bedfordshire and Luton	19,272	20,272	39,544

- 9.1.3 This total of 39,544 households represents an 18% increase on the existing housing stock (224,617 households) as recorded in the 2001 Census. Given that the average household size is anticipated to fall over the period of the Strategy, actual population growth is expected to be lower. Bedfordshire County Council estimates that the Bedfordshire and Luton population will grow by more than 13% by 2021 as a result of this new housing.
- 9.1.4 The relationship between levels of recorded crime and population density is well researched and documented, therefore it can be confidently assumed that extra police resources will be required to serve the growing communities.
- 9.1.5 The proposed housing is likely to result in changing demand patterns. Increased housing at the existing conurbation of Luton and Bedford will further polarise the major urban centres.
- 9.1.6 Translating the expected population figures into the number of additional arrests that could be potentially generated is problematic and must rely upon two key assumptions:
- That there is a broad relationship between population size and the number of arrests;
  - That there is an equal likelihood of a person being arrested, irrespective of where they live in the county.

9.1.7 An increase in the population of 77,610 people (13%), will therefore equate to a potential increase in arrests of **2,363 per year** by 2021.

## **9.2 Police establishment**

9.2.1 In the period 1996-2004 the average officer arrested 16.7 offenders a year. Latest estimates show that the actual police strength is 1,201 staff. The budgeted police establishment is 1,241 staff, so in time it is possible that there will be an additional 40 staff. If each of these officers arrests the average number of offenders per year, this is likely to represent 668 arrests per year, which corresponds to an additional 5,867 hours in custody time.

9.2.2 Any further increases in police establishment are likely to be associated with increases in the number of arrests and will place additional pressure on custody units.

## **9.3 Automatic Number Plate Recognition**

9.3.1 Automatic Number Plate Recognition (ANPR) is an established technique that allows vehicle registration plates to be scanned by video cameras equipped with pattern recognition software and matched with information stored in various databases. In 2002 the Home Office provided funding to each police force in England and Wales to purchase mobile ANPR units and a server which manages the relevant intelligence databases.

9.3.2 The use of ANPR represents a significant development in the police use of technology and intelligence. The Police Standards Unit and the Association of Chief Police Officers (ACPO) therefore decided to undertake a six-month study of ANPR technology piloting its use in nine forces<sup>11</sup> throughout the country. This pilot study was subjected to a full evaluation, which demonstrated that a police constable operating as part of an ANPR intercept team could expect annually to:

- Make 100 arrests;
- Recover 11 stolen vehicles, with a total value of **c.£68k**;
- Recover stolen goods on 3 occasions, with a total value of **c.£23k**;
- Seize drugs on 7 occasions, with a street value of **c.£7k**;
- Seize 2 offensive weapons and firearms.

9.3.3 Insofar as cell provision is concerned, there are two key figures that are of interest:

- The additional arrests that ANPR generates over and above those than an officer could expect to make;
- The length of time that each ANPR arrest takes to process and the impact this would have on the provision of cell space.

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<sup>11</sup> *Project Laser – Six month pilot evaluation 1 July 2003* PA Consulting Group

- 9.3.4 The ANPR in Bedfordshire has been running with a full complement of staff since January 2004, and the team now consists of: 1 Sergeant, 8 Intercept Officers and 2 Back Office Administrators.
- 9.3.5 The ANPR operation is in a continually evolving position, which means the longer term impact of ANPR is not possible to calculate at the present time, and only the target figures can be used as a guide to the potential implications.

#### **9.4 Fixed Penalty Notices**

- 9.4.1 The provisions of the Criminal Justice and Police Act 2001 (sections 1-11) permit Penalty Notices to be issued in cases of disorder (PNDs). Currently PNDs relate to eleven offences, as shown in **Appendix 3**, with further offences expected to be added at a later date. They have been introduced as a speedy and effective alternative to dealing with low level, anti-social and nuisance offending.
- 9.4.2 The implementation of PNDs to Bedfordshire Police is taking a two phased approach, which commenced on 23 April 2004 with the Custody Officers having the option of issuing PNDs from custody providing certain criteria apply.
- 9.4.3 There are a number of general pre-conditions that have to be met before PNDs can be considered as a means of disposal including:
- There is sufficient evidence to bring charge;
  - The offence is not too serious and is of a suitable nature to be dealt with by PND;
  - The offender is suitable, compliant and understands what is going on;
  - The offender is not intoxicated;
  - The offender is resident in England or Wales;
  - The offender must be over 16 years;
  - The offence does not involve anyone under 16 years;
  - That no other offences were involved;
  - That sufficient evidence is available to confirm the offender's identity.
- 9.4.4 Since the start of this first phase of the PND rollout, only 90 PNDs have been issued up to 5 August 2004, the breakdown of which is illustrated in **Table 14**.

**Table 14 Use of PNDs across the Force**

	<b>B Division</b>	<b>C Division</b>	<b>D Division</b>	<b>Force</b>
<b>PNDs issued</b>	16	43	31	90
<b>Paid PNDs</b>	5	24	23	52
<b>PNDs to Juveniles</b>	0	3	2	5

*(For the period 23 April 2004 – 5 August 2004)*

- 9.4.5 The number of PNDs issued indicates that for the immediate future, this new method of disposal is not going to make any significant impact on the use of custody suites. When being used for Drunk and Disorderly offences, in order to conform to the set pre-conditions the offender has still had to be detained overnight to ‘sleep it off’, so that the notice can be issued when they are no longer intoxicated.
- 9.4.6 The key benefit to the Force of these notices should be the potential savings to be made in officer time and the burden of court, rather than in the custody process, but it is still early days in the usage.
- 9.4.7 The second phase of this project within Bedfordshire Police is not yet fully determined. The subsequent work to develop a Forcewide policy regarding exactly who will be able to issue the notices is still pending. The Chief Constable has the option to extend the authorisation to issue PNDs to:
- Patrol Officers;
  - Special Constables;
  - Police Community Support Officers;
  - Civilian Detention Officers.
- 9.4.8 The National plan is to increase the number of offences with potentially a further 23 offences being added to the existing 11. The intention is to also introduce greater variation in the fine levels, and to include further juvenile offenders (10 to 15 yrs). As some of these additional offences are not currently arrestable, it is not possible to estimate at this time the volume that will be issued, nor the corresponding impact on custody.
- 9.4.9 The full impact of PNDs cannot be determined at present and will need to be considered as part of Recommendation 8.

## **9.5 Other Factors Influencing Long Term Custody Requirements**

- 9.5.1 ‘Policing: Building Safer Communities Together’ was a major consultation on police reform launched by the Home Office on 4 November 2003. The vision behind the paper is to improve community engagement in policing; to create a police service which is more responsive and accountable to local communities; and better able to deal with serious and organised crime.
- 9.5.2 Of particular relevance to this Best Value Review is that this paper stated:  
*“The Government believes that the time is right to consider whether the present 43 force structure in England and Wales is the right one for today’s and tomorrow’s policing needs”*

9.5.3 They were inviting comments on how things might be structured differently and looking for thoughts on enhancing central support for the police service. Therefore it is prudent to recommend that any consideration Bedfordshire Police may be making with regard to long-term custody requirements defer judgement until the Government presents some clarification on direction.

9.5.4 In addition to the potential police reforms, the Office of the Deputy Prime Minister will be conducting a review of Local Government boundaries in 2005, and this may influence local police boundaries post review.

## **9.6 *The Way Forward***

9.6.1 The key points to be considered are:

- New or revised buildings and other police infrastructure are likely to be required to meet the new demand patterns and support the increased officer numbers.
- With the step changes in housing stock and the potential for changes in policing style associated with this it is not possible to specify the long term requirements at this time.
- The Home Office is yet to announce any further plans following the consultation period on their recent reform paper but this has the potential for far reaching consequences, which could significantly influence future custody demands.
- While several forces have adopted a centralised custody facility it does not appear appropriate for Bedfordshire. The major population centres and therefore the demand created by prisoners are located in the north and south of the county. A central unit would equalise the travelling distance for all users but mid-Bedfordshire is relatively under-populated and does not have the supporting infrastructure, such as a defence solicitor network, required to make the proposal a success.
- The Force has 47 cells but current data suggests that up to 75 cells could be required to deal with the predicted increase in demand to 2013. The possible growth to 2021 relating to the house building programme has the potential to further increase the number of cells required.

**9.7 Recommendation 8**

**That Business Management produces a specification of custody needs, within the next 9-12 months, which will then feed into the Estate Strategy. This specification will be informed by:**

- 1. The new processes and the recommendations from this review being established;**
- 2. The impact of Fixed Penalty Notices, the civilian investigator programme and PHUs being assessed;**
- 3. A Post Implementation Review being completed of the Mobile Custody Unit to demonstrate its effectiveness of managing the periods of peak demands.**

## **10. Interview Skills**

### **10.1 Current Position**

- The only means of proving guilt are through witness statements, forensic evidence or confession. Interviews are therefore critical to any attempt to improve levels of performance.
- The Tape Monitoring Procedure was first introduced to the force in 1995, with the objective to ensure transfer of investigative interview skills from the training into the workplace and raise the standard of police interviewing.
- All staff are trained in interview techniques but there is limited routine monitoring or feedback of interviews so that standards are maintained and enhanced.
- The level of monitoring varies across divisions from none at all to regular.
- The benefits of monitoring interviews are widely acknowledged<sup>12</sup> however research has also found that this is considered a dispensable task at times of peak demand, and as such readily loses focus.
- The current policy for 'Supervision of Investigative Interviews' was authorised in March 2000. It has not been reviewed since then, even though the Review date was set to be February 2002.

### **10.2 Benefits of Monitoring Interviews by Supervisors**

- Training needs and areas for development can be recognised early and corrective action plans put in place, before the detection rates are impacted.
- Continual development of skills for both the officers conducting interviews, through the receipt of feedback, and for those conducting the monitoring.
- The renewed focus and support from senior management should enable an increase in monitoring and an increase in effectiveness, which in turn will improve detection rates.

### **10.3 Management Action 7**

**That the formal monitoring of interviews by supervisors is re-introduced, and targets set in line with the PDR process.**

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<sup>12</sup> Source: Clare Doherty MSc in Training – Tape Monitoring Analysis

## 11. Management of Bail

### 11.1 Current Position

11.1.1 When a person is arrested for an offence the Police and Criminal Evidence Act 1984 details the maximum length of time the person can be detained to secure evidence by questioning or enquiries. If those enquiries cannot be expedited within the time, the detained person can be released on bail under Section 47(3)(b) PACE Act to return to the police station at a specified time. If further evidence is found the person can be re-arrested prior to their bail date. Alternatively, if the enquiries show that the person is no longer suspected of the offence the bail should be cancelled and the person notified of this decision.

11.1.2 Significant numbers of detainees that are released on bail do not face any formal proceedings, as shown in **Table 15**.

**Table 15 Case disposal for 47(3)(b) bail**

	B Division	C Division	D Division	Force
Total bailed	1,882	2,184	1,993	6,059
NFA Insufficient evidence	565	448	441	1,474
NFA Not in public interest	129	97	110	336
Total NFA	694	545	551	1,810
NFA % of Total	37%	25%	28%	30%

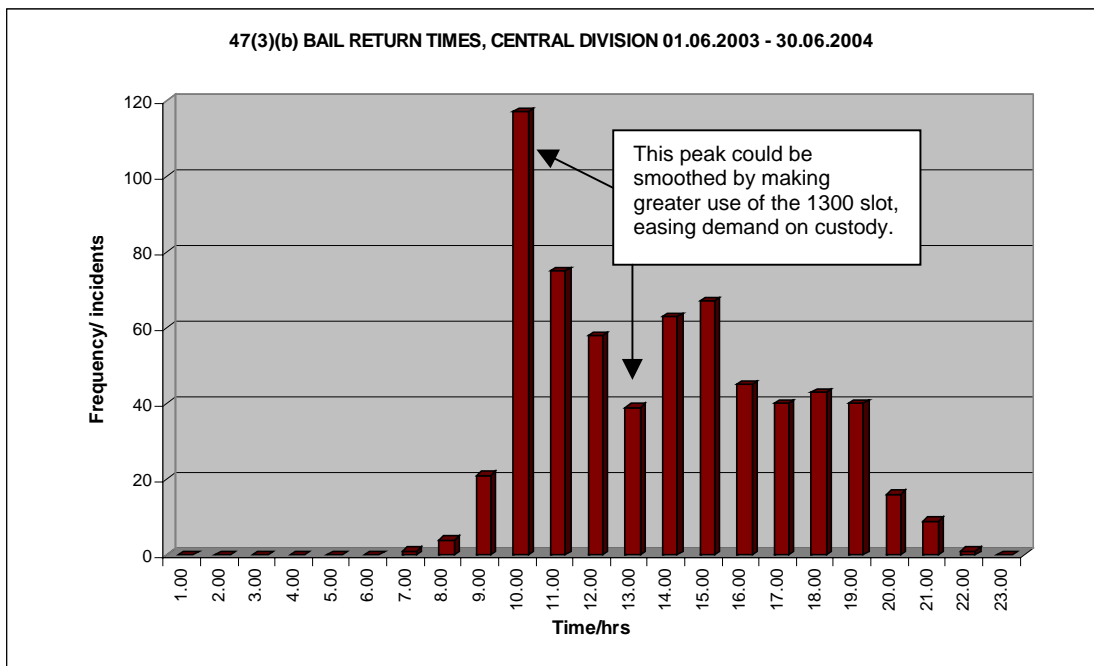
*NFA = No further action*

11.1.3 It has been found that Investigating Officers regularly cancel bail without any reference to the Custody Officer and also that bail returnees are not generally sent a formal letter cancelling bail, instead they are advised verbally. During the focus group session with custody staff, many instances were raised where bail had been cancelled but the returnee not advised until they return to the police station.

11.1.4 All of these activities waste time that could be more profitably spent handling other prisoners and investigating other offences. There is also a potential impact on public perception of the efficiency of the Force.

11.1.5 A dip sample was taken from the bail diary maintained at Central Division to better understand the demand that bail returnees place on custody. **Figure 8** illustrates the bail return profile, which is found to be largely compressed into a 12 hour day running 9am through to 9pm.

**Figure 8 Bail return profile**



### 11.2 Best Practice

11.2.1 Focus groups of custody staff have identified that it would be appropriate for supervising sergeants to set action plans of enquires and activities to be completed during the time that the detainee is bailed. When there are no reasonable enquiries to be completed, the detainees should be released without charge. The option always exists to re-arrest if further evidence becomes known.

11.2.2 The use of a bail diary helps co-ordinate the times when bailees are returning which should help ensure that interview rooms are available, and that Custody staff can handle the traffic, rather than everyone turning up at once.

### 11.3 Benefits of Changes to Bail Business Processes

11.3.1 Having a clear set process to follow when cancelling bail ensures:

- The bailee does not waste his, or officers time turning up when no longer required;
- The bail diary slot originally booked can be cleared for others to use;
- Accurate files held for custody logs in event of any challenges made;
- The custody officer is involved in decision making.

11.3.2 The changes that are recommended in Section 4 of this report see the CO taking more of a managerial role. As such they will be in a position to monitor the progress of enquiries while the offender is on bail, thereby ensuring that the investigating officers are fully prepared when their bailee returns. This will ensure they can interview them with a view to charging immediately on return, thereby reducing the impact on custody.

## 11.4 Management Action 8

**That the procedures for dealing with the issue of bail for further enquiries (47(3)(b) PACE), are adjusted to ensure that custody officers:**

- 1. Satisfy themselves that bail is appropriate;**
- 2. Agree an action plan with the investigating officer with regard to the enquiries and activities that will need to be undertaken during the period of bail;**
- 3. Ensure that if the bail is cancelled, the decision is made by the custody officer and not the investigating officer;**
- 4. That if bail is cancelled the detainee is sent a formal letter to that effect, even if already advised in person.**

## 11.5 Street Bail

11.5.1 The joint Home Office/Cabinet Office PACE Review carried out in 2002 recognised that in many cases it is not really necessary to take an arrested person to a police station. There is little to benefit either the officer or the suspect in terms of progressing the investigation if the arrested person is released on bail shortly after arriving at the station.

11.5.2 Following this review Section 4 of the Criminal Justice Act 2003 provides an officer with the power to grant an arrested person immediate bail at the scene of arrest. This provision came into effect on 20 January 2004. Commonly referred to as 'street bail', the key aims are to:

- Enable officers to remain on patrol for longer periods and raise visibility;
- Give officers greater flexibility to decide how best to organise their time and caseload;
- Remove the need for suspects to be taken to a police station only to be bailed on arrival;
- Maintain the safeguards and protections for those granted street bail.

11.5.3 Bedfordshire Police has yet to implement a policy for using this new power, as the Administration of Justice Department (AJD) have identified that almost identical powers already exist in the form of 'Arrest by Appointment'. Indeed the work conducted by AJD has concluded that the supporting procedures for 'Street Bail' are actually more complex and bureaucratic than the existing arrangements for arrest by appointment.

## 11.6 Best Practice

11.6.1 A number of forces have been prompt in developing a Street Bail policy, including Lancashire Constabulary and Thames Valley Police, however there is as yet no evidence to support either how often it is being used, or how effective it is at delivering the expected benefits.

11.6.2 At the time of writing this review the conflict between what Street Bail is offering as opposed to Arrest by Appointment, has been referred back to the Home Office for clarification. However 'Street Bail' is not expected to have a significant impact on the offender handling process due to its limited application.

## **12. HMP LOCKOUTS**

### **12.1 Current Position**

- 12.1.1 The detention of prisoners defined as 'HMP Remand' is covered by the *Police/Prison Service Overnight Accommodation Protocol 2002*. Such prisoners are commonly termed 'lockouts'. Lockout situations can arise in a number of ways and all share the common characteristic of prisoners failing to be delivered to a prison establishment prior to the designated reception closure time. In these circumstances, an escort contractor has to lodge prisoners overnight in police cells within the area that they have been remanded or sentenced.
- 12.1.2 In October 2003, the problem of accommodating HMP lockout prisoners was highlighted. Since that time the Head of the Administration of Justice Department has been working to ensure that Group 4 follow the existing national protocols to collect prisoners quickly.
- 12.1.3 Since work started on this issue the number of HMP lockouts has reduced from 257 in 2002/03, accounting for 6.2% of cell occupancy to 68 in 2003/04, just 0.5% of cell occupancy.
- 12.1.4 Local agreements with Group 4 state that prisoners requiring accommodation should be taken in first to Dunstable, then Bedford and then Luton. This still does not appear to be occurring as only 26.4 % of all lockouts are housed at Dunstable, with North Bedfordshire and Luton each having to accommodate 36.8% of lockouts.
- 12.1.5 The average length of detention has dropped sharply since October and for the period up to 31 March 2004, was down to 14 hours, from the previous average (June 2003) of 46.5 hours.
- 12.1.6 While it is recognised that this is a significant improvement, HMP Lockouts still account for 951 hours of cell occupancy over a year, the majority of which is spent during the periods of peak demand for cells i.e. weekend nights.

### **12.2 Management Action 9**

**That the Administration of Justice Department formalises a regular review programme to ensure that Group 4 are following the local protocol for accommodating HMP lockout prisoners.**

## **13. FORENSICS**

### **13.1 Current Position**

- 13.1.1 The occasions when forensic evidence can be obtained from a detained person is governed by PACE, together with its resultant Codes of Practice. On 5 April 2004 a significant change took place in the powers available to the Police Service regarding the obtaining of DNA and Fingerprints from suspects coming into custody. These changes came into effect as a result of Sections 9 and 10 of the Criminal Justice Act 2003.
- 13.1.2 Prior to the aforementioned date DNA and Fingerprints could only be obtained from those persons who were charged or cautioned. These powers have now been extended by central government to cover all persons arrested.
- 13.1.3 This change in legislation will significantly increase the quantity of samples to be processed by both the DNA/Submissions Unit and the Fingerprint Bureau. Whilst it is not possible to gauge the precise increase, estimates have been made on the basis of 2002/03 and 2003/04 data. This indicates that a 70% increase in volume of Fingerprints samples to be taken and because of the different collection methods a 40-45% increase in DNA samples.
- 13.1.4 Any increase in the number of samples to be taken will carry an increase in the time taken to process prisoners. Careful monitoring of the situation will be required to ensure that each custody unit has sufficient equipment to prevent backlogs of offenders waiting to be sampled. The potential these changes have for increasing detention duration will need to be factored into the long-term custody requirement work.
- 13.1.5 As the new power is permissive as opposed to mandatory the Administration of Justice Department has advised that officers should only take fingerprints and DNA samples pre-charge if required, in exceptional circumstances (e.g. serious crime) until further notice. This delay is necessary while the Force prepares for the implications that such blanket use of the new powers will have. A business case has been submitted to secure additional staff to deal with the increased workload, and enhancements to the IT systems are also being sought.
- 13.1.6 In addition to DNA and Fingerprints, legislation also provides the power to:
- Photograph offenders; and where circumstances dictate;
  - The authority to conduct a house search, either with consent or with an Inspector's authority<sup>13</sup>;
  - The facility to take an impression of a suspect's footwear to compare forensic impressions obtained from crime scenes.

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<sup>13</sup> S18 PACE.

- 13.1.7 The audit by the FSS conducted during 2003/04 on behalf of the Home Office to establish if the Force's initial sampling procedures were meeting the requirements of the DNA programme i.e. were all samples being taken when the offender met the laid down criteria. The auditors found that Bedfordshire Police's failure rate was only 1%, in stark contrast to some forces who were failing to deliver on over 50% of samples.
- 13.1.8 While it is not possible to evidence by data that every opportunity for taking samples is being taken, the design of the CJS system is such that in order to complete the custody record, a response must be provided to the prompts for all samples. If a negative response is provided the user then has to enter further information as to why a sample has not been taken. It is therefore a reasonable assumption that due to the extra work required to justify why samples have not been taken, that custody staff cannot just skip this vital step in the offender handling process, and will ensure that samples are taken when appropriate.
- 13.1.9 Each month Scientific Services produce a detailed report into forensic issues. The DNA Department identifies all errors made by officers when obtaining criminal justice samples. By identification this has a cost saving to the Force of £8 per sample. Criminal justice samples which are destroyed having been taken in error, (e.g. when a confirmed profile already exists on PNC) carries a cost implication of £42.50 per sample. In order to minimise these errors and unnecessary costs, an education programme has been introduced and is already delivering a considerable improvement. In addition to this step, any failures are now reported to the ACC and Divisional Commanders and are also incorporated in the Performance Review.

## **13.2 *Facial Images National Database***

- 13.2.1 The Police Information Technology Organisation (PITO) are planning to 'roll-out' their project creating a Facial Images National Database (FIND) on behalf of all Forces. This national database is proposed to contain both still and moving images of persons who have been subject to the police criminal investigative process and further extended to included images of marks, scars and tattoos.
- 13.2.2 The benefits will include a reduction in operational time taken to corroborate identification of suspects, speed of identification in making arrests and ensure greater confidence in the just cause to detain a suspect, and as such should help improve the offender handling process. Perhaps even more importantly it will establish a controlled database for use in futuristic visual identification processes such as 'facial mapping' and computer generated searches seeking identification from the recollection of a witness.

13.2.3 The system has the ambition to create links to PNC, Custody Suites and NAFIS. The central computer linkage between all forces and PITO will be through the secure CJX system which has already been provided to all forces and will not only permit images to be sent to the national database but become exchangeable between individual forces as well. The timescales provided by PITO are as follows:

- 2004 – Gather user requirements, identify suppliers and tender for supply and maintenance of the system;
- 2005 – Develop, test and implement FIND, provide conversion capability of **suitable existing** images, roll-out system to all forces;
- 2006 – Provide capability to transmit images to mobile devices for front line officers.

13.2.4 PITO have published the technical specifications that will be mandatory for any image to be included in FIND. Failure to meet the mandatory areas will result in national rejection, which in turn would mean a general failure by Bedfordshire Police to properly provide their full contribution to law enforcement across the UK.

13.2.5 The Imagery Project Officer recently conducted some quality assurance on a random selection of captured images held on PICDAR (Bedfordshire Police's Photographic system). Many failed to meet the basic full frontal facial image specification e.g. the full head is not visible, and the subjects are not looking directly and squarely at the camera.

13.2.6 As part of this PITO project there will be a conversion policy to follow roll-out, relating to old images, in order to create a meaningful database from the start point.

### **13.3 Management Action 10**

**That the Force develop and enforce an acceptable standard for prisoner photographs/images in adherence to the specifications dictated by PITO, and that all custody staff receive the necessary training as a matter of priority.**

### **13.4 House Searches**

13.4.1 Although house searches require very specific grounds before they can be lawfully authorised, this is mainly on the basis of circumstantial evidence, and as such the custody system (CJS) is unable to identify those arrests where there is sufficient/insufficient grounds for a search. However a dip sample was conducted of House Search paper records for Central Division during the period 04/10/03 and 18/06/04, and the results included in **Table 16**.

**Table 16 Effectiveness of House Searches**

Search Type	Property Recovered		Total Searches
	Yes	No	
PACE Section 17	3 (43%)	4 (57%)	7
PACE Section 18(1)	64 (44%)	82 (56%)	146
PACE Section 18(5)	2 (100%)	0	2
PACE Section 32	17 (63%)	10 (37%)	27
Warrant	40 (83%)	8 (17%)	48
Written Consent	2 (14%)	12 (86%)	14
<b>Total</b>	<b>128 (52%)</b>	<b>116 (48%)</b>	<b>244</b>

13.4.2 As **Table 16** shows, the majority of house searches are performed under the powers of Section 18(1), where the constable may enter and search any premises occupied or controlled by a person who is under arrest for an arrestable offence, if he has reasonable grounds for suspecting that there is on the premises evidence other than items subject to legal privilege, that relates –

- a) To that offence; or
- b) To some other arrestable offence which is connected with or similar to that offence.

13.4.3 House searches can take considerable resource in terms of officer time to perform, and also in terms of extending the duration the offender is being detained for. The data above does not provide any conclusive evidence in support or otherwise of the use of house searches.

13.4.4 Due to the limitation of available data it is not possible to further analyse the effectiveness of searches, as while property may have been recovered at the time, it is not known if that property was then later returned as of no consequence. However the data does indicate that performing a house search when the offender has given their written consent, may not be the most effective use of resources, as 86% of the time it is not providing any further support for the prosecution.

## 14. SUMMARY OF RECOMMENDATIONS

### ***Recommendation 1***

That Assistant Custody Officers and Civilian Detention Officers are used in a more proactive fashion to process detainees. The Custody Officer should not input data routinely but should act in a decision-making and managerial capacity.

### ***Recommendation 2***

That the Force enters into a collaborative agreement with Essex, Cambridgeshire and Suffolk Police to provide mixed doctor and nurse medical services cover to custody units on a regional basis.

### ***Recommendation 3***

That Central Division retains their PHU. Luton and Bedford Divisions continue their civilianisation programme, whilst maintaining and expanding the section based PHU approach e.g. each Division continues with its current approach while expanding the resources.

### ***Recommendation 4***

During a 6-month period of stability across all Divisions, analysis should be undertaken to establish which provides the optimum model Prisoner Handling Unit in Bedfordshire.

### ***Recommendation 5***

That the planning process for arrests on no-bail warrants include a step to co-ordinate with the custody officer to minimise the demand for cell accommodation.

### ***Recommendation 6***

That the Force purchases a mobile custody unit.

### ***Recommendation 7***

That the Luton Division plan to convert some vacant space into a suite of interview rooms, is progressed as a matter of priority.

### ***Recommendation 8***

That Business Management produce a specification of custody needs, within the next 9-12 months, which will then feed into the Estate Strategy. This specification will be informed by:

1. The new processes and the recommendations from this review being established;
2. The impact of Fixed Penalty Notices, the civilian investigator programme and PHUs being assessed;
3. A Post Implementation Review being completed of the Mobile Custody Unit to demonstrate its effectiveness of managing the periods of peak demands.

## 15 SUMMARY OF MANAGEMENT ACTIONS

Although not included as full recommendations, the following issues are raised for management consideration.

### ***Management Action 1***

That all ACOs and CDOs should be fully trained in the use of CJS to superuser level and on PNC Names. Existing staff should be trained a matter of priority, and that any new custody staff receive CJS to superuser and PNC Names as part of their Custody Induction training.

### ***Management Action 2***

The NSPIS Custody and Case Preparation Project to consider maximising the number of terminals in the custody suite, and that the functionality is available to capture digital signature from the Custody Officers at the necessary authorisation points.

### ***Management Action 3***

That a standard monitoring database be used to record warrant activity, and provide a central view of the warrant position. This should be covered by the CJS Replacement Project.

### ***Management Action 4***

That the National LCJB are approached to lobby Group 4 into providing a quicker turnaround service for transferring prisoners to foreign forces.

### ***Management Action 5***

That the LCJB arrange with the Magistrates Courts for bailees to surrender straight to court rather than custody.

### ***Management Action 6***

That Luton Magistrates Court consider alternative means of advising warrants to Dunstable, to improve the speed of dispatch and establishing a means of confirming receipt, possibilities include faxing on day of issue, while continuing to forward hard copy, or use a courier service.

### ***Management Action 7***

That the formal monitoring of interviews by supervisors is re-introduced, and targets set in line with the PDR process.

### ***Management Action 8***

That the procedures for dealing with the issue of bail for further enquiries (47(3)(b) PACE), are adjusted to ensure that custody officers:

- Satisfy themselves that bail is appropriate;
- Agree an action plan with the investigating officer with regard to the enquiries and activities that will need to be undertaken during the period of bail;
- Ensure that if the bail is cancelled, the decision is made by the custody officer and not the investigating officer;
- That if bail is cancelled the detainee is sent a formal letter to that effect, even if already advised in person.

### ***Management Action 9***

That the Administration of Justice Department formalises a regular review programme to ensure that Group 4 are following the local protocol for accommodating HMP lockout prisoners.

### ***Management Action 10***

That the Force develop and enforce an acceptable standard for prisoner photographs/images in adherence to the specifications dictated by PITO, and that all custody staff receive the necessary training as a matter of priority.

## **Appendix 1 – Consultation**

Extensive consultation was carried out as part of this review, using a variety of media, namely; one to one meetings, focus groups, questionnaires, and also examination of other forces appropriate Best Value reviews and HMIC Base line assessments.

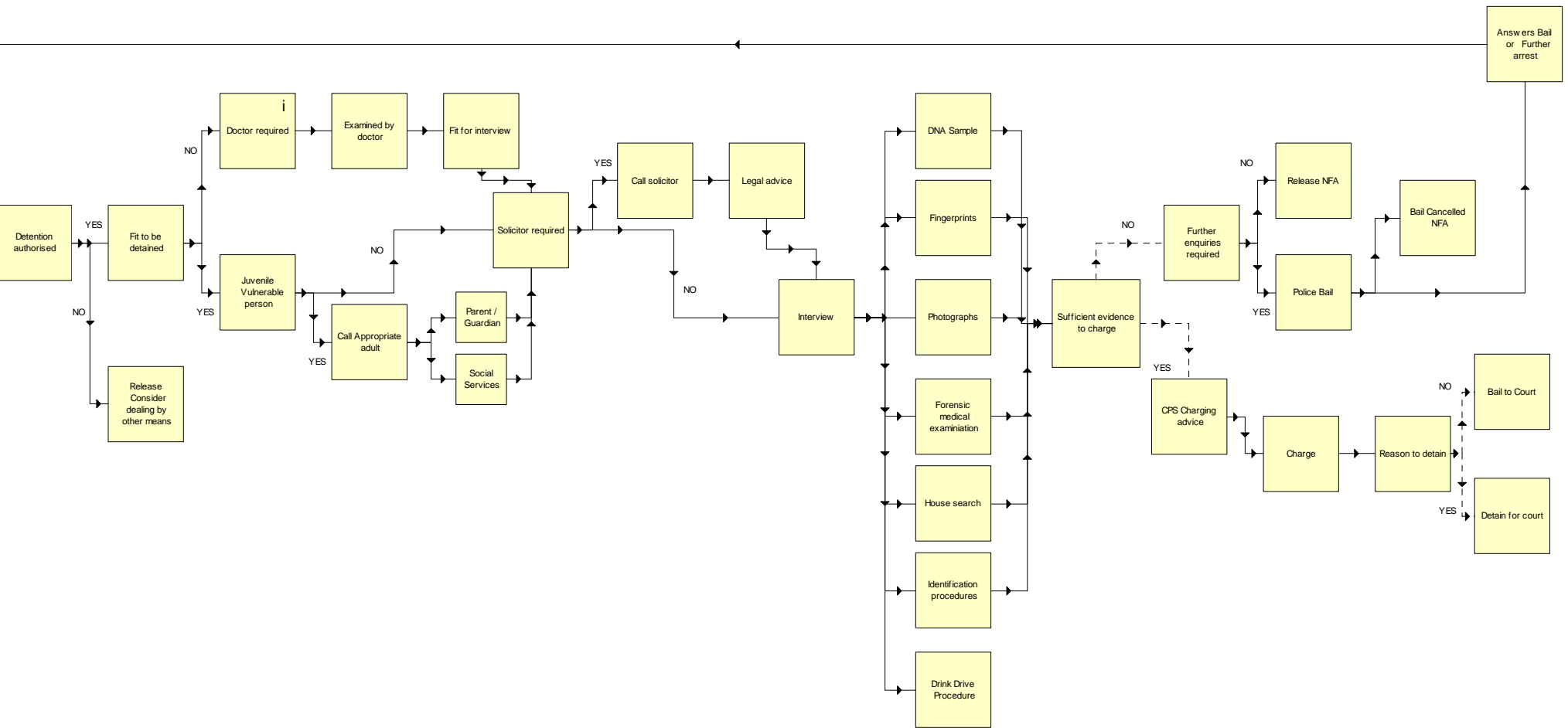
### **Internal**

- Divisional Commanders/Operational Support for B, C and D Divisions
- DCIs for B,C and D Division
- Custody Staff from all divisions
- Administration of Justice Department
- PND Project Team
- Training Department
- Glidewell Project Manager
- Warrant officers and administrators
- Head of Scientific Services
- Imagery Project Team
- Gay Police Association
- Black and Asian Staff Support Group

### **External**

- Solicitors
- Luton Primary Care Trust
- Prime Care
- Police Surgeons
- Independent Advisory Group
- HMP Bedford
- Social Services YOT
- South Yorkshire Police
- Essex Police
- Hertfordshire Constabulary
- Suffolk Police
- West Yorkshire Police
- Thames Valley Police
- Northumbria Police
- Hampshire Constabulary
- Wiltshire Constabulary
- South Wales Police
- Staffordshire Police
- Cambridgeshire Constabulary
- Devon & Cornwall Police
- Kent County Police
- Nottingham Police

# Appendix 2 – Custody Process Map



### Appendix 3 - List of Penalty Notices for Disorder Offences

Upper Tier £ 80									
	Act	Description	Max:	Penalty Amount	Arrestable <sup>1</sup>	Notifiable <sup>2</sup>	Recordable <sup>3</sup>	HO Code	CCCJS Code
1	S 5 Criminal Law Act 1967	Wasting Police Time, Giving False Report.	Level 4 (£2500) 6 months	£ 80	S 25 PACE 1984	-	Recordable	195/53	CL67008
2	S 127(2) Communication Act 2003	Sending False Messages.	Level 5 (£5000) 6 months	£ 80	S 25 PACE 1984	-	Recordable	195/51	TL84006
3	S 31 Fire Services Act 1947	Knowingly give a false alarm to a fire brigade.	Level 3 (£1000)	£ 80	S 25 PACE 1984	-	Recordable	164/07	FS47020
4	S 5 Public Order Act 1986	Causing harassment, alarm or distress.	Level 3 (£1000)	£ 80	Conditional under S 24(2) & S 25 PACE 1984	Notifiable <sup>4</sup>	Recordable	125/12	PU86107
5	S 80 Explosives Act 1875	Throwing Fireworks.	Level 5 (£5000) 6 months	£ 80	S 25 PACE 1984	-	-	123/01	EP75005
Lower Tier £ 40									
6	S 91 Criminal Justice Act 1967	Drunk and Disorderly.	Level 3 (£1000)	£ 40	S 25 PACE 1984	-	Recordable	141/01	CJ67 002
7	S 55 British Transport Commission Act 1949	Trespassing on a railway.	Level 3 (£1000)	£ 40	S 25 PACE 1984	-	-	169/20	BT49005
8	S 56 British Transport Commission Act 1949	Throwing stones at a train.	Level 3 (£1000)	£ 40	S 25 PACE 1984	-	-	169/20	BT49006
9	S 12 Licensing Act 1872	Drunk in highway.	Level 1 (£200)	£ 40	S 25 PACE 1984	-	Recordable	140/01	LG72008
10	S 169©(3) Licensing Act 1964	Buying alcohol for an under 18.	Level 3 (£1000)	£ 40	S 25 PACE 1984	-	-	143/17	LG83007
11	S 12 Criminal Justice & Police Act 2001	Drinking in a designated public area.	Level 2 (£500)	£ 40	Arrestable Offence	-	-	140/11	CJ01002

<sup>1</sup> S 24 & 25 PACE 1984 & S 5 POA 1986

<sup>2</sup> Notifiable offences recorded by the police are set by the Home Office in accordance with established criteria. *RDS.Data Collection Group, Criminal Statistics, Vol 3, part 1 appendix 1: For Court Proceedings and Cautions*

<sup>3</sup> S 27(4) PACE 1984 The Secretary of State may by regulations make provisions for recording in national police records convictions for such offences as are specified in the regulations. The National Police Records (Recordable Offences Regulations 2000 SI 2000/1139 provide that there may be recorded in national police records; a) convictions for; and b) cautions reprimands and warnings given in respect of any offence punishable with imprisonment and any offence specified in the schedule to the regulations

<sup>4</sup> Penalty notices issued for S 5 offences should be recorded for Home Office statistical purposes as a caution for both detection and clear up stats