



Agenda

COMPLAINTS AND PROFESSIONAL STANDARDS COMMITTEE

13 May 2008

Bridgebury House, Woburn Road, Kempston, Bedford MK43 9AX

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Email:- enquiries@bedfordshirepoliceauthority.co.uk

To: **Members of the Complaints and Professional Standards Committee**

(Mrs S Alexander, Mrs P Fletcher, Mrs S Gillard, Mrs L Hockey,
Mrs R Gutteridge, Mr P Hollick Mr R Saleem and Mr B Spurr

A meeting of the **COMPLAINTS AND PROFESSIONAL STANDARDS COMMITTEE** of the **Bedfordshire Police Authority** will be held at Bridgebury House, Woburn Road, Kempston, at **2.00 pm** on **Tuesday 13 May 2008**. Files will be available for Members' scrutiny from **10.30 am**.

JANET WARDELL
Member Services Support Manager

AGENDA

(*indicates that a supporting document accompanies this Agenda)

1. Apologies

2. To confirm the minutes of the meeting held on 1 February 2008

By Chairman - Minutes*

3. Declarations of Interest

To receive any personal or prejudicial interests from Members

4. IPCC – Current Issues

David Petch (IPCC Commissioner) and Judy Clements OBE (IPCC Regional Director) , will be attending the meeting

5. Professional Standards Cases and Issues

Report* of the Chief Constable

6. Strategic Analysis of Custody Needs

Report* of the Chief Constable

7. Independent Custody Visitor Scheme

Minutes of the meeting of the Independent Custody Visitor's Panel held on 29th April 2008 (To Follow)

To consider the exclusion of the press and public from the meeting on the grounds that the items to be discussed are confidential and involve the disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972. Papers are not being sent to the press or made available to the public.

8. Summaries of Professional Standards Cases

The Chief Constable's report is available for collection by Members from the Member Services Support Manager

COMPLAINTS AND PROFESSIONAL STANDARDS COMMITTEE

1 February 2008

PRESENT

Mrs S Alexander (In the Chair)

Mrs R Gutteridge, Mrs P Fletcher, Mrs L Hockey and Mr P Hollick

Apologies for absence were received from Mrs S Gillard, Mr R Saleem and Mr B Spurr.

08/qz/1 MINUTES

The minutes of the meeting held on 3 December 2007 were confirmed.

08/qz/2 MATTERS ARISING

07/qz/32 – Professional Standards Cases and issues

The Chair advised that the necessary legislation for the implementation of new disciplinary arrangements for Police Officers arising from the Taylor Report had not yet been passed and therefore the 1st April implementation date could not be met. Recent correspondence from the Home Office suggested that it would be the Autumn when the new arrangements would commence. In the light of this the pilot at Luton Division to establish a process for dealing with complaints on Division had been delayed until the 1st March.

The Chair also advised that Members concerns arising from the IPCC's 2006/07 Annual Report had been discussed with David Petch, the IPCC Commissioner for the area' and would be taken forward. Superintendent Darlow mentioned that since the last meeting Bedfordshire's representatives from the IPCC had expressed an interest in attending a meeting of the Committee to discuss any areas of concern. In consultation with the Chair it was proposed that David Petch and Judy Clements be invited to attend the meeting on 13th May 2008.

08/qz/3 DECLARATIONS OF INTEREST

There were no declarations of personal or prejudicial interests from Members.

08/qz/4 PROFESSIONAL STANDARDS CASES AND ISSUES

The Committee considered the Chief Constable's report on the current position with regard to Professional Standards issues for the reporting period 1 April to 31 December 2007 compared to the same period in the previous year. A new format for presenting data had been developed and data had been categorised into the following areas

- Cases received in Force, finalised and pending, and number of allegations received

- Analysis of Social factors relating to complainant
- Analysis of Social factors relating to subjects of allegations
- Analysis of allegations
- Investigation Times
- IPCC Appeals
- Conduct Matters
- Benchmarking

Highlights from the report are detailed below

(a) Cases received in Force, finalised and pending, and no of allegations received

In comparison to 2006/07 when a 40% rise in complaints had been seen the number of complaints received to date in 2007/08 indicated levels received were beginning to stabilise.

Data had shown that the number of complaint cases received had increased by just 1 to 278 with 150 of these being finalised in the same period, an increase of 22 on last year. The total number of cases closed to date was 323 compared to 244 in the previous year, a substantial increase of 79.

Superintendent Darlow highlighted that the increase in cases and allegations finalised was as a result of increased productivity following introduction of investigation plans, case workers, proportionate investigations, technology and local resolution training for territorial policing managers.

The number of complaint allegations had increased by 45 whilst the number finalised has increased by 159 (from 338 to 497).

(b) Analysis of Social factors relating to complainant

Data had revealed that in comparison to the previous year there was a growing confidence in use of the complaints system particularly among females and the Asian Community.

Complainants aged between 0-19 had increased by 2 and the allegations they had made increased by 14 to 29; complainants aged 30-39 increased by 11 and their allegations by 7.

The majority of allegations made by complainants without a previous conviction was 'Other neglect or failure in duty'; for those with a previous conviction it was 'other assault' and for those unemployed or retired it was incivility.

With regard to employment status the largest increase of complainants and allegations had been received from students and non-manual workers.

(c) Analysis of Social factors relating to subjects of allegations

The number of employees' subject of a complaint decreased by 36 to 425, the largest relating to male police officers; the decrease was also evident for female police officers.

Male Special Constables had the biggest increase from 3 to 9 and allegations from 3 to 12.

Complaints against staff of Asian ethnicity showed the biggest increase in complaints (up 6 to 20) and allegations (up 10 to 32).

(d) Analysis of allegations

The number of allegations recorded increased by 53 to 423.

The categories with the largest increases were

- Other Irregularity in Procedure
- Lack of Fairness & Impartiality
- Mishandling of property by

The largest decreases were

- Other
- Improper Disclosure of Information
- Breach Code C of the Police & Criminal Evidence Act 1984

There had been a significant increase in dispensations and allegations substantiated which suggested an ethical approach to recording and finalising complaints.

There has been a 3% decrease in allegations locally resolved when compared to the same period last year but this did not reflect the increased productivity with 225 allegations locally resolved this year when compared to 183 last year.

(e) Investigation Times

The number of complaint cases finalised was 323 compared to 244 in 2006/07. There had been an increase in the number of cases that had proceeded to a full investigation by 13 to 42. Of these 19 were finalised within the 120 day target. There had been an increase of 65 in the number of cases that were locally resolved. 160 of the 175 cases were finalised within the 120-day target. Of the 497 allegations finalised three-quarters of all allegations finalised were within the target of 120 days.

The number of appeals to the IPCC had decreased by 2 to 28. 6 appeals had been upheld

(f) Conduct Matters

The number of conduct matters recorded had decreased but the numbers are high due to a large internal investigation relating to abuse of the e-mail system. Of the 92 allegations finalised there were 50 written warnings issued and 13 reprimands. The large internal investigation relating to e-mail abuse was the reason behind the increase in the number of conduct matters finalised, hearings and sanctions delivered

(g) Benchmarking

In comparison to the regional data Bedfordshire had recorded the second lowest number of allegations but was at the regional average for allegation per staff. Bedfordshire was better than the regional average for local resolutions and below the average for substantiated allegations.

In comparison to its Most Similar Forces Bedfordshire had recorded the second lowest number of allegations and was at the family average for allegations per staff. Bedfordshire had the third highest local resolution rate and second lowest substantiated rate.

In addition to the analysis Superintendent Darlow reported upon the issues emerging from the strategic analysis of custody issues. These included installation of CCTV with sound, medical treatment, training and accurate record keeping. A number of issues raised had implications for Health and Safety and minor works and Superintendent Darlow would forward these to the Head of Estates and Director of Corporate Services for action. It was noted that implementation of CCTV with sound in the custody suites had been included in the draft for 2008/09 Budget.

A further draft of the report would be circulated for consultation with those staff engaged in Custody matters and a report would be presented to a future meeting for consideration.

The main issues arising from the report were as follows

(a) Format of the presentation of the Monitoring Data

Members had expressed some reservations about the new format for presenting monitoring data. Whilst Members welcomed the analysis of current concerns the report itself was not comprehensive enough to be able to look at possible trends. The Chief Executive/Treasurer agreed to research the reporting style of other Authorities and consult with the Chair of the Committee on the elements that the Committee might wish to see in future reports. The Deputy Chief Constable suggested that the Committee might wish to consider adopting the style of the report recently introduced for presenting performance data.

(b) Further Research

The analysis had highlighted that further research into reasons behind the increases in complaints in the following areas was required:

Complaints against Staff of Asian Ethnicity

Complaints received from females and people of Asian Ethnicity

(c) 120 Day Target

Performance in timelines was improving and the Deputy Chief Constable congratulated Superintendent Darlow for his work in achieving this. By the end of March it was hoped that the 80% 120-day closure target might be reached.

RESOLVED

That the report, views and comments thereon be noted.

08/qz/5 MINUTES OF THE INDEPENDENT CUSTODY VISITORS PANEL

The minutes of the meeting of the Independent Custody Visitors Panel held on 22 January 2008 was considered.

RESOLVED

That the minutes be received.

08/qz/6 REVIEW OF INTERNAL CONTROLS AND RISK MANAGEMENT AND COMMITTEE EFFECTIVENESS

The report of the Chief Executive/Treasurer was submitted which advised that CIPFA had introduced a new requirement known as the Annual Governance Statement which had replaced the Audit Commission's Statement of Internal Control but still required the Force and the Authority to undertake an annual review of its overall internal framework and governance procedures.

As part of the annual review it was also appropriate for the Committee itself to consider how it feels it was performing. Some areas for consideration were highlighted in the report and the Committee was satisfied with its performance in each area. In addition to those areas the Chair of the Committee considered that the committee had also performed well in increasing its input into the training sessions of Police Officers on Professional Standards issues and the gain from doing this had proved to be valuable.

In addition to this each Committee was required to review the major risks attributed to it. In respect of the complaints and Professional standards

Committee no major strategic risks were attributed to it. Having reflected on this Members were of the view that should the Committee fail to deal with the most serious of cases in an effective manner this would not only bear a financial risk but could lead to a loss in public confidence in the force and its complaints system.

RESOLVED

1. That subject to the to the inclusion of a risk around the Committee's failure to deal effectively with a serious complaint the Committee is assured that are all the major risks attributed to it are appropriate
2. That the Committee confirms it has undertaken a self-assessment of its own performance and that there are no areas that require improvement.

08/qz/7 **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED

That the press and public be excluded from the meeting during the discussion of the following item on the grounds that it is confidential and may involve the disclosure of exempt information as defined in paragraph 1 of part 1 of Schedule 12A to the Local Government Act 1972.

08/qz/8 **SUMMARIES OF COMPLAINTS AND DISCIPLINE CASES (In Private)**

A report of the Chief Constable was submitted which summarised those cases of complaints and civil claims which had been completed during the period 1 October – 31 December 2007.

Members also received a report from the Chief Constable providing details about those Police Officers that had received a criminal prosecution, those on were on restricted duties or suspended. The report also included details of the cases with the IPCC and the current position with regard to civil claims.

The Chair reported that for the period under review Members had dip-sampled those complaints that related to Road Traffic Collisions and misuse of the internet. Both of these matters were of significant concern to Members and a review of the complaints received would be undertaken to assess the appropriate action.

RESOLVED

That the report be noted.

Chief Constable's Report
On
Professional Standards Issues



APRIL – MARCH 2008

Complaints and Professional Standards Committee
13th May 2008
Item 5

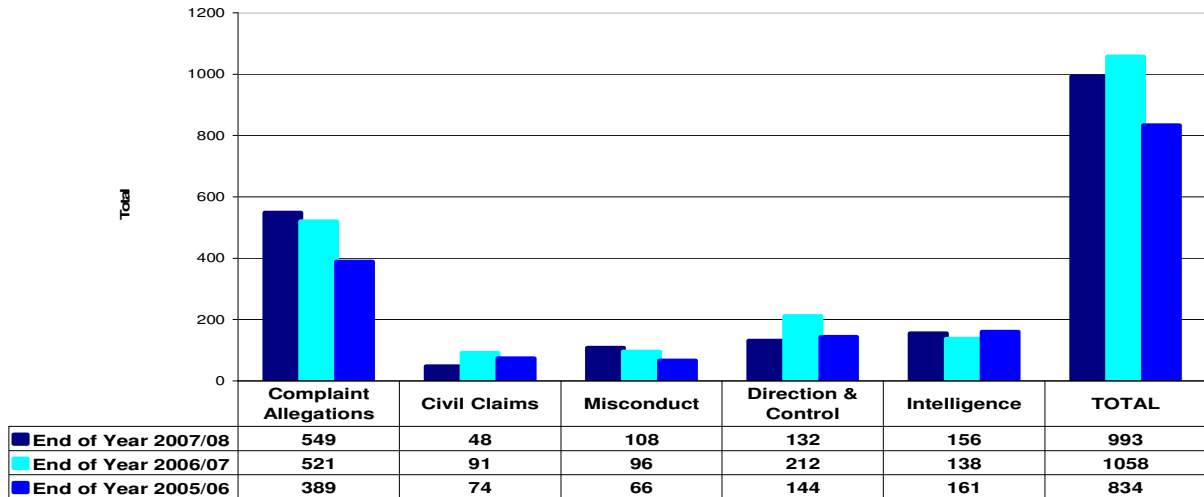
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SECTION 1 PSD Workload

Workload Management

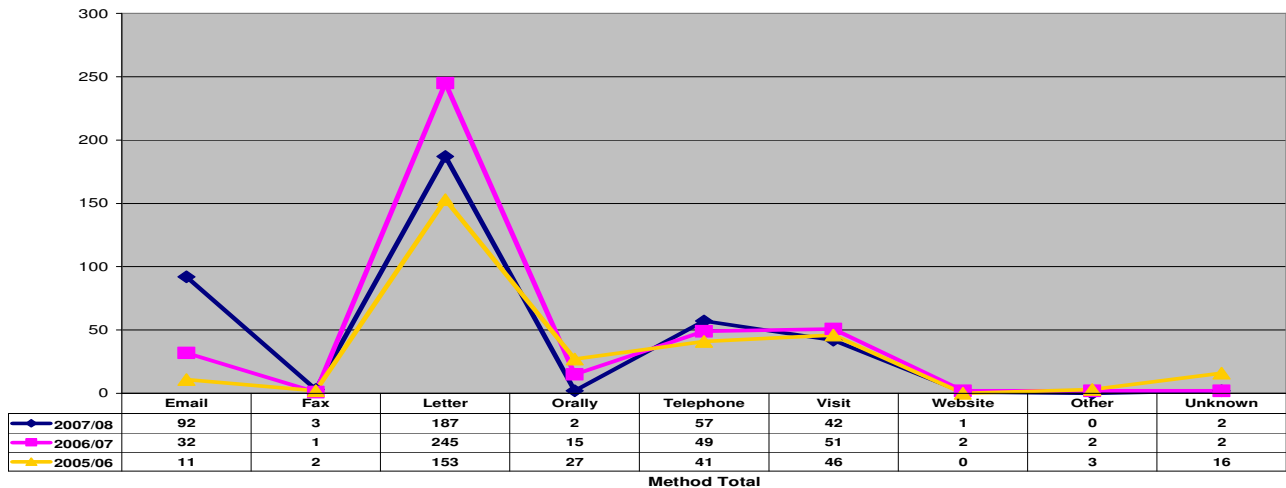
PSD Workload as of 31st March 2008



- The above chart relates to single allegations in each category and not cases
- Since June 2007 PSD was responsible for recording letters of appreciation; between then and 31st March 2008 there was a total of 167.

Complainant Access to PSD

Method of Access to PSD by Complainants



- A letter is the most common method of making a complaint

Compared to last year:

- Letters decreased by 24%
- Emails increased 188%
- Visits decreased by 18%

SECTION 2
Analysis of complaint cases

Complaint cases

Percentage change in the tables: ■ Decrease ■ Increase

- Following the rise in 06/07 the number received in 07/08 significantly decreased.
- Difference between number of complaint cases received in 2007/08 and 2006/07 indicates stability, this is also evident when measuring complaints cases and allegations against incidents recorded

Table 1 – Complaint Cases Received in Force

	2007/08	2006/07	2005/06
Cases Received in Force	373	374	274
% Change	0.3%		36%

Table 2 –Complaint Cases & Allegations per OIS Incidents

	2007/08	2006/07	2005/06
Total Incidents	191322	186786	190620
Cases Per Incidents	0.002	0.002	0.001
% Change	0		100%
Allegations Per Incidents	0.003	0.003	0.002
% Change	0		50%

Table 3 –Complaint Cases & Allegations per 1000 Population

	2007/08	2006/07	2005/06
Cases Per 1000 Population	0.7	0.7	0.5
% Change	0		40
Allegations Per 1000 Population	1.0	0.9	0.7
% Change	11		29

Population is based on 2001 Census - 565961

- Measuring complaint cases against per 1000 population has remained stable, with regards to allegations it clarifies that more cases are involving multiple allegations

Table 4– Complaint Cases Finalised of those Received in Force during the period

	2007/08	2006/07	2005/06
Cases Finalised	240	193	160
% Change	24%	21%	

- Number of complaint cases received has decreased by just 1 to 373 with 240 of these being finalised in the same period, an increase of 47 on last year and 80 on 2005/06.

Table 5 – All Complaint Cases Finalised

	2007/08	2006/07	2005/06
Cases Finalised	432	309	252
% Change	40%	23%	

- Total number of cases closed in 2007/08 is 432 a substantial increase of 123 on last year, and 180 compared to 2005/06.

Initiatives & Actions to Improve Performance

Increased productivity following introduction of:

- Investigation plans
- Case workers
- Proportionate investigations
- Technology
- Local resolution training

SECTION 3
Analysis of Complaint Allegations

Complaint Allegations Recorded

Percentage change in the tables: ■ Decrease ■ Increase

The table below provides a breakdown of the complaint allegations recorded during each period, the totals will differ from those in section 2 which refers to complaint cases, a case may contain a number of allegations.

Table 4 – Complaint Allegations Recorded

Code	Allegation Categories	2007/08	2006/07	2005/06	07/08 & 06/07 Diff
A	Serious non sexual assault	0	0	3	0
B	Sexual assault	0	0	2	0
C	Other assault	50	42	40	12
D	Oppressive conduct or harassment	40	47	41	7
E	Unlawful/unnecessary arrest or detention	12	25	19	13
F	Discriminatory behaviour	21	19	15	2
G	Irregularity in evidence/perjury	5	5	12	0
H	Corrupt practice	2	3	3	1
J	Mishandling of property	15	10	10	5
K	Breach code A PACE	4	6	0	2
L	Breach code B PACE	12	9	6	3
M	Breach code C PACE	17	41	29	24
N	Breach code D PACE	1	3	2	2
P	Breach code E PACE	1	1	0	0
Q	Lack of fairness & impartiality	46	23	9	23
R	Multiple or unspecified breaches	1	1	3	0
S	Other neglect or failure in duty	162	141	99	21
T	Other irregularity in procedure	44	15	17	29
U	Incivility, impoliteness and intolerance	100	89	56	11
V	Traffic irregularity	5	5	3	0
W	Other	2	21	18	19
X	Improper disclosure of information	8	15	2	7
Y	Other sexual conduct	1	0	0	1
TOTAL		549	521	389	28

- Number of complaint allegations recorded has increased by 28 compared to last year and 160 the year before.

- The top two allegations recorded (highlighted in red) have been consistent over the past three years
- Categories with the biggest increases this year compared to last:
 - T - 'Other Irregularity in Procedure'
 - Q - 'Lack of Fairness & Impartiality'
 - S - 'Other Neglect or Failure in Duty'
- Categories with the biggest decreases this year compared to last:
 - M - 'Breach Code C PACE'
 - W - 'Other'
 - E - 'Unlawful / Unnecessary Arrest or Detention'

Initiatives & Actions to Improve Performance

Recent research identified that the majority of 'lack of fairness & impartiality' allegations are reported by both males and females emanating from domestic disputes; this has been disseminated to the domestic violence forum. The latest review of this category highlighted Traffic matters as another significant area.

Research into 'Other neglect or failure in duty' identified the main issue is *not keeping people informed*, this has been acknowledged as a cause for concern for the Force and is currently being projected by the Service Improvement Group.

'Breach Code C PACE' had been a concern for the last few years, during which time research was conducted and distributed, custody managers were employed who then instigated various initiatives, all contributing to the decrease in complaint allegations. Recent strategic analysis into custody issues highlighted that whilst there are still some concerns the majority have work in progress. It is anticipated that this work has also impacted on the 'Unlawful / Unnecessary Arrest' allegations.

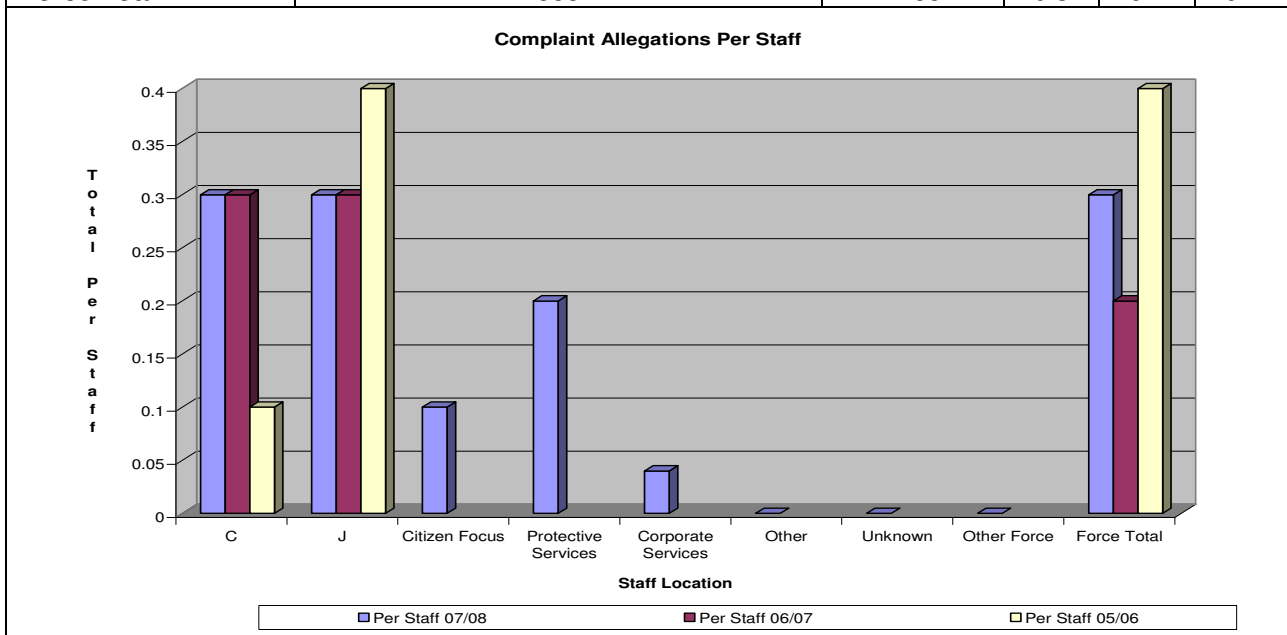
The current changes to the allegations of 'Other' and 'Other Irregularity in Procedure' have been identified as a matter of recording differences between the past and present management.

Complaint Allegations per Staff – Staff Division

The tables below show the 2007/08 recorded data by staff location; this is the number of complaint allegations **not** staff or cases. The total allegations in table 5 will not be equal to the total in table 4 as one allegation can be counted more than once if it involves staff from various staff locations.

Table 5 Complaint Allegations per Force Headcount – All Staff Types

Staff Location	Allegations 07/08	Headcount	Per Staff 07/08	Per Staff 06/07	Per Staff 05/06
C	168	516	0.3	0.3	0.1
J	218	747	0.3	0.3	0.4
Citizen Focus	16	251	0.1		
Protective Services	99	562	0.2		
Corporate Services	8	209	0.04		
Other	6	0	0		
Unknown	71	0	0		
Other Force	2	0	0		
Force Total	588	2285	0.3	0.2	0.4

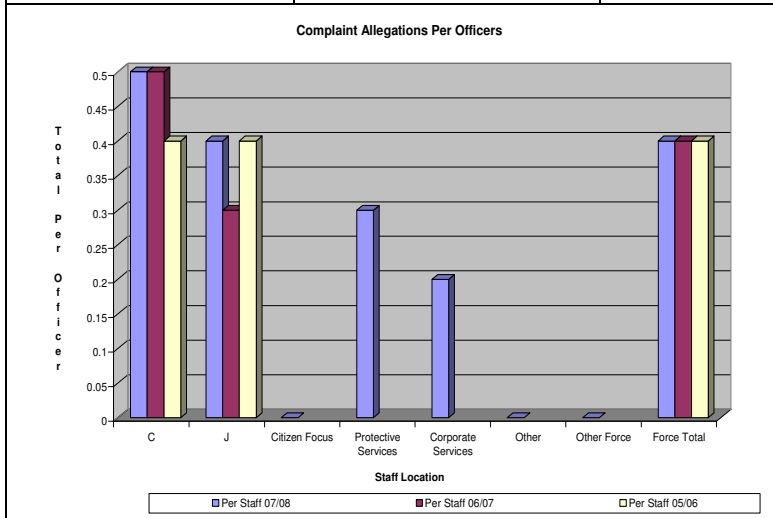


This year the Force had a change of structure which saw the amalgamation of non territorial divisions to create Citizen Focus, Protective Services and Corporate Services. Due to the change in structure the only year on year comparison that can be made in tables 5-9 is that of the two territorial divisions and the force total.

The following four tables provide a breakdown of total allegations by staff type; an allegation can be counted within and / or across the tables due to staff type and location.

Table 6 Complaint Allegations per Force Headcount – Officers

Staff Location	Allegations 2007/08	Headcount	Per Staff 07/08	Per Staff 06/07	Per Staff 05/06
C	173	344	0.5	0.3	0.1
J	202	462	0.4	0.3	0.4
Citizen Focus	0	27	0		
Protective Services	92	335	0.3		
Corporate Services	7	40	0.2		
Other	6	0	0		
Other Force	2	0	0		
Force Total	482	1208	0.4	0.4	0.4

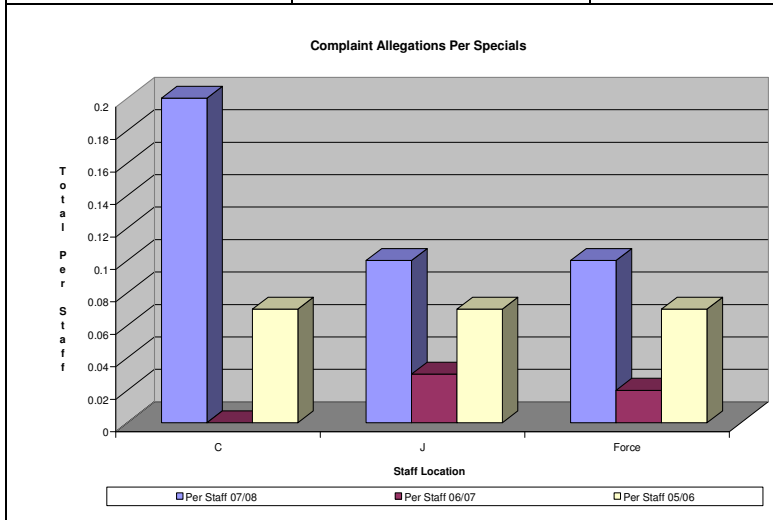


During the last three years the number of complaint allegations per:

- C division Officers have consistently increased
- All Officers has been consistent at 0.4

Table 7 Complaint Allegations per Force Headcount – Specials

Staff Location	Total Allegations 2007/08	Headcount	Per Staff 07/08	Per Staff 06/07	Per Staff 05/06
C	6	33	0.2	0	0.7
J	10	105	0.1	0.03	0.7
Citizen Focus	0	1	0		
Protective Services	0	3	0		
Corporate Services	0	0	0		
Force Total	16	142	0.1	0.02	0.7

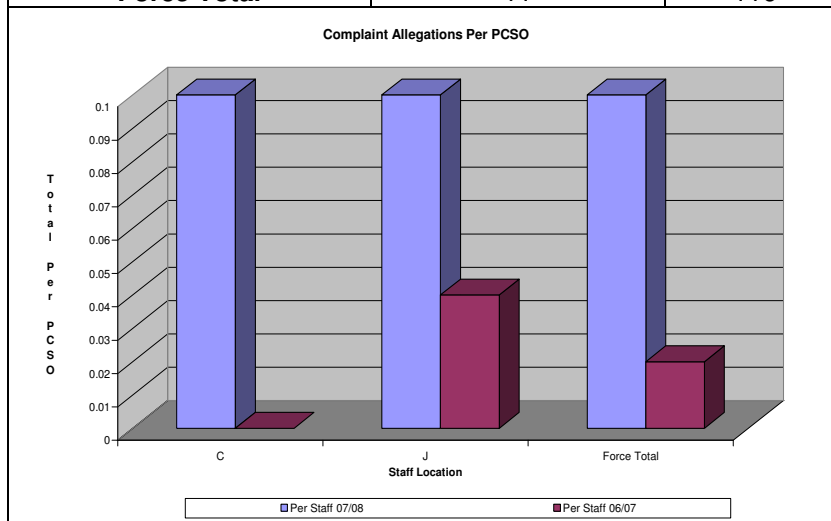


The number of complaint allegations per Special Constables have:

- Significantly decreased since 2005/06 for both divisions and the Force.
- 2005/06 was the second year that PSD recorded complaints against Special Constables

Table 8 Complaint Allegations per Force Headcount – PCSO

Staff Location	Total Allegations 2007/08	Headcount	Per Staff 07/08	Per Staff 06/07	Per Staff 05/06
C	7	53	0.1	0	0
J	4	63	0.1	0.04	0
Force Total	11	116	0.1	0.02	0

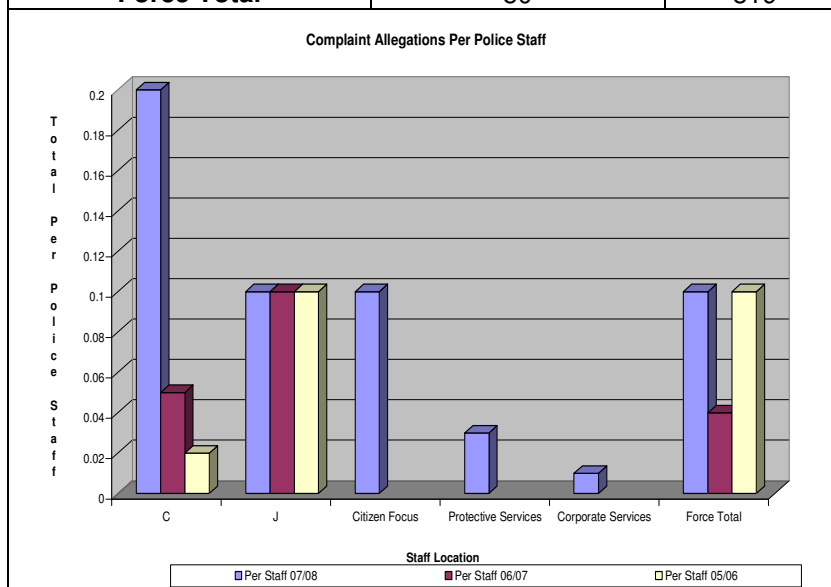


The number of complaint allegations per PCSO's:

- Increased slowly during the last three years
- Complaints first recorded in 2006/07, it was anticipated as PCSO's started to gain Police Powers.

Table 9 Complaint Allegations per Force Headcount – Police Staff

Staff Location	Total Allegations 2007/08	Headcount	Per Staff 07/08	Per Staff 06/07	Per Staff 05/06
C	16	86	0.2	0.05	0.02
J	10	117	0.1	0.1	0.1
Citizen Focus	16	223	0.1		
Protective Services	7	224	0.03		
Corporate Services	1	169	0.01		
Force Total	50	819	0.1	0.04	0.1



The number of complaint allegations per Police Staff have:

- Remained stable for J division
- Significantly increased for C division
- Force total for 2006/07 saw an increase followed by a decrease.

The fluctuation within the data tables above can be explained by the following facts:

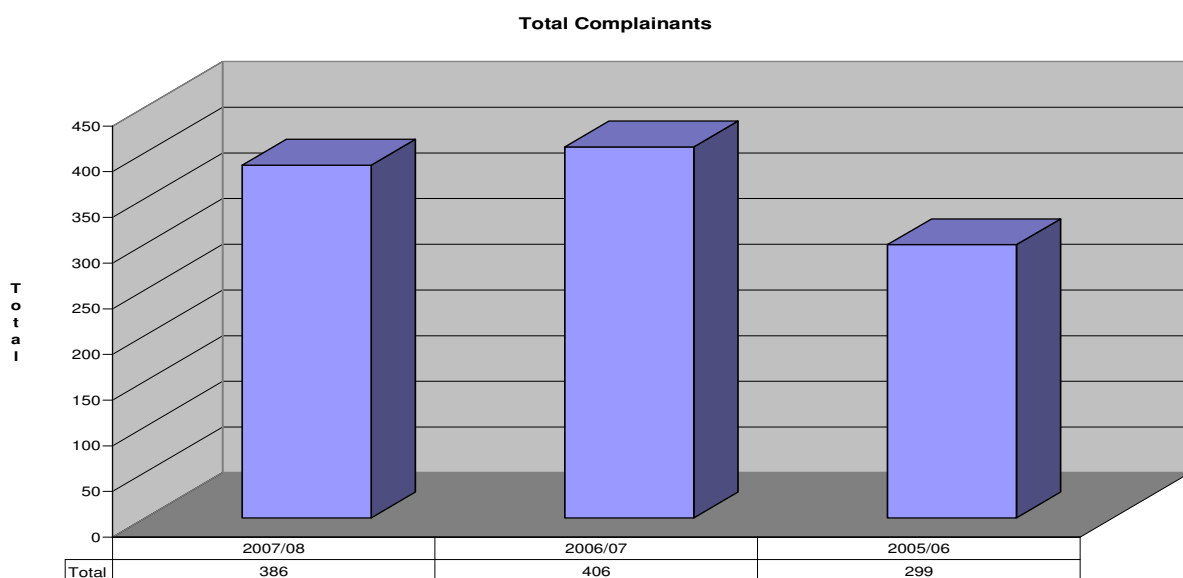
- The introduction of the Independent Police Complaints Commission (IPCC) in 2004/05 saw PSD as responsible for recording complaints against all staff, not just Police Officers.

- 2005/06 was the second year of the IPCC which saw an increase in complaints due to an increase in complainant types, methods to complain and recording practices
- 2006 saw the introduction of PCSO's having certain Police Powers

SECTION 4
Analysis of social factors relating to complainants characteristics

Percentage change in the tables: ■ Decrease ■ Increase

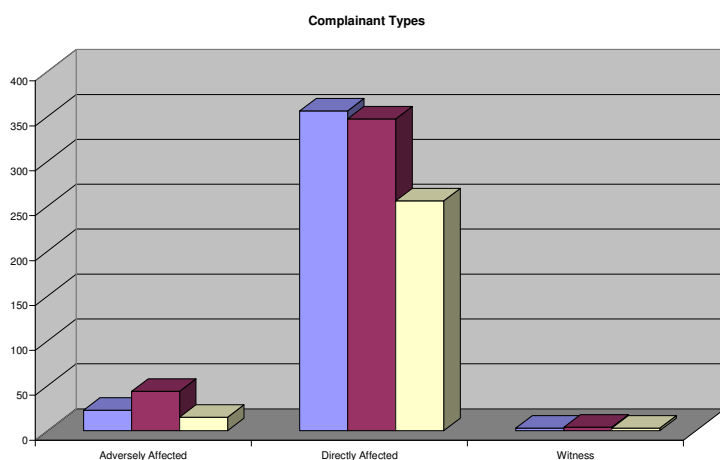
This section is based on the number of complainants who have recorded complaint allegations during the fiscal year¹. Compared to last year the total number of complainants decreased by 20 to 386.



The table below gives a breakdown of complainant types

Table10 Complainant Types

	Adversely Affected	Directly Affected	Witness
2007/08	27	356	3
2006/07	51	351	4
2005/06	40	256	3



- Majority of complainants are those directly affected
- Adversely affected are parents of minors or the partner of the directly affected individual
- Complainants directly affected have increased whilst those adversely affected have decreased

¹ Subject characteristics are not always known at the time of recording a complaint therefore unknown may be high, this is usually reduced on finalisation

The number of complainants directly affected has increased since 2005/06 this is a consequence of the implementation of the IPCC Statutory Guidance; other factors relate to PSD initiatives and actions:

Initiatives & Actions to Improve Access to PSD	
Website	– A complaint form can be completed and submitted direct to PSD
Signposts	- Community representatives act as a main contact who have IPCC leaflets and complaint packs
Divisions	– IPCC leaflets and complaint form available at all enquiry offices

Table 11 Gender of complainants

	2007/08	2006/07	2005/06
Males	240	256	186
% Change	6%		38%
Females	143	148	110
% Change	3%		35%
Unknown	3	2	3
% Change	50%		33%

Table 12 Age of complainants

	2007/08	2006/07	2005/06
0-19	17	20	16
% Change	15%		25%
20-29	59	66	40
% Change	11%		65%
30-39	114	94	72
% Change	21%		31%
40-49	77	92	69
% Change	16%		33%
50-59	36	44	31
% Change	18%		42%
60+	24	22	11
% Change	9%		100%
Unknown	59	68	60
% Change	13%		13%

Table 13 Ethnicity of complainants

	2007/08	2006/07	2005/06
White	259	285	220
% Change	9%		30%
Black	35	45	31
% Change	22%		45%
Asian	49	44	25
% Change	11%		76%
Other	4	5	5
% Change	20%		0
Unknown	39	27	18
% Change	44%		50%

The majority of complainants are white male aged between 30-39; over the last three years the increase in complainants have been similar between males and females (29-30%)

The largest increases between 2005/06 and 2007/08 are:

- Complainants from the Asian community (96%)
- The age group between 30-39 (58%)

Initiatives & Actions to Improve Access & Confidence in the Complaints System

A complaint form can be found in various languages on the Force website

The form can be completed and submitted into PSD electronically

Community representatives act as a main contact – complaint packs in various languages

Independent Advisory Group members meet with PSD on a regular basis

It is reasonable to draw a conclusion of growing confidence in the complaints system as there has been an increase in the number of complainants and allegations from members of the Asian community. Recent research has shown that the main allegation is in line with the Force top allegation, other neglect or failure in duty; it also identified that members of the Asian community are increasingly reporting complaints against Asian officers.

2007/08 top allegation made by complainants without a previous conviction is ‘Other neglect or failure in duty’; for those with a previous conviction it is ‘other assault’. For those unemployed or retired it is ‘Incivility’. Previously the main allegation across the board was ‘Other neglect or failure in duty’.

SECTION 5
Analysis of social factors relating to subjects characteristics

Percentage change in the tables: ■ Decrease ■ Increase

This section is based on the number of staff² who has a complaint allegation recorded against them during the fiscal year; each subject is counted once regardless of total allegations or cases.

The number of subjects has decreased by 0.5% (2) compared to last year, overall an increase of 17% (58)

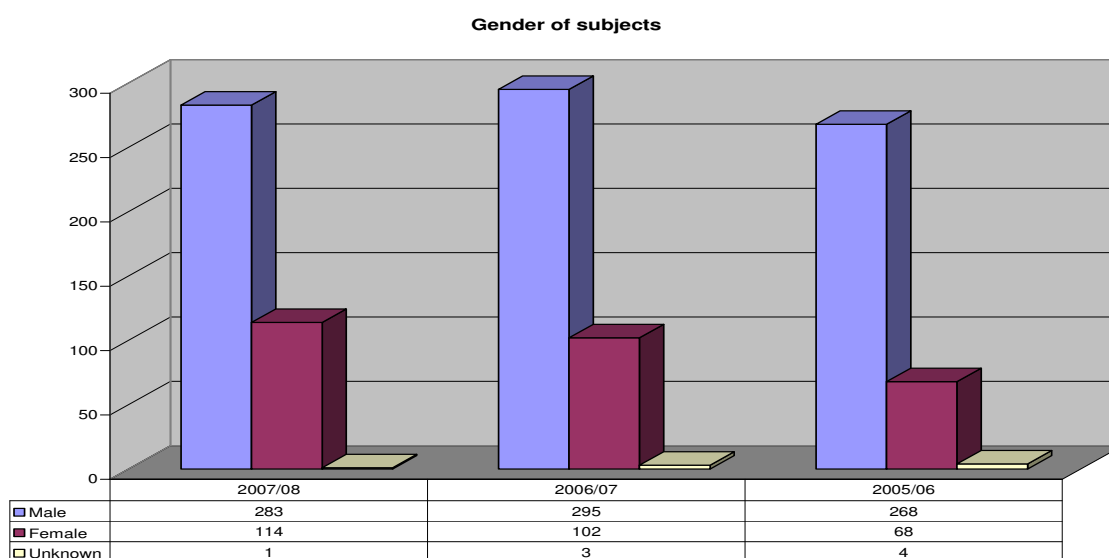


Table below provides a breakdown of gender and staff type

Table 14 Gender & Staff Type of subjects

Gender	Staff Type	2007/08	2006/07	2005/06
Male	Community Support	5	0	0
	Police Staff	19	4	7
	Officers	247	291	258
	Special Constables	11	5	7
Female	Community Support	5	2	0
	Police Staff	23	22	12
	Officers	82	75	55
	Special Constables	3	0	0
Unknown³	Officer	3	1	1
Total		398	400	340

² Staff with a recorded complaint is referred to as a subject

The biggest and only decrease compared to last year is against male officers as subjects, a drop of 15% (44), this year is the lowest they have been in the last three years.

The increase against Community Support (PCSO) subjects is likely due to the implementation of police powers for PCSO in 2006.

Table 15 Age of subjects

	2007/08	2006/07	2005/06
0-19	3	0	2
% Change	100%		100%
20-29	126	144	126
% Change	13%		14%
30-39	139	143	113
% Change	3%		27%
40-49	85	87	76
% Change	3%		14%
50-59	35	20	19
% Change	75%		5%
60+	3	0	1
% Change	100%		100%
Unknown	7	6	3
% Change	17%		100%

Apart from age band 0-19 and 60+ which contain very small numbers the largest increase across the three year period is age band 50-59 with an overall increase of 84%.

Subjects aged 20-29 was the biggest decrease this year.

Table 16 Ethnicity of subjects

	2007/08	2006/07	2005/06
White	363	370	309
% Change	2%		20%
Black	7	3	6
% Change	133%		50%
Asian	17	15	18
% Change	13%		17%
Other	2	5	3
% Change	60%		67%

³ An unknown officer will be counted only once as a generic nominal is used

Unknown	9	7	4
% Change	29%		75%

During the last three years subjects from both White and Asian ethnic origin increased by 17%

Table 16 Length of service

	2007/08	2006/07	2005/06
0-2	110	142	133
% Change	23%		7%
3-5	136	118	73
% Change	15%		62%
6-10	50	37	35
% Change	35%		6%
11-15	30	31	33
% Change	3%		6%
16-20	39	36	29
% Change	8%		24%
21-25	16	22	21
% Change	27%		5%
26+	16	14	15
% Change	14%		7%
Unknown	1	0	1
% Change	100%		100%

With regards to length of service the biggest decreases in the number of subjects this year compared to last are:

- 21-25
- 0-2

The largest increase is those with 6-10 years service

0-2 years service is the probationary period for new recruits, complaints are expected during this time of learning although this year they are at their all time lowest.

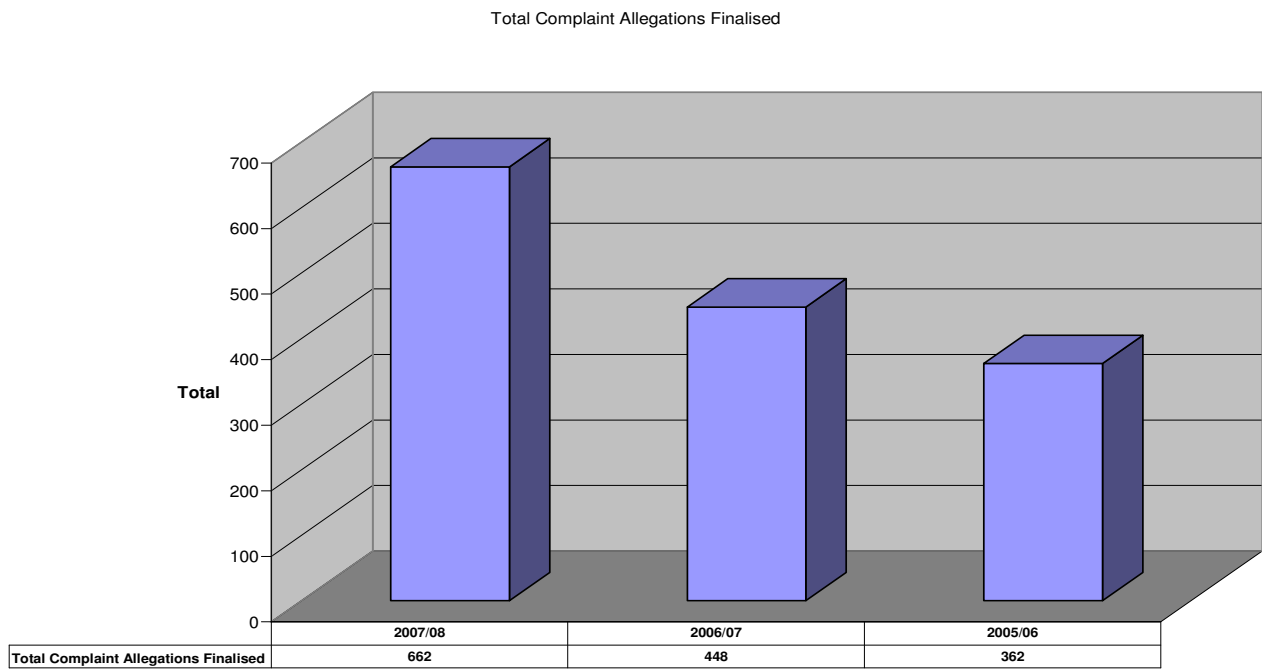
Initiatives & Actions to Improve Performance

Members of PSD and Police Authority gives presentations to new recruits

Complaint and discipline records are thoroughly checked for tutor constables

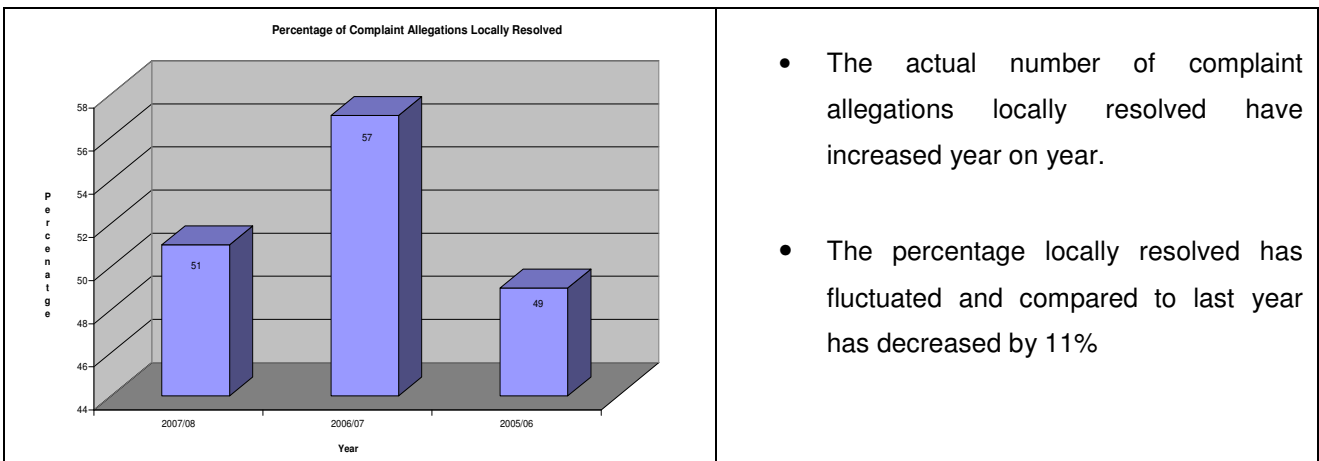
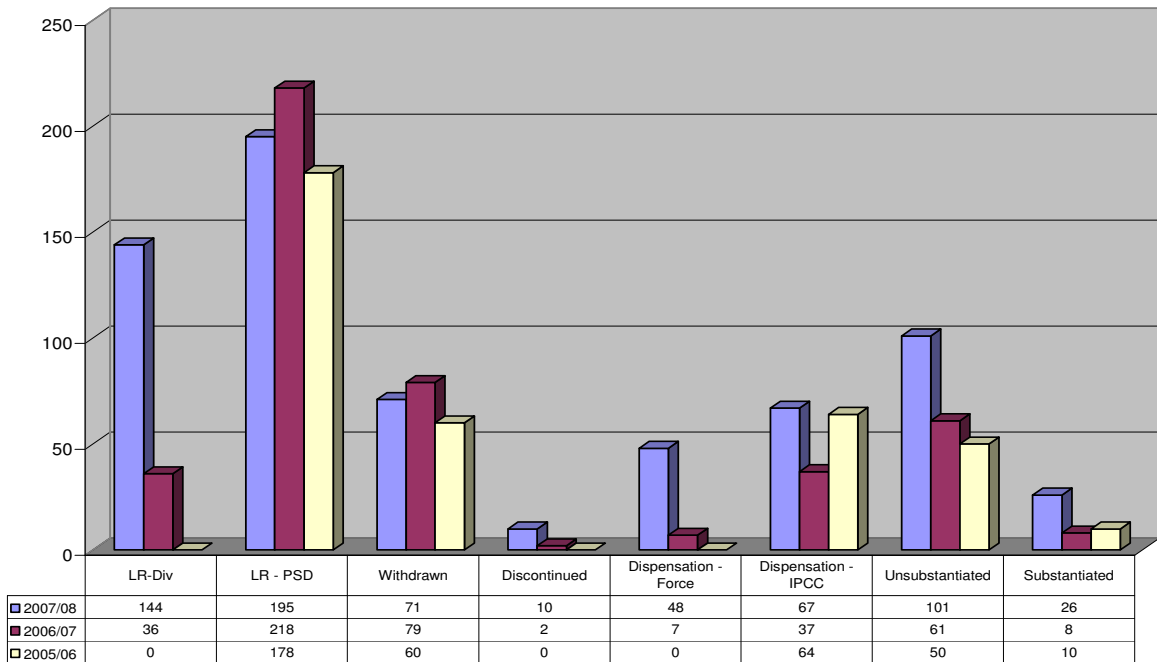
SECTION 6 Complaint Allegations Finalised

Compared to last year the number of complaint allegations finalised have increased by 48% and 83% against 2005/06. This increase in productivity is in conjunction with initiatives and actions (mentioned earlier) implemented to improve performance



The chart below provides a breakdown of the complaint allegation results

Complaint Allegation Results



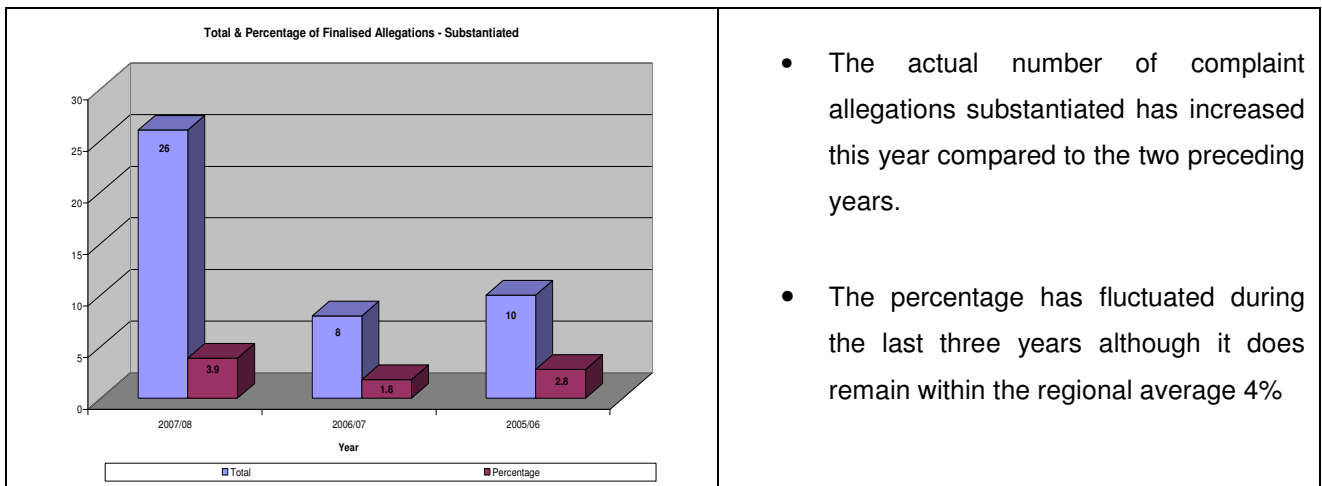
- The actual number of complaint allegations locally resolved have increased year on year.
- The percentage locally resolved has fluctuated and compared to last year has decreased by 11%

Apart from locally resolved allegations, there has been a decrease in allegations withdrawn

Remaining results have increased by:

- Dispensations/Discontinuance – 172% (79)
- Unsubstantiated – 66% (40)
- Substantiated – 225% (18)

The significant increases reflect the growth in the PSD workload and performance.



- The actual number of complaint allegations substantiated has increased this year compared to the two preceding years.
- The percentage has fluctuated during the last three years although it does remain within the regional average 4%

The rise in substantiated and unsubstantiated allegations illustrates an increase in the number of full investigations carried out by PSD.

Allegations Result & Complainants / Subjects Ethnicity

There is no significant difference in the outcome of complaint allegations regardless of complainants or subjects characteristics.

SECTION 7
Investigation Times

Percentage change in the tables: ■ Decrease ■ Increase

The number of complaint cases finalised have consistently increased over the years. This year saw significant increases both in the overall number of cases closed and those closed within the same period as they were recorded.

Table 17 Cases Closed

	2007/08	2006/07	2005/06
All Cases Finalised	432	309	252
% Change	40%		23%
Cases Finalised of those received in same period	240	193	160
% Change	24%		21%

Table 18 Cases Closed within 120 days against cases received

	2007/08	2006/07	2005/06
Cases Received	373	374	274
All Cases Finalised within 120 days	312	260	77
Percentage of cases	84%	70%	28%

Table 18 is a measure of cases finalised within 120 working days against the number of cases received into force and not against the total number of cases finalised. This method is in line with measuring crime detection rate.

Full Investigations

There has been a significant increase in the number of full investigation cases finalised this year compared to the two preceding years, as has the number completed within 120 working days.

Table 19 Full Investigation Cases Closed & 120 Day Timescale

	2007/08	2006/07	2005/06
Total Full Investigations	66	36	36
% Change	83%		0%
Total Full Investigations completed in 120 working days	36	19	11
% Change	89%		73%

Local Resolutions

Table 20 is a measure of cases and not allegations therefore if a case had two allegations and one was substantiated and one locally resolved the timescale measure will be that of the most severe result, hence substantiated.

Table 20 Local Resolution Cases & 120 Day Timescale

	2007/08	2006/07	2005/06
Total Local Resolution Cases	234	158	126
% Change	48%		25%
Total completed in 120 working days	206	148	120
% Change	39%		23%

There has been an increase in the number of cases locally resolved and in also those completed within the 120 working day target.

In accordance to the IPCC statutory guidance the timescale for local resolutions is an average of 28 days; the number of cases meeting the target has risen although during the last three years the average timescale has fluctuated.

Table 21 Local Resolution Cases & 28 Day Average Timescale

	2007/08	2006/07	2005/06
Total Local Resolution Cases	234	158	126
Total completed in average of 28 working days	82	52	42
% Change	58%		24%
Average Working Days – all local resolution cases	61	50	58

Initiatives & Actions to Improve Performance

Local resolution training for:

- * Customer Service Managers
- * Divisional Staff e.g. Sgts
- * Territorial Policing Managers

**SECTION 8
IPCC Appeals**

The number of appeals to the IPCC has significantly increased over the past two years.

Table 22 Appeals – Category and outcomes

		Outstanding	Not Upheld	Upheld	Total
Complaint	LR Process 2007/08	0	5	3	8
	2006/07	0	9	0	9
	2005/06	0	1	0	1
	Outcome of Police Investigation 2007/08	2	17	1	20
	2006/07	0	10	0	10
	2005/07	0	2	0	2
Direction & Control	Non Recording of a Complaint 2007/08	0	4	2	6
	2006/07	0	7	3	10
	2005/06	0	0	0	0
Inbox	Non Recording of a Complaint 2007/08	1	2	2	5
	2006/07	2	3	3	8
	2005/06	0	0	0	0

The biggest increase is between 2005/06 to 2006/07 with a variation of 34; between 2007/8 and 2006/07 it is 2. As the number of appeals have increased so as the number upheld, although these are a very small percentage of the finalised totals.

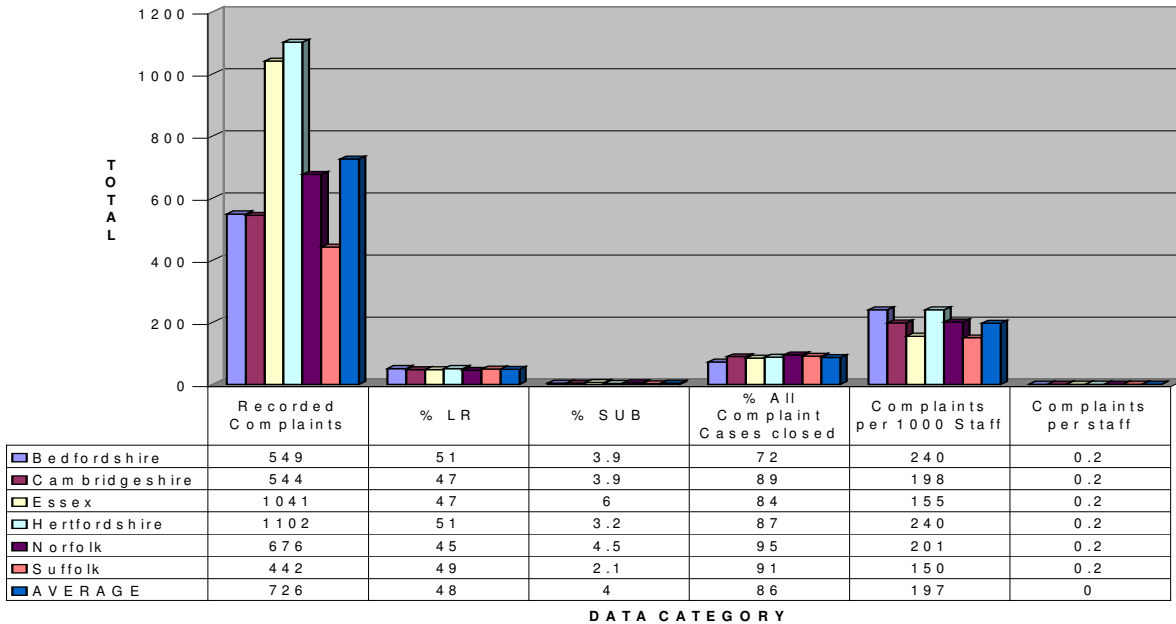
Table 23 Percentage of appeals against cases finalised.

	2007/08	2006/07	2005/06
All Cases Finalised	432	309	252
Total Appeals	39	37	3
% Appeals of all Finalised Cases	9%	12%	1.2%

SECTION 9 Benchmarking

Regional

EASTERN REGION BENCHMARKED DATA - APRIL 2007 - MAR 08



Regional benchmarking data is based on the six eastern region forces.

In comparison Bedfordshire is below the regional average in:

- recorded allegations
- percentage completed in the timescale
- percentage substantiated

and above in:

- percentage locally resolved
- allegations per 1000 staff

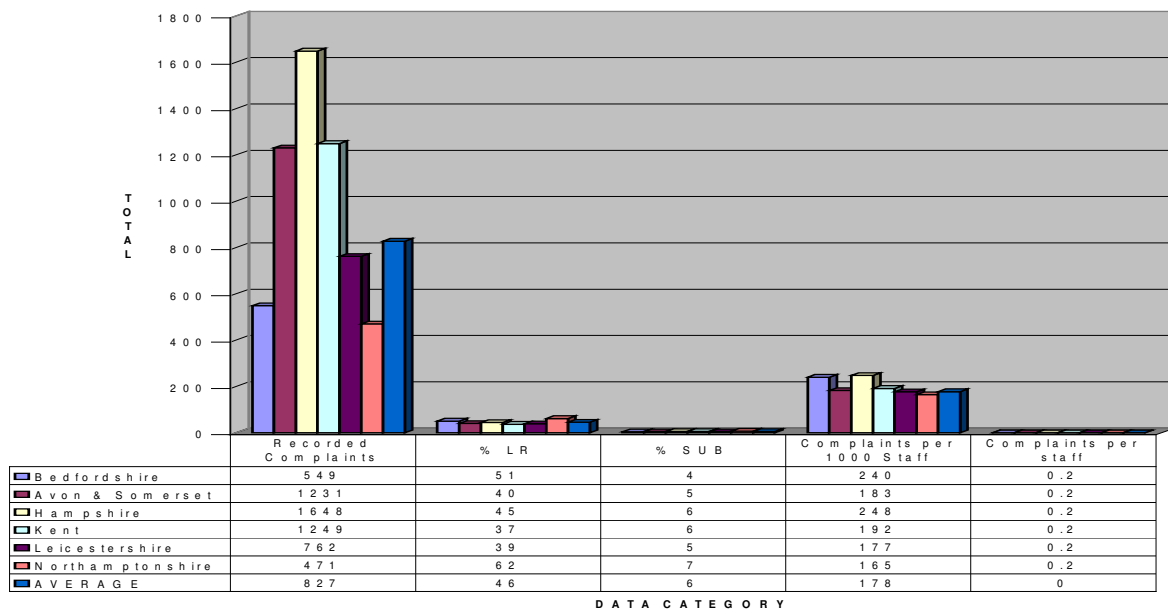
Although the complaint allegations recorded per 1000 staff vary across the region, the actual number per staff is consistent at 0.2

Initiatives & Actions to Improve Performance

The timescales taken to complete cases has been raised as an issue therefore all live cases are monitored and a performance meeting is carried out on a monthly basis and where necessary resources are increased

Most Similar Forces

MSF BENCHMARKED DATA - APRIL 2007 - MAR 2008



The 120 day measure has been removed from MSF benchmarking as no other force uses this measure.

In comparison Bedfordshire is below the MSF average in:

- recorded allegations
- percentage substantiated

and above in:

- percentage locally resolved
- allegations per 1000 staff

Although the complaint allegations recorded per 1000 staff vary across the region, the actual number per staff is consistent at 0.2

SECTION 10
Conduct Matters

Recorded

The number of conduct matters recorded has consistently increased.

Table 24 Matters recorded:

Conduct Code	Categories	2007/08	2006/07	2005/06
A	Honesty & Integrity	16	24	2
B	Fairness & Impartiality	0	7	3
C	Politeness & Tolerance	12	6	6
D	Use of Force & Abuse of Authority	3	1	3
E	Performance of Duties	26	16	15
F	Lawful Orders	6	0	7
G	Confidentiality	7	6	5
H	Criminal Offences	3	10	12
I	Property	1	3	1
J	Sobriety	1	0	0
K	Appearance	0	0	0
L	General Conduct	33	23	12
TOTAL		108	96	66

- No one allegation has been consistently highest over the past three years
- Categories with the biggest increases this year compared to last:
 - E - 'Performance of Duties' (63%)
 - L - 'General Conduct' (43%)
 - B - 'Fairness & Impartiality' (100%)

Increases in performance of duties and general conduct can be explained by one large case regarding misuse of email involving 100 plus staff.

- Category with the biggest decrease this year compared to last:
 - H - 'Criminal Offences' (70%)

The table below provides a breakdown of staff types who have misconducts recorded against them, they will not total as the above table as one misconduct matter can involve two staff types, therefore counted once in table 24 and twice in table 25; similarly one member of staff could have multiple matters recorded against them.

Table 25 Staff Type of subjects

Staff Type	2007/08	2006/07	2005/06
Community Support	6	1	0
Police Staff	14	28	6
Officers	61	95	46
Special Constables	4	3	7
Unknown	1	1	0
Total	86	128	59

The fluctuation in total across the three years can be explained by the large email investigation previously referred to.

Initiatives & Actions to Improve Performance
<p>Head of PSD provides presentations at the</p> <ul style="list-style-type: none"> * Law Input Seminars * Probationer Training * Special Constable Training * PCSO Training * Police Staff Training

A huge number of misconducts are internal conduct matters with the majority relating to internet or email misuse followed by incorrect timesheets.

Initiatives & Actions to Improve Performance

Marketing the department, its work and methods of reporting at every opportunity.

An 'advice' column has been set up on the force intranet that answers questions with regards to issues of PSD concern, such as:

* Internet Misuse:

EBay, Face book, My Space

* Timesheet Abuse

* Honesty & Integrity

Finalised

The large internal investigation relating to e-mails is the reason behind the increase in the number of conduct matters finalised, hearings and sanctions delivered.

Table 26 Matters Finalised

Conduct Code	Categories	2007/08	2006/07	2005/06
A	Honesty & Integrity	16	19	17
B	Fairness & Impartiality	6	2	3
C	Politeness & Tolerance	13	3	11
D	Use of Force & Abuse of Authority	3	4	2
E	Performance of Duties	33	14	18
F	Lawful Orders	3	0	8
G	Confidentiality	5	6	3
H	Criminal Offences	5	13	11
I	Property	2	2	1
J	Sobriety	0	0	0
K	Appearance	0	0	0
L	General Conduct	30	12	12
TOTAL		116	75	86

Of the matters finalised there were a total of four conduct hearings completed, this has been consistent yearly.

Table 27 Total Conduct Hearings Completed

	2007-2008	2006-2007	2005-2006
Hearings Completed	4	4	4

The total of sanctions in the below table will not equal the number of matters finalised as it is the most severe sanction that is shown against a member of staff against any one case.

Table 28 Sanctions

Most Severe Sanction	2007/08	2006/07	2005/06
Dismissal	0	1	1
Required to resign	1	3	1
Reduction in rank	0	0	0
Fine	1	2	1
Reprimand	13	1	1
Caution	0	0	0
Written warning	52	10	1

SECTION 11 Criminal Prosecutions

Table 29 Criminal prosecutions recorded

	2007-2008	2006-2007	2005-2006
Criminal Prosecutions	3	5	0

The number of criminal prosecutions recorded this year has decreased compared to last year.

The three recorded this year have been finalised at court and each member of staff was convicted, summary in the closed section.

SECTION 12
Direction & Control

Recorded

Table 30 Recorded Categories

Type	2007/08	2006/07	2005/06
General Policing Standards	79	124	105
Operational Management Decisions	25	42	13
Organisational Decisions	16	19	5
Strategy and Policy on Operational Policing	12	27	21
Total	132	212	144

The number of direction and control cases have fluctuated over the last three years, what is consistent is that 'General Policing Standards' is the top allegation.

There are no comparisons that can be made with regards to letters of appreciations as PSD did not start to record until June 2007.

Table 30 Recorded Letters of Appreciation

Letters Of Appreciation (LOA)	167	NA	NA
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Finalised

Table 31 Categories

Type	2007/08	2006/07	2005/06
General Policing Standards	76	124	95
Operational Management Decisions	25	40	10
Organisational Decisions	17	17	3
Strategy and Policy on Operational Policing	13	29	17
Total	131	210	125

Letters Of Appreciation (LOA)	167	NA	NA
-------------------------------	-----	----	----

As the numbers fluctuate in recording they have in finalising. The IPCC state a 28 working day timescale for Direction and Control matters to be dealt with; the percentage of finalising in that time is decreasing but remains over fifty percent.

Timescales

Type	2007/08	2006/07	2005/06
Total finalised (excl LOA)	131	210	125
Total Less than 28 days	72	121	74
% Less than 28 days	55	58	59

SECTION 13
Conclusion

The Force continues to meet the requirements of the provisions of the Police Act 1996 with regard to the handling of Complaints and Misconduct and the Police Authority remained properly informed of the workings of Sections 67 to 76 of that Legislation.

SECTION 15
Recommendation

That the report be accepted and noted by members of the Police Authority.



PROFESSIONAL STANDARDS DEPARTMENT

CUSTODY

'Breach of Code C' of the Police and Criminal Evidence Act 1984
And Codes of Practice

**To provide a strategic analysis of custody and make
recommendations for improvement**

Complaints and Professional Standards Committee
13 May 2008
Item 6

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Executive Summary

This strategic analysis has been produced by the Bedfordshire Police Professional Standards Department (PSD) on behalf of the Bedfordshire Police Authority Professional Standards Committee. It covers the period 1st April 2005 to 31st March 2008.

Public complaints, alleged misconduct and actions arising from custody that constitute a Breach of Code C of the Police and Criminal Evidence Act 1984 (PACE) and Codes of Practice significantly increased in both 2005/06 and 2006/07 when compared to previous years. 2007/08 saw a marked decrease of 58%.

The aim of this strategic analysis is to:

- Research public complaints and misconduct that have arisen from custody;
- Identify the main issues and trends;
- Identify work in progress;
- Make recommendations for improvements

The main issues identified through research, analysis and consultation are in relation to:

- Handovers;
- CCTV;
- Cells for the vulnerable;
- Risk assessments;
- Medical treatment;
- Accurate record keeping;
- Resources;
- Training;
- Communication

These in turn led to a series of recommendations:

- Review the handover procedure between custody staff and consider audio and visual recording on custody CCTV systems;
- Review the maintenance of the CCTV systems and consider regular checks with clear ownership and responsibility;
- Review the installation of CCTV systems in the custody suites and consider CCTV with audio recording capabilities;
- Review the cells for the vulnerable and consider an increase with the installation of CCTV with an audio capability;
- Review the risk assessment process to ensure it is thorough, consistent and continual;
- Review the risk assessment form and consider comparing it with that used by the Metropolitan Police Service;
- Review the maintenance of the custody suites and consider the Estates department developing a rolling programme of review and repair for all custody suites particularly cells on a regular and consistent basis;
- Review medical procedures and consider permanent triage health care within custody suites;
- Review the monitoring and auditing procedure of custody records;
- Consider regular monitoring and auditing of custody records alongside CCTV footage;
- Consider and review custody staffing levels to ensure that resource levels meet demand;
- Consider the development and implementation of a refresher training programme for custody staff;

- Consider the development and implementation of a continuing training programme for custody staff on the changes to PACE and the Safer Detention Manual;
- Consider developing and implementing a regular custody practitioners meeting;
- Consider developing protocols with the Ambulance Service and Accident and Emergency Departments to deal with intoxicated detainees and those who have swallowed or concealed drugs.

These recommendations together with the renewed focus through the identification of the issues, awareness raising and work in progress should lead to further reductions in custody complaints and improvements in the standards of care and detention.

1 Introduction

- 1.1 The purpose of this document is to provide a strategic report based on the findings established through research, analysis and consultation on custody issues and make recommendations for improvement.
- 1.2 The report complements work previously undertaken by Bedfordshire Professional Standards Department (PSD), Custody Managers (CM's), Criminal Justice Department (CJD), Corporate Development Project Manager (CDPM), Independent Police Complaints Commission (IPCC) and the Estates Department.
- 1.3 The Bedfordshire Police Authority Professionals Standards Committee commissioned the report following the Association of Police Authorities guidance requiring an annual strategic analysis of a specific 'complaint' area.
- 1.4 Custody was chosen due to the high number of complaints in 2005/2006 and 2006/2007 followed by a significant decrease in 2007/2008. Complaints from custody have remained in the top five complaint categories for the last three years.

	2007/08	2006/07	2005/06
Total Breach Code C allegations recorded	17	41	29
% Change	▼ 59%	▲ 41%	

- 1.5 The IPCC defines Breach of Code C PACE on detention, treatment & questioning as:

“failure to inform detained persons of their rights and entitlements; unjustified obstruction of access to legal advice; holding persons incommunicado; not providing necessary support/advice to young/vulnerable detained persons; failure to maintain proper custody/property records; not providing mandatory physical conditions whenever practicable; not carrying out searches on the detained persons in accordance with the Code; conducting review of detention improperly or inappropriate intervals. Failure to caution or charge when required; interviewing oppressively or inappropriate circumstances; not making proper records of interviews and allowing them to be checked by suspects where practicable; not providing interpreters where necessary”.

2 Methodology

- 2.1 This strategic analysis builds on a PSD research report on Breach of Code C produced in 2007.
- 2.2 Performance and statistical data has been obtained from the PSD complaints and discipline 'Centurion' database.
- 2.3 Identified good practice and practitioners experiences were obtained at a Force Custody Seminar attended by over 80 custody staff and experts from the field of medicine, terrorist prisoner handling, IPCC and custody law.
- 2.4 National IPCC publications that identified good practice and areas for improvement have been woven into this strategic analysis. IPCC managed or supervised investigations of deaths following police custody have also identified areas for consideration that have been incorporated.
- 2.5 Service experts have been consulted and common themes have been included within the findings of this report. Those consulted include:
- PSD Investigators;
 - Custody Managers;
 - Head of Criminal Justice Department;
 - Corporate Development Professionalising Criminal Justice (PCJ) Project Manager;
 - Estates Manager;
 - Police Authority.
- 2.4 The main issues identified fall under nine main themes:
- Handovers;
 - CCTV;
 - Cells for the Vulnerable;
 - Risk Assessments;
 - Medical Treatment;
 - Record Keeping;
 - Resources;
 - Training;
 - Communication.

3 Findings

3.1 Handovers

3.1.1 The National Strategy for Police Information Systems (NSPIS) application has a functionality built in to facilitate a proper, well managed handover; a function undermined by routinely unused data fields.

3.1.2 There is clear evidence from a variety of sources that handovers between custody staff can lack structure and not contain all the necessary information.

3.1.3 It is identified good practice to capture handovers between custody staff in sound and vision on the CCTV system.

Recommendation 1

Review the handover procedure between custody staff and consider audio and visual recording on custody CCTV systems

Work in Progress

- Luton has implemented capturing the handover process on CCTV (within the current limitations of the current audio system).
- Safer detention refresher training for all custody sergeants is scheduled for Spring 2008. This includes a module on handover procedures and the need for them to be recorded.
- The aim of the PCJ Project is to:
 - Implement a policy of continuous risk assessment as part of the procedural review;
 - Replace the Force Custody Manual with the Safer Detention Guidance;
 - Refresh practitioners on best use of technology in minimising risk whilst reducing bureaucracy.

3.2 CCTV

3.2.1 The current limitations on CCTV throughout custody suites have identified the need for improvements in recording both vision and sound. Audio together with vision offers protection for staff and members of the public, especially in relation to complaint cases of assault or discrimination.

3.2.2 There is evidence that CCTV systems require regular maintenance and cleaning to ensure clear vision and sound. This requires clear ownership and accountability for the system.

Recommendation 2

Review the maintenance of the CCTV systems and consider regular checks with clear ownership and responsibility

Work in Progress

- The Estates Department now has a service contract in place for the CCTV systems, which are serviced twice a year.
- Estates now have responsibility for the maintenance of the systems, and the custody staff have a responsibility to report faults.
- The Force policy on CCTV in custody areas is currently being reviewed and maintenance, ownership and responsibility will be a key feature of the review and implementation of an upgraded system.
- The PCJ project is currently reviewing the provision of CCTV within custody, with the aim of improving quality, reliability and accessibility of information. The intention is to treat all CCTV footage as evidential following BSI/CJS Private Standard 2004 which crucially includes the requirement that:

"7. EQUIPMENT MAINTENANCE: A contractual agreement for service and maintenance of the visual recording equipment shall be made at the time of purchase. This shall include the provision of routine maintenance at agreed intervals. NOTE: The contractual agreement should include assurance of uninterrupted service"

Cost:

- At this time it is impossible to identify the costs of regular checks of CCTV by custody staff although the amount would not be excessive as it would be part of daily business.

Recommendation 3

Review the installation of CCTV systems in the custody suites and consider CCTV with audio recording capabilities

Work in Progress

- An upgrade of the system is currently under consideration within the PCJ Project. This project will ensure that equipment acquired matches operational and legal requirements (particularly in relation to disclosure under the Criminal Procedures Investigation Act), rather than equipment which solely meet technical quality requirements.
- The requirement to extend both CCTV and audio capabilities has been recognised, and investigations into networked systems carried out. A brief has been defined, and requires confirmation before a decision to proceed is made.

Cost:

- A review of upgrading the CCTV system to meet requirements in Luton, Dunstable and Ampthill custodies had been undertaken and the overall cost estimated in the region of £270,000. Greyfriars was not included, on the assumption that new CCTV installations will be incorporated in the Greyfriars Police Station replacement project.

3.3 Cells for the vulnerable

3.3.1 'Vulnerable person' in relation to custody means "open to physical or emotional harm" and includes detainees under the influence of alcohol, drugs, likely to self harm or suffering some form of mental illness. Good practice also suggests that it should also apply to individuals with a medical condition or injury. A large proportion of detainees who pass through Bedfordshire custody suites fit into the 'vulnerable' category.

3.3.2 A cell for the vulnerable has CCTV without audio capability and allows custody staff to constantly monitor a detainee from a custody office. There are

a limited number of cells for the vulnerable and these are often in demand with the priority going to the most vulnerable based on a risk assessment. There are currently insufficient cells for the vulnerable to meet demand and as a consequence custody staff use alternative solutions like placing an officer on 'cell watch' to prevent self harm by the detainee. This is resource intensive and expensive.

Recommendation 4

Review the cells for the vulnerable and consider an increase together with the installation of CCTV with an audio capability.

Work in Progress

- An upgrade of the CCTV system to include sound and vision monitoring of vulnerable cells is being considered by the PCJ Project. This project will ensure that equipment matches operational requirements.

Cost:

- It is not possible to estimate cost until the number of vulnerable cells to match demand has been established and the technical specifications of the CCTV have been identified by the PCJ Project.

3.4 Risk Assessments

- 3.4.1 Recent investigations by PSD have identified that risk assessments have not always been completed thoroughly or to the required standard.
- 3.4.2 The risk assessment process is continual and there is clear evidence of only an initial assessment being completed on authorisation of detention. A risk assessment should be carried out at significant milestones (custody hand over, charge, etc) or change in circumstances.
- 3.4.3 Custody practitioners felt that the risk assessment form used by Bedfordshire is inferior when compared with that used by the Metropolitan Police.
- 3.4.4 NSPIS allows for continual risk assessment following three mouse clicks in the application, this is in use now in 29 forces, including the Metropolitan Police.

- 3.4.5 Independent Custody Visitors felt that cells should be risk assessed regularly due to cracked floor tiles and other furnishings that can be used to self harm.

Suggested Solution

Conduct accurate, timely, continuing risk assessments of detainees.

Recommendation 5

Review the risk assessment process to ensure it is thorough, consistent and continual

Work in Progress

- Safer detention refresher training for all custody sergeants is programmed in for Spring 2008 and this will include a module on risk assessment procedures including the need for them to be constantly updated in the light of changing knowledge and circumstances, and also to be fully and accurately recorded.
- A live audit of custody records has already flagged up the need for improvements in this area. Feedback has been provided to staff via the custody managers and this will form part of the next live audit.

Cost:

The PCJ Project is pursuing the employment of an auditor on Scale SO1 for 30 hours per week to carry out live audits but this is dependent on demand, requirement and a business case.

Recommendation 6

Review the risk assessment form and consider comparing it with that used by the Metropolitan Police Service

Work in Progress

- The current system in use is electronic and part of NSPIS custody, which is a national system. It is perfectly adequate if used properly and the planned training will cover this. The Metropolitan Police risk assessment system is paper based and using this could create confusion, would detract from NSPIS and increase bureaucracy.

- NSPIS improvements are in hand through the National Policing Improvement Agency (NPIA) change process – these include recommendations to implement some improvements based on the paper based Metropolitan Police risk assessment.
- NSPIS currently has the capability to carry out live custody audits including risk assessments.

Recommendation 7

Review the maintenance of the custody suites and consider the Estates department developing a rolling programme of review and repair for all custody suites particularly cells on a regular and consistent basis.

Work in Progress

- With effect from 1st April 2008, all building maintenance staff and budgets fall within the new Estates and Facilities Management Department. This department will also include Health & Safety (H&S) staff. The responsibility for reporting localised defects will remain with custody operators. However, a more integrated approach to repairs and H&S issues can be offered by the new arrangements, including an annual review including H&S risk assessment.
- Improved handover procedures between custody staff will lead to building defects being identified earlier and repaired quicker.

3.5 Medical Treatment

- 3.5.1 There is a national and local increase in detainees who have a medical or mental health issue or have a drug or alcohol dependency when they enter custody.
- 3.5.2 Some Forces have employed full time medical practitioners to address the needs of detainees in terms of dispensing medication, judging on fitness for detention or interview.

- 3.5.3 Custody officers quite correctly will not dispense medication even if brought in by a detainee unless ratified by a qualified person.
- 3.5.4 There is evidence from PSD investigations that some custody staff lack knowledge of some provisions of Code C of the PACE, particularly in relation to calling for medical assistance.

Suggested Solution

Adherence to PACE and Safer Detention Manual

Recommendation 8

Review medical procedures and consider permanent triage health care within custody suites

Work in Progress

- The PCJ Project is reviewing the current arrangements, guidelines and protocols for medical services with current providers Essex Medical Services (EMS). The total cost for EMS in 07/08 was £680k and PACE custody care is included within this figure and not costed separately. A full cost analysis will be carried out by the PCJ Project.

Cost:

The cost of this depends on the demand for triage health care and cost benefit analysis to be conducted by the PCJ and whether the service would be Force wide or at each custody centre. The estimated cost of providing round the clock cover Force wide is in the region of £200k per annum.

3.6 Recording Keeping

- 3.6.1 PSD investigations and audits have identified that record keeping could be improved. This ranges from checks on detainees in their cells, failing to record that a solicitor or Essex Medical Services have been called or failing to record a visit to a cell by an officer.
- 3.6.2 Poor or non recording of information on visits to cells can leave custody staff in a vulnerable position. If a complaint allegation is made then any

adjudicating body could draw an inference from the absence of an entry on the custody record particularly without a CCTV audio facility.

3.6.3 A custody audit in the summer of 2007, during the NSPIS rollout found a number of administrative custody record errors.

Suggested Solution

Improve recording of information (*'If it isn't written down, it didn't happen!'*)

Recommendation 9

Review the monitoring and auditing procedure of custody records

Work in Progress

- "Live" NSPIS audit of records was piloted in February 2008 and has already provided improvements by the early identification of issues.
- The NSPIS audit capability is designed not to audit and report, but to highlight non compliance and poor practice and ensure its' rectification *at that time* and certainly before the person is released from custody.

Cost:

The PCJ Project is pursuing the employment of an auditor on Scale SO1 for 30 hours per week to carry out live audits but this is dependent on demand, requirement and a business case.

Recommendation 10

Consider regular monitoring and auditing of custody records alongside CCTV footage

Work in Progress

- A review identified that it is not practical or viable with the current CCTV equipment limitations to store CCTV on the computer network. This issue is being considered as part of the CCTV systems upgrade by the PCJ Project.

3.7 Resources

3.7.1 Custody is clearly an area with 'peaks and troughs' in demand and an area of vulnerability given the number and profile of detainees who pass through.

3.7.2 PSD investigations and audits have identified that detainees are not always given their entitlements (intimation of arrest, solicitors notification, medical services) on a timely basis particularly if they change their minds following detention being authorised.

3.7.3 It is clear from consultation that resources do not always match the unpredictable demand. It is also clear that custody staff are reluctant to call for support and assistance at times of high demand in the knowledge that they are removing a front line officer from patrol.

Recommendation 11

Consider and review custody staffing levels to ensure that resource levels meet demand

Work in Progress

- The review of custody staffing is underway as part of the PCJ project.
- The two Custody Managers (Luton and County) now report to Criminal Justice under the Citizen Focus Directorate thereby providing greater resilience and sharing of good practice.
- The Criminal Justice Department is considering the move from 3 to 2 custody suites to assist in matching custody resources to demand.

Cost:

The cost will be the salary of a Project Manager to review and report on proposals if the PCJ Project decides to move to two custody suites. A project manager is graded at PO2.

3.8 Training

3.8.1 PSD investigations and audits have identified gaps in the knowledge of some custody staff particularly in relation to prisoners produced from prisons and detainees requesting medical attention.

3.8.2 The custody seminar identified the need to train a small number of staff in the handling of persons detained under counter terrorist legislation.

Recommendation 12

Consider the development and implementation of a refresher training programme for custody staff

Work in Progress

- All custody sergeants will receive refresher training in Spring 2008 and detention officers later in the year
- A full set of up to date PACE reference books have been placed in all custody suites, their presence will be subject to audit by CJD on a monthly basis.

Cost:

The costs for training will depend on the length of the input and the consequential back filling of custody staff on training. CJD are developing a training programme with training and Development Services that will meet the training needs of custody practitioners.

Recommendation 13

Consider the development and implementation of a continuing training programme for custody staff on the changes to PACE and the Safer Detention Manual

Work in Progress

- A criminal justice/custody website on the force intranet is planned to assist practitioners in keeping up to date on legislation, good practice and recent stated cases.
- To ensure all staff keeps up with changes in legislation and procedures, the need for annual refresher training has been identified.

3.9 Communication

3.9.1 PSD investigations identified a failure to keep those in custody, their solicitors or appropriate adults informed of progress or likely time in custody.

3.9.2 Consultation identified a lack of formal communication between custody staff apart from at hand over. There is an identified need for a regular custody practitioners meeting similar to the recently held and well attended custody seminar.

3.9.3 There is no set protocol nationally or between Bedfordshire Police and medical emergency services in relation to detainees who are so intoxicated that they present a danger to themselves or those who have swallowed or concealed drugs. Hospitals refuse to accept drunks or people who refuse treatment and it is agreed that a custody area is not the place for this profile of detainee.

Recommendation 14

Consider developing and implementing a regular custody practitioners meeting

Work in Progress

- A half-yearly meeting is being considered by the Custody Managers who are working to resolve the abstracton issue created by a number of expert staff attending an annual or twice yearly seminar.

Recommendation 15

Consider developing protocols with the Ambulance Service and Accident and Emergency Departments to deal with intoxicated detainees and those who have swallowed or concealed drugs.

Work in Progress

- Protocols covering intoxicated detainees, those who have swallowed or concealed drugs or with mental health issues have been drafted. The Ambulance Service has signed the protocol but there is reluctance by the two Hospitals within the county despite reminders being sent.

4 Conclusion

- 4.1 This report proposes a number of recommendations that if implemented will lead to further reductions in the number of complaints from custody and create a safer working environment.
- 4.2 There are areas for improvement within the custody area, these are recognised by Professional Standards, Criminal Justice Department, Custody Managers and the Police Authority; all of whom are working to address the issues.
- 4.3 There is work in progress on staffing levels, protocols with other services, less effective processes and CCTV systems, all of which are currently being reviewed by the Professionalising Criminal Justice Project..
- 4.4 It is evident that poor record keeping and decision making has lead to complaints and breaches of Code C of PACE.
- 4.5 NSPIS is a nationally used system and has the functionality to record all details in one place and record continuous risk assessments; its functionality and competency is sometimes undermined due to inaccurate information entered by custody staff.
- 4.6 Complaints relating to custody have decreased by more than 50%, although those that have been recently recorded are consistent with the issues discussed in this report.
- 4.7 The main issues identified through research, analysis and consultation are:
- Handovers;
 - CCTV;
 - Cells for the vulnerable;
 - Risk assessments;
 - Medical treatment;
 - Accurate record keeping;
 - Resources;
 - Training;
 - Communication.

- 4.8 It is anticipated that through this research, the raising of awareness and consequent improved working practices that have developed the decrease in custody complaints will continue in 2008/2009.
- 4.9 Anticipated financial costs to improve custody suites and the way that detainees are handled and managed are high but this is work in progress being managed by the Professionalising Criminal Justice Project Board.

5 Suggested Solutions

Suggested Solution

Conduct accurate, timely, continuing risk assessments of detainees.

Suggested Solution

Adherence to PACE and Safer Detention Manual

Suggested Solution

Improve recording of information (*'If it isn't written down, it didn't happen!'*)

6 Recommendations

Recommendation 1

Review the handover procedure between custody staff and consider audio and visual recording on custody CCTV systems.

Recommendation 2

Review the maintenance of the CCTV systems and consider regular checks with clear ownership and responsibility

Recommendation 3

Review the installation of CCTV systems in the custody suites and consider CCTV with audio recording capabilities

Recommendation 4

Review the cells for the vulnerable and consider an increase with the installation of CCTV systems with an audio capability.

Recommendation 5

Review the risk assessment process to ensure it is thorough, consistent and continual

Recommendation 6

Review the risk assessment form and consider comparing it with that used by the Metropolitan Police Service

Recommendation 7

Review the maintenance of the custody suites and consider the Estates department developing a rolling programme of review and repair for all custody suites particularly cells on a regular and consistent basis.

Recommendation 8

Review medical procedures and consider permanent triage health care within custody suites

Recommendation 9

Review the monitoring and auditing procedure of custody records

Recommendation 10

Consider regular monitoring and auditing of custody records alongside CCTV footage

Recommendation 11

Consider and review custody staffing levels to ensure that resource levels meet demand

Recommendation 12

Consider the development and implementation of a refresher training programme for custody staff

Recommendation 13

Consider the development and implementation of a continuing training programme for custody staff on the changes to PACE and the Safer Detention Manual

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Consider developing and implementing a regular custody practitioners meeting

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Consider developing protocols with the Ambulance Service and Accident and Emergency Departments to deal with intoxicated detainees and those who have swallowed or concealed drugs.