

Request:

1. What is the standard practice and procedure for the recording, storage and deletion of custody CCTV recordings?
2. What is the standard practice and procedure for the storage and deletion of CAD reports?
3. In respect to questions 1 and 2, how long are such recordings stored before they are deleted?
4. What training do officers and staff receive in terms of disability and mental health issues, including identifying potentially vulnerable people, and, if applicable, how is such training conducted?
5. Please provide a copy of the MPS Custody Policy
6. Please provide a copy of the MPS Custody Standard Operating Procedures.

Following receipt of your request searches were conducted within the MPS to locate information relevant to your request.

EXTENT OF SEARCHES TO LOCATE INFORMATION

To locate the information relevant to your request searches were conducted with Territorial Policing Headquarters, Territorial Policing Criminal Justice Unit, Territorial Police Training Unit and the Directorate of Information.

RESULT OF SEARCHES

The searches located records relevant to your request.

DECISION

I have today decided to:

- Fully disclose information in respect of questions 1, 2, 3 and 4;
- Advise you that the information requested under question 5 is available via other means;
- Partially disclose the information requested under question 6 subject to the deletion of information pursuant to the provisions of Sections 31(1)(a)&(b) Law Enforcement, 38(1)(a)&(b) Health and Safety and 40(2) Personal Data, of the Freedom of Information Act 2000 (the Act).

REASONS FOR DECISION

As some information has been redacted from the Custody Standard Operating Procedures (SOP) this letter serves as a refusal notice under Section 17(1) of the Freedom of Information Act (the Act). *Please see the legal annex for the sections of the Act referred to in this response.*

Question 1

What is the standard practice and procedure for the recording, storage and deletion of custody CCTV recordings?

This question has been answered by our Territorial Policing Criminal Justice Unit who have supplied me with the guidance for custody suite CCTV. The information below has been extracted from this guidance and answers your questions.

The primary purpose for the installation and use of custody suite CCTV systems is to assist in the management of the detention of prisoners. It is recognised, however, that custody suite CCTV images and sound recordings will occasionally be required for evidential purposes.

- The CCTV system will help provide safeguards for police, prisoners and all others involved in the detention of prisoners. This will be achieved by:
- Providing an almost indisputable record of the escorting, initial reception, booking in and detention of the arrested person;
- Recording the physical condition of the prisoner and compliance with statutory requirements under the Police and Criminal Evidence Act 1984 (PACE);
- Reducing incidents of violent or disorderly behaviour by prisoners in the custody suite and discouraging malicious complaints and allegations; and
- Where appropriate, visual monitoring of prisoners in cells equipped with CCTV.

Three video cassette recorders (VCRs) are housed in a cabinet which has a lockable security door. The door must be locked at all times except for when tapes are being changed. One key is to be retained by the custody officer. A second key is to be retained by the video librarian/ SMT member.

At any one time only one VCR will be recording. The second VCR must have an unused four hour tape ready to take over from the first recorder. The third VCR will have finished recording and the tape will be full. When the tape is full it will automatically be ejected from the machine ready to be changed. It is this tape that should be removed when full and labelled. A fresh tape should then be inserted in the third recorder.

The custody CCTV tape must then be placed in the prisoner's property cupboard/secure store according to local arrangements. These tasks may be delegated to the gaoler but accountability rests with the custody officer. The videotapes will be collected regularly, signing for items in Videotape Book 105, before depositing them with the tape librarian/archivist/property officer as applicable.

The criminal justice unit (CJU) tape librarian or other nominated person is responsible for the retention, accounting and storage of all custody CCTV videotapes.

Following the delivery of the tapes, the librarian will break the video seal or property bag where used, note the seal number and remove the tape. They should then play the tape briefly to record its start and finish time and the fact the system is recording properly.

Where custody CCTV tapes are sealed the following must be recorded on the seal:

- The station code plus the date and time recording started and finished;

- The original seal number of the tamper-proof property bag, Book 105 number and details of sealing officer;
- A consecutive running number for the tapes for the year (each station of origin will have its own running numbers);
- An exhibit number comprising the tape librarian's initials/Book 105 number and the last two digits of the year; and
- The tape librarian's signature.

All movements of tapes are to be recorded in the tape log.

The original tapes should be retained on boroughs for 12 months unless an appeal has been notified or is in progress. At the end of this period all other original tapes will be forwarded to DPCS8. They will be submitted in batches of twenty using a Master Interview Tape box with two completed copies of the custody suite video tapes Crime Related Property Voucher (CRPV). The CRPV for each box will be placed in an envelope and securely attached to the box using adhesive tape. The tape box outer seal will be recorded on a Transit Sheet. Tape boxes when full will be collected by DPCS8 from the BOCU property office by way of a routine bulky collection.

Tape retention

All original tapes produced by the MPS custody CCTV systems will be retained by the MPS for seven years.

Failure to manage tapes properly may lead to deterioration in the recorded image. To minimise the risk of such damage the following points should be taken into consideration:

- Tapes must never be left part wound.
- Tapes must not be left sealed in airtight seals or containers.
- Tapes should be inspected to ensure they are wound to a visible even tension.
- Tapes must only be stored vertically with the spool on which the tape is wound at the lowest point.
- Tapes must not be stored in an environment subject to extremes of widely fluctuating temperatures or humidity.
- Tapes must not be allowed to come into close proximity to electrical equipment that generates magnetic fields.

The magnetic tape used in video cassettes tapes is suitable as a storage medium for up to ten years. Where very long term storage is contemplated, then the advice of Evidential Analysis Branch should be sought.

The transfer of video to CDROM is an expensive process which may involve outside contractors and will be undertaken only in exceptional circumstances.

Question 2

What is the standard practice and procedure for the storage and deletion of CAD reports?

This question has been answered by our Directorate of Information (MCAST unit) who have informed me of the following:

Once a CAD message is created it cannot be deleted from the live system. After a year - approx, at the moment we go back on live to 17 Nov 09 - CAD messages are archived. This means that we, at MCAST can still view CADs and print them on request. No amendments allowed. These are held for 7 years and 1 month. After this time our outsource supplier deletes the database.

To clarify, reports created in the CAD system are automatically stored in the CAD system, they cannot be deleted or amended by MPS staff (further information may be added to them if necessary). CADs are kept in the live system for approximately a year before being archived for 7 years and one month and there deleted.

Question 3

In respect to questions 1 and 2, how long are such recordings stored before they are deleted?

This question is answered by the above information however to clarify custody CCTV is retained for 12 months on borough and 7 years centrally, CAD reports are kept for 7 years and one month.

Question 4

What training do officers and staff receive in terms of disability and mental health issues, including identifying potentially vulnerable people, and, if applicable, how is such training conducted?

This question has been answered by the Territorial Police Training Unit who have provided the following information:

Custody Training currently provides three separate training courses: Initial Custody Course (10 days); DDO In-putter Course (5 days); Custody Sergeant Refresher Course (1 day). The Initial Custody Course and the DDO In-putters course include input and/or discussion in the following areas concerning the treatment and welfare of vulnerable detainees including those with physical disabilities and mental illness.

- Risk assessments for all new detainees and continuing risk assessments for existing detainees. How to formally risk assess detainees mapped against the MPS Risk Assessment Model and how to properly record and disseminate the results and actions taken. This session includes instruction and discussion on dealing with detainees who present an illness, injury, disability or any other vulnerability.
- Pre release risk assessments and the importance and advantages of proper compliance. Didactic input detailing the need for the Custody Officer to assess the risks in releasing a detainee from police custody.
- Person Escort Forms how to correctly complete to ensure dissemination of information to other custodial and medical agents.
- Mental Health. This session is to develop students knowledge around the requirements of PACE as regards detainees with mental health issues. It also discusses detention of persons under the mental health act and police powers under Mental Capacity Act.

- Medical Care of detainees. To make students aware of their responsibility to deal with a detainee's medical needs and mental health issues in accordance with MPS policy and PACE.
- Care and welfare of detainees. To instruct on the requirements around cell management and observations of detainees and how to record results and action. This session details procedures as laid out by Annex H of PACE giving guidance to Custody Staff on the correct method of checking all vulnerable detainees.

The Custody Sergeant's Refresher course includes relevant updates on:

- Pre-release risk assessments
- Person Escort Forms
- Detainee observation in cells

Question 5

Please provide a copy of the MPS Custody Policy

The information requested is already accessible by other means as it is published by the MPS at the following link:

http://www.met.police.uk/foi/pdfs/policies/custody_policy.pdf. To assist you I will also provide a printed copy.

Whenever the MPS refers an applicant to information that is already published or accessible by other means we do so in accordance with Section 21 of the Act. The use of Section 21 is technically a refusal as we are providing you with details of where to obtain the requested information, not disclosing it under FOI.

Question 6

Please provide a copy of the MPS Custody Standard Operating Procedures.

This question has been answered by our Territorial Policing Criminal Justice Unit who have supplied me with the Custody SOP. The SOP is a large document consisting of 81 pages. As you will see the vast majority of this document has been provided to you. However some sections of the document are not suitable for public disclosure.

I would like to explain that a Freedom of Information Act request is not a private transaction. Both the request itself, and any information disclosed, are considered suitable for open publication.

This is because, under Freedom of Information, any information disclosed is released into the wider public domain, effectively to the world, not just to one individual.

In accordance with guidance from the Information Commissioner's Office (ICO) the MPS have recently created a "disclosure log" which shows both the response and any information disclosed under the Act.

The fact that any FOIA disclosure is made publicly available (on our website and elsewhere) is taken into account when considering whether disclosure is appropriate.

I have removed information from the SOP which potentially could assist a detainee to injure themselves or others. Further information has been removed that could be exploited in order to disrupt police activity and waste police time/resources. Personal

information, such as an individual's name and contact details are exempt from public disclosure. Finally some contact details for MPS partners are for police use only. Such details (telephone numbers) do not form any meaningful part of the SOP and have been removed.

Please see the attached document which for ease of reference I will also provide in hard copy format.

Information removed under Section 31(1)(a)&(b) - Law Enforcement

This exemption is prejudice based therefore I am required to demonstrate the potential prejudice (harm) that would be likely to occur if the document was fully disclosed. Additionally the exemption is qualified, therefore I am required to conduct a public interest test to determine whether the balance of public interest in full disclosure outweighs the potential prejudice/harm.

Prejudice test for Section 31

If this SOP was to be fully disclosed (and published on the world wide web) it would provide individuals with information that could be used to cause prejudice to the core functions of the MPS. A full disclosure would provide information which could be used, by a detainee, in order to avoid prosecution. In addition the redacted information would provide criminally minded individuals of MPS procedures that could be exploited in order to 'tie up' police resources.

The administration of justice is a fundamental element of society which is intended to rehabilitate offenders and protect individuals from becoming victims (or repeat victims) of crime. Therefore information which, if disclosed, could enable an offender to avoid prosecution would also be likely to cause prejudice to both individual members of the public and the communities they live in.

The full disclosure of the SOP would also be likely to cause prejudice to the MPS. For example if offenders are not held to account for their actions there is an increased likelihood of re-offending which would consequently require police action and the further allocation of police resources. Furthermore some of the redacted information would enable a detainee who is intent on causing disruption to identify which actions are likely to have a significant impact on MPS resources.

Public Interest Test for Section 31

Considerations favouring full disclosure

There is a recognised public interest in improving the transparency and accountability of public authorities. Full disclosure would show the extent of the police custody procedures and would allow members of the public to understand the reasons for the actions taken whilst a suspect is being detained. This would be helpful where individuals feel aggrieved or are unhappy at their treatment by the MPS. I believe that this is a strong public interest consideration however the substantial disclosure offered will largely meet this public interest.

Considerations favouring redaction

As explained in the prejudice test, full disclosure of the SOP could be used by individuals with criminal intent in order to avoid apprehension and prosecution. It

would not be in the best interests of the public to disclose information that would negatively impact on our ability to enforce the law.

Balance test for Section 31

After weighing up the competing interests I have determined that the disclosure of the information redacted under Section 31 would not be in the public interest. I consider that the benefit that would result from the information being disclosed does not outweigh the considerations favouring redaction, due to the impact full disclosure could have on police time and resources.

Information removed under Section 38(1)(a)&(b) - Health and Safety

This exemption is also prejudice based and qualified, therefore I am required to demonstrate the potential prejudice (harm) that would be likely to occur if the document was fully disclosed and conduct a public interest test.

Prejudice test for Section 38

It is widely acknowledged that many people experience strong feelings of depression and remorse when placed in custody. Unfortunately for some detainees these feelings may escalate to a point where they self harm or attempt to commit suicide. There is an obvious risk of harm to individuals who experience such thoughts and a full disclosure of the requested SOP would identify the ways in which individuals are known to self harm.

The information in the SOP relates to the inspection of cells and the risk management of detainees. If this information was to be disclosed it would be likely to prejudice both the inspections and risk management. This is because an individual intent on self harm would understand what custody staff are looking for and could attempt to conceal their intentions.

Public Interest Test for Section 38

Considerations favouring full disclosure

Full disclosure would show that we take our duty of care seriously and that a number of measures are in place to keep the risk of self harm as low as possible.

Considerations favouring redaction

Again as I have explained in the prejudice test, if the redacted information was disclosed it would identify how individuals have been able to attempt suicide or self harm while in custody. It is in nobody's interest to provide such information and therefore I find this a strong consideration in favour of redaction.

Balance test for Section 38

After weighing up the competing interests I have determined that the disclosure of the information redacted under Section 31 would not be in the public interest. I consider that the benefit that would result from the information being disclosed does not outweigh the considerations favouring redaction. The safety of those in our care is of paramount importance and any disclosure which could endanger the health and safety of detainees cannot be seen to be in the public interest.

Information removed under Section 40(2) - Personal Data

Information that would identify or could assist to the identification of individuals is exempt from disclosure by virtue of Section 40(2) of the Act. In this instance the SOP contains individual's names and personal phone numbers.

In order for the exemption provided under Section 40(2) to be engaged disclosure of the requested information must satisfy either the first or second condition as defined by subsections 3 and 4.

Having reviewed the requested data I have decided that disclosure of this information would breach principle one of the Data Protection Act, fair and lawful processing. To determine whether or not the disclosure would be fair and lawful I have considered the conditions for processing personal data which are defined by Schedule 2 of the Data Protection Act. Condition 6 relates to legitimate interests and is relevant in respect of FOIA requests, I believe that the public interest in this request will be satisfied by the substantial disclosure provided. There is no legitimate public interest in disclosure of an individual's personal details. My conclusion therefore is that disclosure would not be fair or lawful.

I have applied the exemption provided under Section 40(2) of the Freedom of Information Act to this information as the first condition, defined in subsection 3(a)(i) of Section 40 has been satisfied.

TP Training, TP Custody and Directorate of Information

Custody Standard Operating Procedure (SOP)

Introduction

These Standard Operating Procedures (SOP) support the main Custody Policy and give instructions and guidance exclusively with regard to persons detained at police stations. It provides guidance for Custody Officers and those employed within the Custody environment, **with particular emphasis on risk assessment**. These procedures will be reviewed in line with MPS policy after three years but will be updated with relevant information as appropriate.

Revision of Version 1

This version (version 1.4) is compliant with the introduction of NSPIS across the MPS area. This SOP was introduced at the start of the enhanced DDO (DDO imputers) role. Where 'Custody Officer' is mentioned apart from DDO, it should be taken that the instruction is to be carried out by Custody Officers, and not delegated to DDOs. If in doubt, a Custody Officer must be informed.

Application

The Custody Policy and associated SOP commenced on 22nd December 2004. This version of the SOP, Version 1.4, replaces the existing Version 1.3 with effect from May 2009. This SOP will apply to all police officers and police staff, including the extended police family and those working voluntarily or under contract to the MPA who must be made aware of, and are required to comply with, all relevant MPS policy and associated procedures.

This SOP applies in particular to officers and staff in the following roles:

- Custody Officer
- Gaoler (police officer and police staff)
- Designated Detention Officer
- Custody Assistants
- Healthcare professional
- Arresting officer
- Escorting officer
- Investigating officer
- Custody Manager
- Criminal Justice Manager
- Borough Commander

Note: This list is not intended to be exhaustive.

SOP details

The SOP will be available on the Corporate Policy Database.

Responsibilities

Ownership of the SOP - TP Emerald Joint Policy Unit

Implementing the SOP - TP Emerald Joint Policy Unit

Reviewing the SOP - TP Emerald Joint Policy Unit

Associated Documents and Policies

Police and Criminal Evidence Act and Codes of Practice

Emerald Custody website

Emerald Bail Management site

Criminal Exhibit Services Manual

Independent Custody Visiting Code of Practice

Custody CCTV Guidance

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Useful links

For more information / guidance on

- Corporate Risk Assessments in relation to custody suites - see **corporate risk assessments**
- CCTV, see **Custody CCTV Guidance**
- Fire precautions in relation to custody suites - see **Fire Precaution Guidance**

- The MPS No Smoking policy, see **Special Notice 03/07**
- First Aid equipment, see **Special Notice 12-03**
- Contracted cleaning, please contact Cleaning Manager on ²
- **Submitting a file to the Directorate of Legal Services**
- **Guidance on action following a death in custody**

Designated or non-designated

1.1 The Commissioner has a statutory duty to designate MPS police stations that are *"to be used for the purpose of detaining arrested persons"* [sec. 35(1) *Police and Criminal Evidence 1984 (PACE)*]. Every police station in the MPS with a custody suite that is equipped and maintained in accordance with MPS police station design specifications for use in detaining arrested persons is designated.

1.2 Whilst it is not unlawful for an arrested person to be taken to, and dealt with at, an MPS police station that is not designated, such police stations do not have custody suites that meet the minimum standards. Whilst PACE **must** be complied with if a person is arrested within the curtilage of such a police station, persons arrested elsewhere **must** only be taken to designated police stations.

1.3 If a custody suite does not meet minimum standards set by the Home Office, it **must not** be used until the deficiencies have been rectified.

British Transport Police

1.4 The British Transport Police (BTP) do not have a police area within the meaning of PACE and for the purposes of detention under PACE, those BTP stations located geographically within the MPS are deemed to be within the MPS area.

The custody suite

1.5 All visitors, for example, solicitors, Healthcare Professionals (HCPs), appropriate adults, or interpreters, should be made aware of their roles and responsibilities prior to gaining access to the custody suite (see also 1.32E and 1.51A).

- Custody areas must not be seen as a gathering point and only people with legitimate reasons should be present.
- It is the specific responsibility of the Custody Officer (or manager when present) to ensure that the ambient noise level does not interfere with the business carried out in the custody suite – most specifically (but not exclusively) the booking in procedure.
- Background music (radios etc), whilst permissible, should not be allowed to interfere with the above. In most cases it will be advisable not to have these directly at the point where detainees speak to the Custody Officer.
- No member of staff is permitted to remain in a custody suite with any uncovered wound (cut or graze). Cuts and grazes must be covered. Boroughs should provide suitable dressings/plasters to enable staff to protect themselves and other custody users.

- Staff must not bring breakable china, glass, or porcelain plates, mugs or cups or metal cutlery into the custody suite.

1.5a Temporary Closure of Custody Suites

The full guidelines on this subject are to be found in 'Custody Availability and Temporary Closure' (Emerald homepage, Custody Directorate, then the 'Custody Capacity/Contingency Plan' box). This document **must** be referred to if a custody suite is closed (or closure is being seriously considered). The following points are a brief précis:

- The closure of any custody suite has a significant detrimental affect and steps should be taken to avoid it whenever possible.
- The Custody Officer is responsible for the safety & security of detainees and must take in a variety of considerations related to these things when contemplating closing the custody suite.
- A supervising officer must be consulted as soon as practicably when a decision is made to close a custody suite (or, preferably, before the decision is taken).
- The supervisor will consider options to try to keep the suite functioning safely (e.g. find additional staff).
- Failing that, the supervisor will endorse the custody officer's decision or attempt to find a solution agreeable to the custody officer. Section 39(6) PACE should not be rushed at for any disagreement but can be applicable to this situation (see MPS interpretation of this in 'Custody Availability and Temporary Closure' at points 5.1 – 5.8 inclusive).

The Healthcare Professional's Room (HCP Room)

1.5b The HCP rooms are intended solely for use by HCPs to carry out clinical examinations and/or retrieval of forensic samples. They must be kept locked when not in use and maintained, cleaned, and supplied by each respective Borough.

1.5c All medicines must be locked in an approved pharmaceuticals cabinet. 1.6c The Borough must ensure that the medicines and consumables listed on the FMS website are ordered and kept in stock in the quantities there listed for use by in the Custody Suite by HCPs.

1.5d Full instructions on the maintenance and running of the HCP room are to be found on the Aware system on documents 'Security, Administration, and Disposal of Drugs and Medicines in Custody' and 'Work Instructions for the Use of HCP Rooms Within Custody Suites'.

First Aid equipment

1.6 First Aid equipment – comprising of a minimum of two first aid kits - **must** be readily available in all custody suites. Boroughs may wish to consider having one first aid kit in the HCP room. The minimum standard for these First Aid Kits is set out in Notice 31/08 Appendix C. See also the 'First Aid and Emergency Life Support SOP' (HR First Aid). Additionally, the items listed within that SOP for

Custody suites **must** also be readily available. Custody Managers **must** ensure that their Custody Suites comply with these minimum standards.

1.7 Blue plasters must be available and used by anyone who needs a plaster, whilst they are preparing or handling detainees' food. ³

1.7a Unless the material is required for evidential purposes, the used First Aid equipment **must** be disposed of as clinical waste. Replacements should be ordered through the Stores Liaison Officer (SLO) as a matter of urgency.

Corporate Custody Risk Assessment

1.8 It is a legal requirement that a risk assessment is completed for every custody suite – specifically for and pertaining to that individual custody suite. The corporate custody risk assessment template may assist OCU Commanders complete this process but relying solely on it is not appropriate because each individual custody suite has individual hazards.

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1.10 Care **must** be taken to ensure that the cell call system is in working order to enable the detainee to call for assistance if required. Where the cell call system is found to be defective, the cell or detention room must be put out of service until it is fit for use, or an alternative, suitable control measure employed, such as the provision of extra staff, to ensure the detainee's welfare.

1.11 Any cell found to be damaged or defective or in need of cleaning must be closed for remedial action.

5



MPS FOIA Disclosure

Custody safety ligature cutters

1.19 A safety ligature cutter **must** be used **only once** and then disposed of in the following manner:

- If it is required for evidential purposes, for example as a consequence of a death in custody, it should be treated as a sharp instrument exhibit and packaged in a suitable container in the normal way.
- If it is not required for evidential purposes, it should be treated as a 'sharp instrument' and should be disposed of in a sharp instruments disposal container.

The safety ligature cutter **must** be issued to permanent custody staff and a spare supply kept to be issued to temporary staff for each tour of duty. When the cutters are returned they must be checked to ensure the integrity seal (plastic wrapper) is still in place and sealed.

All Custody Staff should be in possession of a ligature cutter in a pouch and also have ready access to a cell passage and cell door key whenever they perform gaoler's duties. This will ensure in the event of an incident that the gaoler staff can gain immediate access to the cell passage and cells.

The ligature cutters will be enclosed in an integrity sealed bag. This bag **MUST NOT** be removed unless the cutter is used in an emergency. This will ensure the user can be confident that the blade will be sharp and will perform as expected.

See also Notice 15-2008 Item 1

1.20 Above

1.21 The safety ligature knife should be grasped firmly in the user's hand and where possible used in a downward motion to avoid jabbing the knife into soft tissue. The blade is between two prongs of the handle that protect the user and ensure the safety of the person at risk. These prongs **must** be on either side of any ligature. ⁷

Custody suite inspection and maintenance regime

The following Inspection and Maintenance Regime for custody suites incorporates advice contained in the *Home Office's Custody Policy Document (February 2004) New Build Only*.

Daily

1.22 The following are the responsibility of all custody staff but specific tasks may be assigned according to local instructions:

- Test cell call system (it should be checked when detainee is placed in a cell).

- Inspect for damage in custody suite (risk assess for continued use).
- Inspect cells each time they are vacated – this is to check for such things as defects, damage, potential ligature points, discarded or forgotten property (see 1.10 above).
- Clean suites daily, although some areas may need to be cleaned more frequently.
- Floor surfaces must be non-slip when wet but must not otherwise provide an abrasive surface that could cause injury. All surfaces and features should be capable of being easily cleaned and sterilised.
- Check contents of first aid kits, replacing any used or missing articles and ensure that any ligature knife is in its correct location.
- Ensure recording equipment is tested before use if it does not have auto-test facility.

Daily as required

- Check and re-set calibration of specialist equipment (for example LiveScan, evidential breath test machine).
- Clean forensic search rooms after use to ensure that they are suitably sterile for the next time they are needed.
- Check that the defibrillator is working (*HMIC recommendation following inspection of KG BOCU in OCT 2007*).

Weekly

1.23 The following are the responsibility of the Custody Manager or equivalent:

- Test the fire alarm
- Log each test in a register in the custody suite (*Suggestion from the Merseyside SOP*)
- Test the emergency call alarm system;
- Check the cleaning of all surfaces (using alcohol free wipes);
- Inspect exercise yard and van dock for damage or potential problems.

Monthly

1.24 The following are the responsibility of the Custody Manager, Custody Inspector or equivalent, or a designated individual as prescribed by the Borough SMT:

- Assess the need for any specialist cleaning regime;
- Check the cleaning and topping up of floor gullies, including exercise yard. Note: some internal gullies may require more regular topping up due to evaporation;
- Ensure a testing regime for power failure is completed to maintain uninterrupted power supply (UPS) and generator working capability.
- Check the defibrillator consumables - pads and battery - to ensure they are in date and sealed.

Quarterly

1.25 The following are the responsibility of a building surveyor with the Custody Officer / Custody Manager and the Health & Safety representative with the custody portfolio:

- Quarterly inspection of all areas;
- Checks of operating efficiency of heating, cooling and ventilation plan including filter replacement;
- Health & Safety Risk Assessment 'walk-through' – this must be carried out after, for example, each change in layout and change in equipment use.

Annually

1.26 The following are the responsibility of the building surveyor with Custody Officer / Custody Manager and the Health & Safety representative with the custody portfolio:

- Annual checks undertaken by specialist suppliers / manufacturers;
- Decoration check (bi-annually and redecorate as required);
- Annual search of the custody suite (this could be an opportunity for search teams to carry out training);
- Calibration check of building management control systems;
- Undertake the testing regime for a power failure to ensure UPS and generator working capability;
- Water testing, disinfecting and certification;
- Deep cleaning of suite by professional cleaning company;
- Each Custody Suite should conduct at full Fire Drill twice a year and must do so at least once a year. These drills should involve the evacuation of cells (using police officers or staff as prisoners) and the Custody Suite should be closed to new arrivals and all none essential traffic whilst the evacuation takes place. A representative of the Directorate of Property Services must be invited to observe these drills.

Cleansing of cells and detention rooms

1.27 When a detainee, who may be infected with lice or have any other contagious condition or communicable disease or infection, has occupied a cell it **must** be taken out of service and arrangements must be made to have it cleaned as soon as possible. There is no necessity to specially clean a cell or detention room solely due its being occupied by a detainee who is believed to have a blood borne virus such as HIV or Hepatitis.

1.28 When a cell or detention room has been soiled by blood, saliva, bloodstained secretions or other body fluid likely to be hazardous to health, it **must** be taken out of service immediately. The facts are to be reported by telephone to contractors appointed by Property Services who will arrange for the necessary cleaning to be carried out.

Posters and Signs

1.29 A self-adhesive *aide-memoire* (Form 3027) for the 4Rs guidance on checking detainees **must** be affixed to every cell and detention room door. A self-adhesive "Shut that Wicket" notice (Form 3026) **must** be affixed to each cell and detention room door.

1.29a Posters asking, "Have you swallowed drugs?" are available to highlight the risk to detainees who may have ingested drugs prior to their arrest or their arrival at the station.

1.29b A *Legal Services Commission* poster advertising the right to legal advice **must** be prominently displayed in the custody suite of police stations. Posters containing translations should also be displayed wherever they are likely to be helpful and where it is practicable to do so. Stations requiring these posters should contact *The Legal Services Commission* on ¹¹

Searching of visitors to the custody suite

1.30 Custody Officers must ensure that any person entering the custody suite understands that they are liable to be searched as a condition of entry. The search can be conducted before the visitor is admitted to the Custody Suite or at any time whilst the visitor is in the Custody Suite. All searches must be conducted with the consent of the visitor (unless any power in law exists) and must be proportional – not only to the situation but also to the visitor.

1.30a Any visitor who has not been searched presents a potential risk. The Custody Officer should assess this risk and put in place appropriate control measure(s). For example:

- Supervision of the visitor and their contact with the detainee
- Searching the detainee before and after the visit / contact.

1.30b Custody Officers are reminded of their responsibility under the Health & Safety at Work Act 1974 and Health & Safety at Work Regulations 1999, specifically the need to ensure that they do not expose others to risk by their conduct. This means, in practice, that Custody Officers need to conduct individual risk assessments when visitors are in the Custody Suite and when they are left alone with detainees. Details of steps taken (for example – panic alarms pointed out) and risk assessment decisions should be recorded. See also 1.51a

1.30c A notice to this effect should be displayed at the public entrances to the Custody Suite. It should also highlight the requirement placed on visitors to inform the Custody Officer if they have in their possession any communication device. Any such device found or surrendered will be retained until the visitor leaves the Custody Suite.

1.30d All decisions and actions must be recorded in the Custody Record.

Solicitors/Legal Representatives attending police stations

Identity cards

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1.31c It is also essential that the solicitor be escorted at all times whilst in the custody area in order to maintain security.

1.31d Station Reception Officers **must** inform the Custody Officer of the arrival of a solicitor. With the agreement of the Custody Officer, the solicitor should be shown to the custody suite as soon as practicable. If there is a delay in admitting a solicitor to the custody suite, they should be informed of the reason why and how long the delay is likely to be. The delay and the reasons for it must be recorded in the detainee's custody record.

Mobile telephones and other electronic communication devices – Use by Solicitors in the Custody Suite

1.32 It is for police to decide which articles may or may not be taken into the custody suite. No visit will be permitted where the visitor is in possession of anything which may compromise safety, security or the duties of police under PACE and the Codes of Practice.

1.32a PACE Code C, sections 4 and 5, include a number of guidelines about the use of telephones by detainees and the Custody Officer's responsibilities in relation to detainees' property. If a detainee gained unauthorised access to a mobile telephone taken into a cell or secure area by a visitor, these guidelines could be seriously breached and the security of the custody suite could be compromised.

1.32b The MPS instruction, therefore, is that it is generally preferable that neither mobile telephones, nor any similar electronic communication device including Personal Digital Assistants (PDAs) and laptop computers are taken into cells, consultation rooms, interview rooms or areas set aside for visits to detainees'. See 1.47 and 1.43 (bullet point two) below for the exception to this general rule.

1.32c This instruction is principally in order to minimise associated risks, not least those of injury, damage, escape, or interference with the investigation or

administration of justice. For example, it is important to remove the possibility of the detainee using the device as a weapon and to afford them no opportunity of appropriating the device to use at a later stage, either to cause injury to themselves or others, or to make illicit communications.

1.32d The references to "device" in paragraphs 1.43 to 1.45 below include mobile telephones and PDAs.

1.32e When necessary, take the following action:

- Where any person has gained access to the custody suite to visit a detainee and the Custody Officer should ask that person to confirm whether or not they have an electronic communication device with them.
- If the answer is yes, the Custody Officer must examine the individual circumstances of the case and the inherent risks when deciding whether there are sound reasons for refusing to allow the solicitor/legal representative to take the device into the consultation. If there are, the solicitor / representative should be asked to leave the device temporarily with the Custody Officer for safekeeping for the duration of their time with the detainee. The Custody Officer should explain their reasoning to the solicitor/legal representative and record it on the custody record. Reasons/risks could include the gravity of the offence/allegations made against the detainee or the demeanor or past behavior of the detainee. The Custody Officer should take into account the professional status of any visitor when making such a decision.
- At the conclusion of the consultation / interview, the device will be returned to the solicitor / representative who may then use it even though still within the Custody Suite provided that it is not used for more than a brief call. Any extensive calls should be made or received outside the custody suite.
- If the solicitor / representative needs to be contactable by his / her firm or Call Centre during a time when they are without their device, for example whilst in consultation or interview, they should be permitted to give the custody suite's full telephone number as a point of contact.

1.32f If, having been asked to leave their communication device and having had the reason explained to them, the solicitor / representative refuses to leave the device, or refuses to confirm whether they have one with them, the Custody Officer should explain to the solicitor or representative that;

- The Law Society has been notified of the instruction not to allow such devices into secure areas if the Custody Officer believes there to be a risk of misuse.
- Police are not seeking to restrict or delay access to legal advice;
- Police have a duty to ensure that visits comply with PACE and the Code of Practice, and to give due consideration to how a visit may impact on, or be affected by, the detainee's risk assessment;
- It is not the solicitor / representative but the telephone, which is the subject of the restriction; and
- The security of the custody suite and the detainees is of paramount importance and cannot be compromised.

1.32g If the solicitor / representative still refuses to leave the device with the Custody Officer for the duration of the visit to the detainee, or confirm whether or not they have one, the Custody Officer should weigh up whether the risk posed is so great that refusal to grant the solicitor/legal representative access to their client would be justified. If it is, then the Custody Officer should tell the solicitor/legal representative that they will not be permitted to have a consultation with the detainee while they have that device with them.

1.32h If the solicitor / representative refuses to accept this condition of entry and thereby decides not to visit the detainee, the Custody Officer must tell the detainee. The Custody Officer will then provide an opportunity for the detainee to make alternative arrangements to receive legal advice.

1.32i There is no legal power to search a solicitor / representative in these circumstances however, the Custody Officer is at liberty to make searching a condition of entry to any visitor to the Custody Suite (see 1.32a above).

1.32j Solicitors/Legal Representatives must be told that they are not to hand **any** item to a detainee. This includes business cards. This is a Health and Safety requirement.

The use of laptop computers during consultation or interview

1.33 As an exception to the general instruction given in 1.39 above, a solicitor / representative may request that they be permitted to retain their laptop computer for use during consultation with the detainee or during an interview in order to facilitate their note-taking or to look up reference material.

1.34 Because the solicitor / representative will not be accompanied by police during consultation with the detainee, the following procedure **must** be followed:

- The solicitor / representative must decide themselves if the risk of personal injury posed by the detainee is acceptable to them and, if so, make such a declaration to the Custody Officer.
- Based on their knowledge of the detainee's risk assessment, detention and history, the Custody Officer, will consider if the risk of injury / escape / interference with justice to be acceptable. If so, the Custody Officer must record the solicitor's declaration and their agreement.
- Factors that may affect this decision include the likelihood of the detainee becoming violent, or any history of escape or obtaining unauthorised material.
- The solicitor / representative is personally fully responsible for the safekeeping and appropriate use of their laptop. The Custody Officer must bring this to their attention should they choose to take their laptop into the consultation.
- If the Custody Officer decides that there are no reasons for refusing a solicitors' request to use their laptop computer during an interview, the Custody Officer must advise the interviewing officer to remind the solicitor / representative on tape at the commencement of the interview that they must not allow the detainee to see the screen. This is to address concerns over the detainee having access to suggested or prepared answers or other information provided by the solicitor.

1.35 The Custody Officer has the final decision on whether or not a solicitor / representative may be permitted to retain a laptop computer for use during consultation with a detainee or during an interview. If permission is denied, a record of the refusal and the reason(s) for it **must** be made in the detainee's custody record.

Conduct of Solicitors/Legal Representatives

1.36 Where an officer believes that the conduct of a solicitor or their representative should be brought to the attention of Legal Complaints Service, a docket should be submitted to the Directorate of Legal Services (DLS) firstly through their BOCU Commander and then through the Superintendent in charge of the TP Emerald Custody Directorate.

If a duty solicitor is involved in matters such as a long delay in attending the station for interview or refusing to attend the station for interview, the local Custody Manager should send a full report to the Superintendent in charge of at the TP Emerald Custody Directorate for consideration for a referral to the Legal Services Commission.

Safety of Solicitors/Legal Representatives

1.37 The Home Office have published detailed guidance on the subject of 'Safety of Solicitors in Police Stations' (including the responsibility to Solicitors and their employers) but, in essence, Custody Officers are reminded of their responsibility under the Health & Safety at Work Act 1974 and Health & Safety at Work Regulations 1999, specifically the need to ensure that they do not expose others to risk by their conduct. See above 1.32 A-E and also: This means, in practice, that Custody Officers need to conduct individual risk assessments when solicitors are left with detainees which may involve an information exchange between the professionals and should include the whereabouts of safety features (such as panic strips) in the place where the consultation is to take place. Consultation in cells should only take place as a last resort and the Custody Officer must ensure that adequate safety arrangements are in place. The solicitor must be informed of these arrangements. See below link for a detailed explanation of our responsibilities and those of the legal representative or solicitor. For a detailed explanation of our responsibilities and those of the legal representative or solicitor, please see Home Office circular 034/2007 found at <http://www.homeoffice.gov.uk/about-us/publications/home-office-circulars/>. Or go to the Emerald intranet home page, then to 'Custody', then to the 'Solicitors' section under the 'Instructions/Issues/Guides' heading.

Solicitors/Legal Representatives - Miscellaneous

1.38 Access to Custody Records

Unless exceptional circumstances apply, printed copies of custody records must be provided to legal representatives attending custody suites to represent detainees. There is no reason to prevent the legal representative from retaining the copies in these circumstances. Entries to this effect must be made on custody records. See also PACE Code C, paragraphs 2.4/2.4A.

The Defence Solicitor Call Center number is currently: ¹³

1.39 Virtual Courts – Separate guidelines are being drawn up and published to deal with all issues relating to this issue – however, there should be no conflict between the Custody SOP and any instruction relating to solicitors and their accoutrements published in the Virtual Courts instructions.

1.40 Deleted

1.41 Deleted

1.42 Deleted

1.43 Deleted

1.44 Deleted

1.45 Deleted

Custody CCTV procedures

Access to CCTV by ICVs

1.46 The introduction of CCTV into Custody Suites has raised the question of whether Independent Custody Visitors (ICVs) should have access to footage. This is ultimately a matter for local discretion, but the Home Office view is that ICVs should carry out their functions in person and not by viewing either live CCTV pictures or recorded footage. Their role is fundamentally interactive both with detainees and custody staff and cannot be discharged remotely. There may also be issues about infringing the privacy of detainees who have not consented to ICVs observing them using CCTV. However, where specific incidents or circumstances arise which may have been captured on CCTV, ICVs might reasonably be allowed access the footage if both the police and the detainee(s) concerned give their consent.

1.47 ICVs should be able to ask the Custody Officer whether the CCTV is working and be given a demonstration if necessary.

Criteria for using CCTV in cells

1.48 CCTV in cells can:

- Enable early intervention in self-harm attempts;
- Assist in monitoring of vulnerable detainees;
- Ensure the safety of staff by viewing the detainee without entering the cell;
- Provide an opportunity to view the behaviour of a detainee thereby enabling a more accurate risk assessment to be made;
- Permit custody staff to perform other duties while maintaining general and intermittent observation;
- Provide an additional management tool, for example, checking that cell visits have been carried out as stated on the custody record or checking the standard of cell visits.

1.49 Where only a proportion of cells have CCTV, guidance **must** be given to custody staff about prioritising the use of CCTV-equipped cells.

1.50 The decision to place a detainee in a CCTV-equipped cell **must** be taken by the Custody Officer based on the risk assessment. It should be subject to continuous assessment throughout the period of detention.

1.51 Where the decision is taken to use a CCTV-equipped cell, the Custody Officer should:

- Inform the detainee of the decision and the reason for it;
- Document this decision in the custody record and ensure that other custody staff are informed of this decision;
- Document the use of other safety measures, for example, removal of property or clothing;
- Ensure an appropriate cell-visiting regime is instigated.

1.52 Deleted

1.53 A CCTV equipped cell **must never** be used for a consultation between a detainee and their legal representative or for conducting a strip search.

Quality of the images

1.54 Custody managers should establish an inspection regime that includes both the hardware and software systems, to ensure the suitability of images. Recording quality should also be checked. Cameras should be checked to ensure that the lenses are not obstructed in any way.

2. CUSTODY PERSONNEL

Useful links

For more information / guidance on

- [TP-Emerald Custody Directorate intranet site](#)

2.1 Operational Command Unit (OCU) Commanders **must** ensure that a substantive sergeant or an officer temporarily promoted to sergeant (including Workplace Based Assessment) who has completed **both** the Sergeants' Foundation Course and the Custody Officers' Course is available to perform the duties of Custody Officer at every designated police station (s.36 PACE).

NOTE: officers are not to be temporarily promoted merely to secure further training.

2.2 The role of Custody Officer **must** be afforded **priority** over all other operational and non-operational requirements. They **must not** be prevented, hindered or distracted from carrying out their statutory functions.

2.3 The responsibilities of the rank of Inspector will not be delegated (under section 107 PACE) to an officer of the rank of Sergeant, for the time being appointed as Custody Officer.

2.4 A Custody Officer who authorises detention of an arrested person under s.37 PACE **will** endorse and sign the custody record to that effect using the NSPIS booking in procedure in accordance with MPS instruction. They will also retain responsibility for that detainee in ensuring all matters which relate to PACE, the Codes of Practice and MPS instructions are complied with, **until** such time as another Custody Officer endorses and signs the custody record as accepting responsibility for that detainee.

2.5 This direction will also apply to Custody Officers who accept responsibility for detainees on handing over at the start and end of each tour of duty, and when relieving another Custody Officer during periods of refreshment or other reasons for absence.

2.6 All supervisory officers are reminded that, whilst in the custody suite, they have a responsibility for ensuring the safe custody of detainees, the good conduct of others within the custody suite, and that PACE, the Codes of Practice and MPS instructions about the treatment of people detained are complied with at all times. An officer is not entitled to ignore the requirements of PACE or MPS policy in respect of a particular detainee simply because he / she did not authorise their detention. Liability arising from any failure to take action is to be determined according to the reasonableness of the officer's action, taking into account all the circumstances at the material time and the degree to which the officer could reasonably be expected to have foreseen the outcome.

Training

2.7 An officer appointed as a Custody Officer **must** be a substantive sergeant and have completed the Sergeants' Foundation Course **and** the Custody Officers' Course. Officers regularly performing the role of Custody Officer must attend a Custody Officer's refresher course at least once every 18 months. The responsibility for completing this training rests with the individual. BOCUs must give their officers time to complete their training. An officer transferring from another force or re-joining the MPS **must** complete the Custody Officers' Course before performing the role of Custody Officer.

2.8 It is the OCU Commander's decision whether a Sergeant is suitable and capable to perform the role of Custody Officer. Prior to performing this role, sergeants **must** have proven leadership and communication skills and have the knowledge to make sound risk assessment decisions. It is recommended that officers have a minimum of three months' service as a substantive Sergeant prior to being posted as a Custody Officer. The decision as to this capability **must** be documented.

2.9 All custody personnel **must** be compliant with current MPS First Aid Policy relating to custody.

Permanent Custody Officers

2.10 It is recommended that sergeants be posted to Custody Officer duties for a minimum of six months and a maximum of two years (subject to a notional contract renewable by mutual agreement based upon suitability and performance) subject to the following conditions:

- Custody suites should be brought up to an acceptable standard before Custody Officers can be expected to work in them on a permanent basis. It is for each OCU Commander to determine if conditions in the custody suite are of an acceptable standard.
- Officers must be properly trained before they are required to perform the role of Custody Officer; and
- Arrangements must be made to provide adequate numbers of relieving officers.

2.11 The benefits of employing a team of permanent Custody Officers include

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- Improved compliance with PACE and the Codes of Practice;

- Consistency in decision making;
- Improved standards in the handling of detainees;
- Increased expertise and knowledge within the custody suite;
- More effective liaison with ICVs, DIP contact workers, solicitors, social workers, Forensic Medical Examiners & other Healthcare Professionals and other visitors to the custody suite;
- Ownership of the custody environment; and
- An improved working environment where staff ensure that stores are maintained and the custody suite is kept as clean and tidy as possible.

Postings

2.12 Conditions in the custody suite should be taken into consideration when determining the length of postings:

- Postings should initially be for a maximum of six months. Extensions will then be a matter for local agreement;
- Consultation with staff, particularly the Federation Representative is essential;
- Staff should be carefully selected on their suitability for long term postings;
- Sergeants who are not permanent Custody Officers should have the opportunity to maintain their skills in Custody Officer duties; and
- Permanent staff should have a nominated supervisor as a line manager who is responsible for their welfare, training needs and appraisal.

Staffing levels

2.13 Custody Managers are advised to conduct a rigorous risk assessment and to liaise with the local SMT before making a decision to reduce custody staffing levels to meet local needs or circumstances, for example on a Bank Holiday. It is advisable that this decision and its justification are recorded locally including any concerns raised by custody staff. Custody Officers must be provided with the opportunity to take a meaningful rest break away from the custody suite during their shift to prevent the onset of fatigue. This is particularly the case where a Custody Officer is the sole Custody Officer during a shift and/or officers work longer than an eight-hour day. The circumstances of individual Custody Officers will also need to be taken in to consideration regarding any particular needs they may have.

Additional Custody Officers

2.14 Where the appointed Custody Officer is not readily available to perform any functions required of a Custody Officer under PACE, for example, due to a heavy workload, any other officer may perform those functions on their behalf. If no Sergeant is readily available, any other officer of any rank who is capable of performing the role may do so. It is to be remembered that the officer is a Custody Officer with all the associated responsibilities and accountabilities. Any officer seeking or being required to perform the role of Custody Officer must be appropriately trained (NSPIS and Custody Officer's course) and have the

appropriate authorisations (i.e. authorised to make a Sergeant's entries on custody records).

2.15 Deleted. Duplication of PACE instruction.

Key responsibilities

2.16 The Custody Officer is to be independent of the investigation of the offence(s) for which a person is detained.

2.17 The key responsibilities of a Custody Officer include:

- The detention and treatment of detainees, in particular the initial risk assessment and the continuous risk assessment;
- Accounting for all detainees' property and related administration including the Book 105;
- Ensuring that all detainees are dealt with expeditiously and released as soon as the need for detention ceases;
- The maintenance of an accurate and complete record of every aspect of a detainee's treatment at the police station;
- Inspecting each detainee in company with the outgoing Custody Officer on commencing duty;
- When handing over responsibility to a new Custody Officer at the change of shift (or other pertinent times), briefing and appraising the incoming officer on the current risk assessment for each detainee and of any changes in the risk assessment(s) as they occur.
- Incoming Custody Officers and DDOs should be made aware of the fact that a detainee has been examined by a Healthcare Professional, or the fact that a Healthcare Professional has been called, and the reason why. Where appropriate they should be referred to the Healthcare Professional's instructions recorded on the NSPIS National Medical Form and any associated entries in the custody record.
- Custody Officers must review NSPIS Risk Assessment form when taking over responsibility for a detainee.
- Briefing and appraising other custody staff and other custody role-holders (such as Healthcare Professionals) on the current risk assessment for each detainee and of any changes in the risk assessment(s) as they occur.
- It is good practice to record any briefing in the main body of the custody record when taking over responsibility for a detainee or to conduct the briefing so that it is recorded on CCTV.

These are **not** the sole responsibilities of a Custody Officer and responsibilities shown in other documents or elsewhere **must** be followed.

Examination of Evidence

2.18 The Custody Officer **must** read the notes of arrest to confirm that the content sufficiently reflects the information given to justify the decision to authorise detention, and if satisfied as to the content, he / she **must** sign the notes.

2.19 The Custody Officer **must** ensure that the reason(s) for the arrest and the surrounding circumstances (no matter how insignificant such information may

first appear) have been provided, either verbally or in writing, and that they are recorded appropriately on the custody record.

2.20 If the Custody Officer believes that there are insufficient grounds for detention, the reasons **must be** recorded and the person **must be** released. Such cases should be brought to the attention of an inspector who may make their observations on the Custody Record Detention Log (which can be accessed even after the Custody Record has been closed). This notification, however, should in no way delay the person's release from custody. All such incidents should be later reviewed by the Custody Manager.

Custody Managers

2.21 Each BOCU should identify and appoint a Custody Manager through the agreement of the local SMT. The role holder should be of at least Inspector rank or equivalent.

Custody Manager's role

2.22 The Custody Manager will be accountable and responsible for:

- The availability of cells, equipment and technology within their custody suite(s).
- The BOCU custody response to operational plans.
- The development and maintenance of local custody capacity and staffing plans. This includes contingency planning, fire and evacuation plans, and the local custody risk assessment.
- The collation and presentation of all pertinent Management Information in relation to custody.

2.23 The Custody Manager is responsible for the supervision of:

- All custody staff
- Custody records, including the review of cases where a Custody Officer has refused to authorise detention
- The bail-to-return system
- The administration of custody technology and equipment
- The storage, retention and destruction of detainees' property.

Inspection of custody records

2.23a The Custody Manager will carry out periodic audit checks of a number of custody records chosen at random.

2.23b Each check should include the following:

- The accuracy and appropriateness of entries
- Compliance with PACE and the Codes of Practice
- The condition of the detainee upon arrival has been accurately recorded
- The quality of the risk assessment
- That the control strategies were commensurate with the identified risk(s) e.g. constant supervision
- That the detainee's PNC record and any local intelligence system record were updated with any vulnerability or new risk identified by the risk assessment process

- A Form 370c was completed where appropriate and correctly submitted
- That the detainee's medical needs had been met
- The administration of any medication has been in accordance with current policy and the Custody SOP
- Any cultural, religious, dietary needs were identified and met, or other needs pertaining to any of the Six Strands of diversity used by the MPS.
- The timing of visits to detainees
- The quality and frequency of visits to vulnerable detainees and the accuracy and extent of the relevant custody record entries
- The quality of the PER form where appropriate (and whether a PER form was completed when required).

Other custody staff

2.24 Officers or police staff including Designated Detention Officers (DDOs) and Custody Assistants (CAs) employed to help the Custody Officer as gaolers, when so employed, are not Custody Officers but work under the directions of the Custody Officer.

3. DETAINEES

Prioritisation of detainees

3.1 Custody Officers, custody staff and those officers who have a supervisory role for custody offices can have a significant impact on custody safety and service efficiency.

The process of first-come, first-served is not sufficient to necessarily cater for safety or efficiency. Detainees must be prioritised by carrying out a continuing dynamic assessment of those waiting to be booked in.

Custody officers must consider:

- The medical condition of the detainee
- The demeanour of the detainee and whether they pose a risk to themselves, officers or custody staff
- The vulnerability of the detainee
- The potential loss or reduction in forensic or other evidence gathering opportunities (e.g. MGDD evidence or firearms residue).
- Operational demands for the specific skills of the arresting officer(s)

This list is not intended to be exhaustive.

Arresting officers must advise the custody officer of any relevant information in order to assist in the prioritisation process.

PNC checks

3.1a Where a detainee is the subject of a PNC report which, because of the person's arrest, is invalid, the Custody Officer **must** arrange for that report to be deleted as soon as practicable after the person's arrival at the police station. This **must** be done by telephoning PNCR and obtaining a folio number. It is good practice to cause a PNC check to be carried out prior to the detainee's release to confirm that deletions have been carried out - there is no

power to detain the detainee whilst this is being done. The cancellation folio number must be recorded on the Custody Record (the template for this is on the Detention Log 'drop down' list).

Delaying a detainee's rights

3.2 When a person in police detention is detained *incommunicado* by virtue of s.56 PACE, consideration should be given to creating a Merlin entry, thereby avoiding unnecessary missing persons enquiries being made. The entry should include specific instructions in the event of enquiries being made.

Citizens of independent Commonwealth countries / Foreign nationals

3.3 Deleted. Duplication of PACE.

3.4 To aid compliance with Code of Practice C, paragraph 7.2, embassies can be notified by fax or email using Form 9802. After sending the fax or email, Form 9802, the confirmation message should be retained with the detainee's custody record (where 'hard copies' of paperwork related to an NSPIS Custody Record exist, the front sheet of the NSPIS Custody Record should be printed and kept in the Custody Suite with those related documents attached to it) and the appropriate box should be ticked in Section 12 of the Custody Record. There is no longer a requirement to complete a form 111b.

3.5 Embassy fax, email, and telephone numbers are on CAD under the Topic "LIN/DPG/T13".

Special groups - assistance

3.6 The roles of *Familiar Personal Assistant* and *Chosen Appropriate Advocate* are in addition to the requirement to provide certain detainees with an appropriate adult in accordance with PACE Code C.

3.6a There is no *requirement* to create a paper record for 'high profile' detainees although the Borough Commander does have the discretion so to do. If a Borough Commander, or their representative, takes the decision to create a paper record, then they must then ensure the safety and security of that record. 'High profile' should not be taken to mean people of fleeting celebrity but people of long-standing national or international prominence. The default (in cases of doubt) must be to the use of the NSPIS system.

3.6b Please contact DPS for the latest information on how to process Police Officers in custody.

Familiar Personal Assistant

3.7 A Familiar Personal Assistant is someone who helps a disabled person carry out everyday tasks such as getting up, using the toilet, washing, getting around, etc.

3.8 A disabled detainee may need the help of a Familiar Personal Assistant whilst they are in police custody.

3.9 This specific role is different from that of an appropriate adult. However, a detainee's Familiar Personal Assistant may perform both roles if appropriate.

3.10 Any action taken to secure the services of a Familiar Personal Assistant **must** be recorded in the detainee's custody record.

3.11 Access to the custody suite for a Familiar Personal Assistant should be allowed where reasonably possible to ensure that the dignity of the detainee is maintained. The decision to admit a Familiar Personal Assistant rests with the Custody Officer and should be made with reference to the detainee's specific needs, their risk assessment and the existing custody suite activity.

3.12 A decision to refuse a Familiar Personal Assistant access to a custody suite must be recorded in the custody record along with the reasons for that decision being made.

Chosen Appropriate Advocate

3.13 In this context, *advocacy* is about taking action to help people to say what they want, secure their rights, represent their interests and obtain the services they need.

3.14 Advocacy can assist detainees by

- helping them to clarify their own views and wishes;
- helping them to express those views and wishes in a way that ensures they are understood by others;
- providing them with all the options so they can make decisions and take their own action.

3.15 The role of a Chosen Appropriate Advocate is very similar to that of an appropriate adult, and a Chosen Appropriate Advocate could generally perform both roles for the detainee.

3.15a Female detainees must be asked if they wish to speak to a female member of staff in private. If a female member of staff is required, every reasonable effort must be made to make this possible. This member of staff does not need to be a police officer or a member of custody staff. They must, however, be able to adequately represent the MPS in relation to the detainee's care. The female member of staff should not be involved in the investigation of the case but can be the Custody Sergeant.

Use of force on detainees

3.16 Detainees under the influence of alcohol or drugs, those who have a mental illness or a mental health issue or those who have a medical condition, are particularly vulnerable to the impact of being restrained. Responsibility for the use of force rests with the police officer (or DDO) exercising that force. They **must** be able to show that the use of force was reasonable, lawful, proportionate and necessary in the circumstances and they **must** make a written record of the force used.

Also see [4.37](#) below for advice on recording the use of force.

Juvenile detainees

3.17 Deleted

Mentally ill persons

See MPS Mental Health intranet site

- 3.18 Deleted
- 3.19 Deleted
- 3.20 Deleted
- 3.21 Deleted
- 3.22 Deleted
- 3.23 Deleted
- 3.24 Deleted
- 3.25 Deleted
- 3.26 Deleted
- 3.26a Deleted
- 3.27 Deleted
- 3.28 Deleted
- 3.29 Deleted
- 3.30 Deleted

Illegal immigrants

See also sections 10.13 to 10.15 re the service of Form IM3 in appropriate cases.

Detention

3.31 When a detainee has been arrested for an immigration offence, it **must** be emphasised that they have been arrested for an offence and relevant and review times **must** be conducted according to PACE until such time that a Notice of Intended Deportation is served by the UK Borders Agency (UKBA). Unless the MPS is undertaking a criminal prosecution for the offence for which the person has been detained, the immigration offences should be document disposed as 'NFA' on the NSPIS Offences page.

3.32 A person liable to deportation under the *Immigration Act* may be detained in police custody on the written authority of an immigration inspector (this authority may be issued and signed on his behalf by an immigration officer).

3.33 Initially the person may be detained for up to five days beginning on the day on which a written authority is served. They may also be detained for an additional two days if before the end of the five-day period, directions for deportation are to be issued and made effective at any time during those two extra days.

3.34 However, a Healthcare Professional may advise that police custody facilities are not suitable for detention for this length of time. In these circumstances the Immigration Service must be informed immediately so that they can take any action as they deem necessary.

3.35 Where the written authority is served during a period of detention for any other reason (for example, the person has been arrested for theft) the day of service will be the first day of detention under the Immigration Acts. This is to help calculate the starting date of the written authority. See 3.33 above.

3.36 The Codes of Practice issued under PACE apply to immigration detainees other than the review provisions which cease when the written authority is served.

3.37 Custody Officers **must** contact the UKBA at regular intervals to expedite the removal of the detainee by them and to inform them that the detainee will be released from police custody after the expiry of the five or seven days without further notice. A Superintendent must be informed when release is contemplated.

3.38 All action taken, including the day and time and the immigration officer's name and rank, **must** be noted on the custody record.

3.39 If police are required on behalf of the UKBA to serve a detainee with immigration papers and the detainee has an inadequate understanding of English, an interpreter **must** be called to assist in the service of the papers. There is no longer any need to complete a form 111b.

3.39a The detention of people solely on immigration matters **must** be authorised by an Immigration Officer of the rank of HMI or above if the detainee is aged 17 or less.

3.39b Special consideration should be given to immigration – or any other - detainees who may be held far in excess of the usual amount time. This may be reflected in food, visits, or facilities (washing, blankets etc.). The SOP must still be adhered to and safety and security must still be paramount.

Military personnel

Deserters and absentees

3.40 A deserter is someone who is absent from his or her unit, ship or place of duty and has, at some stage, formed the intention to remain permanently absent or to avoid some important service, for example active service or service abroad. An absentee without leave is someone who, although absent, intends eventually to return. Those who are arrested must be taken before a magistrates' court, whilst those who surrender need not.

Service Police Crime Bureau

3.41 There is now one single point of contact and centralised index of absentees for the Army, Royal Air Force, Royal Navy and Royal Marines. It is called the Service Police Crime Bureau (SPCB).

3.42 The SPCB is staffed continuously and may be contacted by telephone on ¹⁵ . The Bureau holds comprehensive descriptions of each member of service personnel who is reported absent for more than 14 days.

Voluntary surrender

3.43 If an absentee or deserter surrenders to police, he / she will not be taken before a court. The SPCB is to be informed and an escort requested.

Criminal offences by deserters and absentees

3.44 Where a person is arrested for a criminal offence and it later transpires that he / she is a deserter or absentee, the SPCB should be contacted and their instructions followed regarding the desertion.

3.45 The person's offence is to be considered by the Custody Officer, using the normal guidelines. If the decision is to prosecute, the person will be charged accordingly and given a court date.

3.46 An escort will be requested from the SPCB. On their arrival, the person will be bailed and released into their charge. A **PER must** be completed.

3.47 An MG1 will be completed in the normal way but **must** show the person's status and the Royal Military Police contact point.

Criminal offences by military personnel

3.48 Where a member of the armed services is arrested for a criminal offence, the following procedure will be adopted:

- An escort will be requested from the SPCB;
- On arrival, the person will be bailed to return to the station in four weeks' time and released into the escort's custody. A PER must be completed.
- The case papers will be collated by the officer in the case and a report submitted to the CPS for directions;
- If the decision is to prosecute, then the person will be charged on his / her return to the station; and
- If no further action is to be taken by police, the person's Commanding Officer is to be informed by telephone and A bail cancellation letter (from the NSPIS menu) sent by post.

Cases of drunkenness

3.49 Members of HM Forces who are arrested for drunkenness offences are not to be charged, but handed over to the relevant military authority.

Visiting Forces – procedure, jurisdiction and deserters surrendering

3.50 Any person being dealt with under the Visiting Forces Act, is subject to all the provisions of PACE.

3.51 The effect of the Visiting Forces Act 1952 is that all offences committed in the United Kingdom by members of the armed forces, or civilian personnel, of the countries to which the Act applies, are to be dealt with in the same way as similar offences by civilians in the UK, except as detailed below.

3.52 If a person surrenders him / herself to police as a deserter or absentee from a visiting force he / she may be handed over to the appropriate authority. In all cases, a report of the circumstances of the arrest, or surrender, and of any proceedings in court will be sent as soon as possible to the service authorities of the countries concerned.

3.53 Where persons are concerned with members of a visiting force, no action should be taken to charge the non-visiting force person until advice from the CPS has been obtained.

3.54 A member of any visiting forces arrested for being drunk is not to be charged but is to be handed over to the appropriate service authorities. Reports and statements are to be submitted and in cases where a doctor has been called, a copy of the National Medical Form will be attached. A Prisoner Escort Record (PER) **must** be completed for the detainee and handed to the military

escort. Particulars including the name of the officer handing over the detainee will be entered in the custody record. A receipt for the detainee and any property will be obtained from the NCO in charge of the escort.

United States (US) service personnel

3.55 In the event of US Service Personnel coming into police custody or approaching police for assistance, the US Embassy may be contacted by telephone on ¹⁶

¹⁷

4. RISK ASSESSMENT

Useful links

For more information / guidance on

- risk assessment, see PACE Code C 3 paragraphs 3.6 – 3.10.
- the Successful Intervention (Near Miss) procedures, see Form 370 Procedure.
- Deaths in custody see DPS aware site.

Introduction

4.1 There is increasing recognition of the importance of conducting effective risk assessment in relation to all detainees whilst in police custody. Such procedures are essential to ensure the safety and well being of detainees and others.

4.2 All staff are reminded that risk assessment is an ongoing process and full details of it must be entered on the custody record and brought to the attention of custody staff and others as necessary.

4.3 All staff who come into contact with the detainee have a duty to inform the Custody Officer of any further information they discover which may affect the detainee's risk assessment.

See 4.26 below for occasions when detainees may become more vulnerable and more likely to consider self-harm.

4.4 All members of staff have a duty to take reasonable care to recognise anything that indicates that a detainee's health and safety may be at risk and respond appropriately to avert or reduce the risk. All personnel having contact with detainees **must never** ignore any information that comes to light that is, or might be, relevant to a detainee's condition. They **must** also be alert to the signs and symptoms that indicate that a detainee's physical or mental health may be at risk and take any necessary action. This includes, for example, any statements made by the detainee during an interview, whilst on escorted visits outside the police station, or made about the detainee **by others who know them**. Any concerns, action taken or information **must** be brought to the attention of the Custody Officer as soon as possible. To avoid the opportunity for deliberate self-

harm, all staff should be alert to any changes which may occur in cells, particularly potential ligature points.

4.4a Further information assisting in the risk assessment process may be gleaned from the detainee's previous custody records and other intelligence systems.

Initial action

4.5 If a person is in need of urgent medical attention, an ambulance **must** be contacted by the quickest available means, unless a suitably qualified Healthcare Professional advises otherwise and the Custody Officer agrees with that advice.

4.6 The risk assessment procedure **must** be conducted by the Custody Officer whenever a custody record is first opened or, in the case of a detainee returning on bail, when they are re-booked into custody.

4.7 If a detainee arrives from another police station or agency, the contents of their accompanying Prisoner Escort Record (PER) **must** be included in the risk assessment and a copy of the PER **must** be retained with the custody record. If a detainee arrives under escort by SERCO (for example, because of a prison lock-out) and there is no accompanying PER, the Custody Officer should not take responsibility for the detainee until the PER from the previous police station or prison is produced. The Custody Officer may accept a detainee from another NSPIS station provided the previous NSPIS Custody Record has been transferred across and the Custody Officer is satisfied that the NSPIS Risk Assessment has been properly completed.

4.8 At the stage when the custody record prompts the Custody Officer to indicate whether or not an appropriate adult is required, the Custody Officer or DDO is to ask the person as soon as possible a series of questions and **must** note their replies on the NSPIS Risk Assessment form as a starting point to identify and manage risks in accordance with PACE Code C 3.6.

4.9 The NSPIS Risk Assessment form is the standard MPS risk assessment process and is part of the custody record. It **must** be completed for every detainee. This is the beginning of identifying and collating information to manage risks appropriately. If any of the boxes have been ticked and there is insufficient room on the NSPIS Risk Assessment form to fully detail or explain, the main body of the custody record **must** be noted.

4.10 The risk assessment process will contribute to the completion of the detainee's PER should one become needed.

Action if information cannot be obtained initially

4.11 If it is not practicable to obtain the information upon reception of the detainee, for example, because of the detainee's violent behaviour, medical condition or inability to understand, this should flag up an **immediate concern** and the reasons for the delay **must** be noted on the custody record. The NSPIS Risk Assessment form allows for partial completion, using the observations of the Custody Officer (and arresting Officer). In any case, the 'Officer Assessment' **must** be completed.

4.12 Where a detainee

- has difficulty understanding English, or
- appears deaf or there is doubt about their hearing or speaking ability,

an interpreter should be called to facilitate obtaining the information needed to complete the risk assessment. In the case of a detainee who has difficulty understanding English, the information may be obtained through an interpreter by way of a telephone conversation. If an interpreter later attends the custody suite, the process should be repeated in the presence of the detainee.

4.13 A full risk assessment **must** then be completed as soon as the detainee is suitably fit for the process to be conducted, even if this is through the wicket of a cell door. If the detainee simply refuses to answer questions, further requests are to be made at reasonable intervals and the custody record **must** be noted accordingly.

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4.15 In these circumstances, a risk assessment should still be conducted with the information that is available at the time and recorded in the body of the custody record.

4.16 Such circumstances do not affect the need to consider any other relevant information that is available and to determine whether or not an appropriate adult and / or medical attention is required in accordance with the Codes and MPS policy.

4.17 A risk assessment and the associated action plan for the care of the detainee **must** always be carried out based on all available information.

Indicators of a higher chance of risk

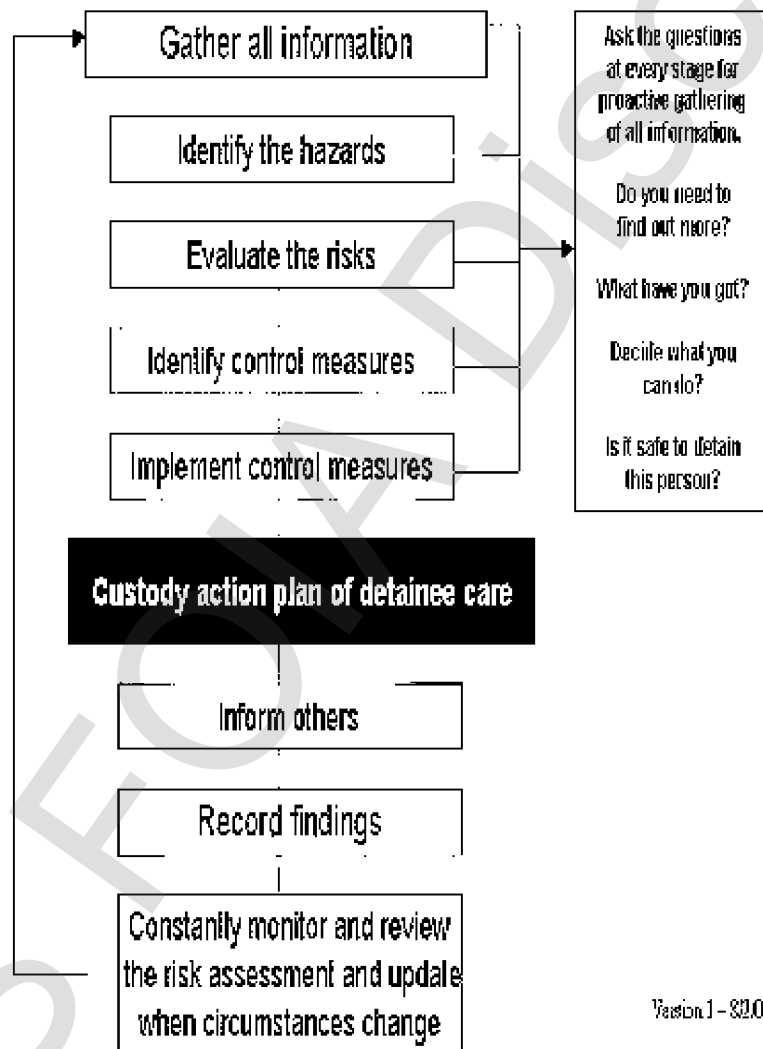
19



Risk assessment Flow Chart

4.18

Detainee Risk Assessment Flowchart



Version 1 – 8/2/08

Immediate action by the Custody Officer to manage risk

4.19 In relation to risk assessment and risk management, the Custody Officer is responsible for

- Determining what immediate and / or further action is needed to avert or reduce the risk of harm to the detainee;
- Implementing that action;
- Determining if the detainee is in any way vulnerable and in need of any additional care measures;
- Bringing all relevant risks and action to be taken to the attention of staff employed in the custody area and any other officer who has custody of the detainee. Where a risk has been identified, this must also be brought to the attention of any person coming into contact with the detainee, such as a Healthcare Professional. This includes any new risk(s) and further action to be taken. Where a detainee is an 'exceptional risk', the detainee's name should be highlighted on the NSPIS 'whiteboard' (click the Custody Menu at the top of the screen, then click 'exceptional risk' and complete the details).

4.19a At no point should a detainee be left unaccompanied anywhere within the custody suite other than a cell or detention room.

PNC / LiveScan checks to assist with the risk assessment

PNC – initial check

4.20 A PNC check must be completed within the NSPS Custody Record as soon as practicable. It is important that PNC warning signals are identified and acted upon as soon as possible after the detainee's arrival. The Custody Officer is responsible for ensuring that any new risks identified are updated on the PNC system as soon as practicable to help prevent future risks, difficulties or problems with the detainee. **If the detainee has no PNC record**, they should be checked against local intelligence systems and an entry made on those systems in relation to their current arrest and any known warning signals or other pertinent information.

PNC – primary telephone update to obtain an Arrest / Summons Number

21

22

The A/S form **must** have been comprehensively updated (including the 'photograph' section on page five when applicable) before the custody record is closed. The 'DNA' and 'fingerprint' boxes should self-populate when NSPIS is correctly used in conjunction with LiveScan. Any propensity to self-harm **must** be included in the A/S update (see 4.43 below).
LiveScan

4.22 If the detainee has been arrested for a recordable offence he / she may be fingerprinted without consent. Their fingerprints will normally be captured on LiveScan - a Live ID search will give a quick and early indication of whether the detainee has given false personal details²³

24

Remember: The LiveScan procedure is covered by PACE Code D and, therefore, **Code D 2.15** must be applied with regard to any detainee who is mentally disordered, otherwise mentally vulnerable, or a juvenile.

Completion of the NSPIS Detainee Risk Assessment

4.23 The Custody Officer is responsible for ensuring that the NSPIS Risk Assessment (including the Detention Log 'special help') is completed. Any associated action must be taken and the instructions and guidance from any Healthcare Professional be made available to any custody staff having a responsibility for the further care and custody of the detainee.

Part A - assessment of medical risk / need for medical attention

4.24 The wording of the NSPIS Risk Assessment is designed to be as straightforward as possible, but the Custody Officer or DDO is responsible for proactively seeking the necessary answers from, or on behalf of, the detainee. If there is insufficient space to record the reply or it needs to be recorded in detail, this should be done in the main body of the custody record. Words such as "illness", "injury" and "condition" should be given a wide interpretation and anything that may have a bearing on the health or care of a detainee should be investigated.

Part A - self harm

25



MPS FOIA Disclosure

Part B - need for appropriate adult or other help (the 'Officer Assessment')

4.31 Various provisions of PACE Codes C, D and E of the Codes require an appropriate adult to be present at the police station to provide special help to a detainee who is a juvenile or mentally vulnerable. These apply when

(a) An officer has any suspicion, or is told in good faith, that a person of any age may be mentally disordered or otherwise mentally vulnerable. In the absence of clear evidence to dispel that suspicion, the person shall be treated as such (Code C1.4).

(b) Anyone appears to be under 17, in the absence of clear evidence to show that they are older (Code C1.5).

(c) If a person appears to be blind, seriously visually impaired, deaf, unable to read, or speak or has difficulty orally because of a speech impediment, they shall be treated as such for the purposes of this Code in the absence of clear evidence to the contrary (Code C 1.6).

4.32 The groups in 4.31(a) and (b) above need the support of an appropriate adult to help them understand and appreciate what is happening and to make informed decisions. Some detainees who are mentally ill may be incapable of understanding the significance of questions put to them or they are often reluctant to either admit they need, or to ask for, the sort of assistance for which the role of the appropriate adult is intended to provide. They may even try to conceal their difficulties. The groups in 4.31(c) may need a solicitor, relative, appropriate adult or some other person likely to take an interest in them and not involved in the investigation to be available to help check any documentation. When written consent or a signature is required the person assisting may be asked to sign instead, if the detainee prefers. There is no requirement for an appropriate adult to be called solely to assist in checking and signing documentation for a detainee who is not a juvenile, or mentally disordered or otherwise mentally vulnerable.

Part C - drug referral scheme

4.33 From 31st March 2006, detainees aged 18 and over who have been arrested for a trigger offence (see [link to PACE Code C.17](#)) will be drug-tested upon arrest in the custody suite in suites that operate the Drugs Interventions

Programme. A detainee who tests positive will have a mandatory requirement to undergo a drugs assessment with a drugs worker. It will be an offence to fail to attend or remain for the assessment. In most cases the assessment will be completed before the detainee leaves police detention. The detainee cannot have their detention extended to carry out this assessment. If it cannot be conducted while the detainee is in detentions without detriment to the investigation, the assessment will be conducted outside the station on an appointment basis.

4.34 A detainee who is not drug tested or who does not provide a positive test can still access a drugs worker as below (see prompt within the initial detention log entry).

4.35 This part of the form is an indication of whether a detainee would like to be seen by drug worker. Home Office advice is that all persons (regardless of the offence for which they have been arrested) will be offered the opportunity to see an independent drugs worker whilst they are in custody. If the detainee has indicated that they wish to be seen by a drug worker, they should be given the Drug Referral Scheme leaflet. If a drug worker has not seen the person whilst in custody, the leaflet should, in any case, be given on release from detention if they have indicated they wish to be seen. A person **must not** be detained in custody to carry out any procedures under this scheme.

4.36 Some stations operate an alcohol referral scheme; this section should be used to also notify an alcohol referral worker.

See the explanations for each risk category at security risks in Chapter 14, paragraphs 29 to 39.

Other matters: use of force

4.37 Any use of force on the detainee **must** be fully recorded in the custody record with details of the nature of the force used, the reason it was used and the identity of the persons present. If the detainee has been handcuffed, the Custody Officer or DDO **must** include in the custody record

- the reasons the officer(s) applied handcuffs,
- the position used,
- the serial number of the handcuffs,
- whether the handcuffs were checked for tightness,
- whether the handcuffs were double-locked, and
- that they examined the handcuffs and the detainee's wrists.

Detainees suffering from intoxication

4.38 Alcoholic intoxication is a form of poisoning. If the person cannot walk unaided or talk coherently, on entering the custody suite or at any time during their detention, or if they record 150 or more on the EBM, they **must** be treated as a medical emergency and be taken to hospital by ambulance.

4.39 Ideally, detainees suspected of being intoxicated through drink or drugs should be placed in the recovery position on a mattress on the floor. All detainees **must** be visited and checked **at least once every hour**. Those who are intoxicated **must** be visited and checked **at least every half hour** and be

roused and spoken to on each visit. They should show signs of sensibility and awareness. When assessing the level of rousability, officers **must** consider the guidance given on the health care of detainees, known as the 4R's.

4.40 If a detainee is still unfit to be dealt with **four hours** after his / her detention, a Healthcare Professional **must** be called.

4.41 A full entry **must** be made in the custody record of the action taken during each visit. In the absence of a response, or where there is deterioration in the person's condition, an ambulance **must** be called. It **must** be noted that detainees who have consumed alcohol or drugs prior to their arrest may deteriorate due to continued absorption of the alcohol into their body. Custody staff **must** appreciate that they have a continuing duty of care to detainees and that if their condition warrants more frequent visits, this **must** be done and the custody record noted to this effect.

Successful interventions (Near misses)

4.42 Successful Intervention / Near Miss – Form 370c

To assist with organisational learning and the safer detention of detainees all incidents, which if allowed to continue to their ultimate conclusion, would result in the death, serious, injury, or harm to any person occurring in custody, must be reported on form 370C. This includes incidents from the point of arrest and any unforeseeable ones within the custody environment.

Form 370C (available on the Intranet under Resources - Forms) should be completed and submitted to the Custody Manager for inclusion of any borough actions and organisational learning. Copies should be sent to the local Police Federation, Police Staff Union Safety Representative and the BOCU Safety and Health lead.

On completion the form 370C should be submitted by the Custody Manager to Emerald Custody Directorate via- **TPHQ Mailbox - Emerald Custody F370C** within 10 days of the incident.

The PNC must be updated immediately with the risk details through NSPIS for all recordable offences or by means of form PNCB 3 for all non-recordable offences.

4.43 If the detainee has a record on PNC, that PNC record **must** be updated with the risk details as a matter of urgency. The PNC record is updated with information of this type on page one of the Arrest Summons report. This action should be included on the Form 370c.

5. MEDICAL CARE OF DETAINEES

Useful links

- For information on different medical conditions see <http://www.nhsdirect.nhs.uk/>

Medical liaison

5.1 Forensic Medical Services (FMS) are the appointed liaison point to deal with any problems occurring in relation to forensic medical services including difficulties in obtaining a Healthcare Professional.

Responsibilities

5.2 The Custody Officer is responsible for ensuring that any medical attention needed by a detainee is obtained **without delay**. If the Custody Officer has any doubt about the need for a HCP they should err on the side of caution.

5.3 Every consideration must be given to the welfare of the person being dealt with and if there is any doubt as to their medical condition, the officer dealing must always err on the side of caution.

5.4 If it is considered that the detainee may be feigning illness or injury, a Healthcare Professional **must** be called to examine them at an early stage, and the situation constantly reviewed pending that examination.

5.5 It **must** be remembered that people who collapse may suffer hidden injuries such as skull fractures. Symptoms may be masked by alcohol but the injury could nevertheless later prove fatal. The alcohol may also mask other symptoms of illness that are life threatening. It **must** also be remembered that the symptoms of some illnesses may mimic the effects of alcohol consumption.

Treatment without consent

5.5a Every person is entitled to refuse medical treatment if he/she has the requisite mental capacity.

5.5b The fact that a person remains under arrest does not entitle police to use force to compel him/her to accept treatment, provided he has capacity to refuse it. Any person who has capacity will be entitled to use reasonable force to prevent treatment being administered against his/her wishes.

Advice on specific medical conditions

5.6 When a detainee has been involved in a violent struggle prior to, at the time of, or subsequent to, arrest, the possibility of positional asphyxia or acute behavioural disorder (ABD) should be considered. Refer to First Aid SOP/website.

5.7 Deleted

5.8 Deleted

5.9 Deleted

Unconscious detainees

An ambulance **must** be called **immediately**.

5.10 If a person is unconscious, a check must be made for a response, an airway, and that they are breathing. If breathing, they should be placed in the recovery position on a mattress on the floor to ensure an open airway and prevent the inhalation of vomit. An unconscious detainee **must not** be left unattended, and first aid **must** continue to be given until the ambulance arrives. Refer to First Aid SOP/website.

5.10a Detainees who have been subjected to Taser

- Any detainee who has had a taser device used on them must be seen by a doctor (NB, it must be a doctor, not any other variant of Healthcare Professional). The FME should have their attention drawn to the MPS

guidance for FMEs (appendix D of the ACPO operational use guidelines – see below).

- The detainee must be given a Taser leaflet (appendix C of the operational use guidelines).

For further information on Taser use, and for the above appendices, please see the ACPO 'National Guidelines for the Extended Operational Use of Taser (version 3 or whatever is current) on the Specialist Firearms Command intranet site (go to the Firearms Policy Unit Documentation in the Headquarters Support Section).

5.11 Detainees suffering from asthma and those suffering from angina can be adversely affected by having their inhalers withheld. Therefore, save in exceptional circumstances, such detainees should be allowed to retain their inhalers / sprays for use as required, without awaiting instructions from the Healthcare Professional. Refer to First Aid SOP/website.

5.12 Examples of exceptional circumstances would include cases where detainees are unable to look after themselves, are violent or there are concerns that they may deliberately harm themselves. A Healthcare Professional must always be consulted regarding such detainees and may be able to give advice over the telephone, e.g. in the case of an asthmatic who is otherwise well and only requires an inhaler. If a Healthcare Professional is called to examine such a detainee he or she should be informed prior to the examination if the detainee has retained the inhaler. The above actions must be fully recorded in the custody record.

5.13 The inhaler / spray should be examined to ensure, as far as possible, that it has not been tampered with or used to conceal other substances.

Steroid therapy

5.14 A person believed to be receiving steroid therapy, or found in possession of an identification card showing they are receiving steroid therapy, may be endangered if medical advice is not sought as soon as possible, therefore a Healthcare Professional should be consulted immediately for advice – this may on occasion be achievable by telephone rather than a visit to the custody suite.

Diabetes

5.15 When persons suffering from diabetes are detained, the Healthcare Professional **must** be called to examine them and their directions followed regarding insulin injections or any other medication or dietary requirements.

Insulin Pump Controlled Diabetes

5.15a Insulin pump therapy is also known by the longer name of Continuous Subcutaneous Insulin Infusion (CSII) and is used in the treatment of type 1 diabetes. Insulin pumps work by continually infusing insulin into the subcutaneous tissue (the layer of tissue just beneath the skin) via a thin plastic tube usually connected to a soft plastic cannula (a very thin and flexible plastic tube) inserted under the skin.

Pumps are about the size of an average mobile phone. They run on batteries and have safety features to warn the user if the power is running low, or if the pump is running out of insulin. Pumps can be safely and discretely attached in lots of different ways, such as to a belt or the waist of trousers. They can also be placed in a small bag that is attached to the arm or leg, if the insulin is being administered via these sites.

Pumps should not be removed from a wearer without the approval of a medical professional, who can demonstrate familiarity with insulin pump therapy, and even then for no longer than one hour at a time. Should it be deemed that a person is fit for detention the pump must remain with them at all times and they must be kept under constant supervision as it is possible for them to overdose on insulin or use the thin plastic tube as a ligature.

Contagious detainees

5.16 Custody Officers must seek advice from a Healthcare Professional in any case where a detainee is suspected of being verminous or lousy, or in any way infected with any communicable disease or infection. This advice should detail what action is necessary to safeguard the needs of the detainee and for all persons likely to come into contact with that detainee. This information **MUST** be passed onto escorting officers when the detainee is transferred. A police van may be used to transport such detainees, but the vehicle is to be thoroughly cleaned afterwards. There is no necessity to specially clean a cell or detention room solely due its being occupied by a detainee who is believed to have a blood borne virus such as HIV or Hepatitis.

See also 1.29, Infection Control SOP, and HIV SOP.

Detainees who have swallowed or ingested drugs

5.17 Any detainee believed to be under the influence of drugs **must** be seen by a Healthcare Professional as a matter of course.

5.18 A detainee who has, or is suspected of having, swallowed or otherwise ingested drugs that may be harmful because of their nature or quantity **must** be treated as having taken an overdose and an ambulance **must** be called.

5.19 If information indicating that the detainee may have swallowed or ingested drugs only comes to light after the detainee has been taken to a custody suite they must still be treated as a medical emergency and an ambulance must be called. If on the arrival of the ambulance the detainee refuses to go to hospital, and declines any medical assistance, their condition must be closely monitored for signs of deterioration in line with their risk assessment and management plan. In all such circumstances, the Healthcare Professional must be called immediately. The refusal and all actions must be noted on the custody record.

Ambulances

Calling of ambulances

5.20 When it is necessary to convey a detainee from the police station to hospital, an ambulance **must** be called, unless a Healthcare Professional has

advised otherwise. In emergency situations an ambulance **must** be called **immediately**.

5.21 Police will accompany an ambulance if the detainee has been charged with a crime or is otherwise in police custody.

5.22 If a detainee positively refuses medical aid the ambulance service **must** still be called. On arrival of the ambulance, further attempts **must** be made to persuade the detainee to receive medical aid. When a detainee apparently needing medical attention refuses to attend hospital, and all attempts to persuade them have failed, the Custody Officer **must** fully record the fact in the custody record. Their condition **must** be closely monitored for signs of deterioration in line with their risk assessment and management plan. The Healthcare Professional **must** be called.

5.23 In an emergency situation, police transport should only be used to convey a detainee to hospital by exception. For example, where the Ambulance Control have informed police of a significant delay in the ambulance's arrival, or where there are life threatening circumstances justifying the urgent removal of the detainee to hospital by police transport. Consideration should be given to what form of police vehicle is appropriate in the circumstances. In these cases, the decision **must** rest with the Custody Officer, who **must** record the reasons for the decision in the custody record. In particular, a note **must** be made of the length of the delay and who informed police of the delay in the arrival of the ambulance.

The LAS Clinical On-Call Advisor

5.24 If the attending London Ambulance Service (LAS) crew declines to take a detainee to hospital and the Custody Officer is of the opinion that the detainee should receive hospital treatment, the Custody Officer should contact the LAS Clinical On-Call Advisor on ²⁸

5.25 The LAS Clinical On-Call Advisor will speak to the Custody Officer and the LAS crew, and a decision will be made on whether or not the detainee is taken to hospital.

5.26 The LAS Clinical On-Call Advisor must not be called by police for any other matter.

Administering drugs

The NSPIS National Medical Form

5.27 The NSPIS National Medical Form provides a clear record of the medication prescribed and administered to a detainee.

5.28 The NSPIS National Medical Form **must** be used every time medication is prescribed or administered to a detainee.

5.29 When applicable, an entry **must** be made - on the NSPIS National Medical Form to record each occasion that medication is not given as instructed.

5.30 When a detainee is released from custody, the Custody Officer **must** show how the unused medication was disposed of using the NSPIS National Medical form and an entry in the Detention Log (where/how disposed off).

General advice

5.31 Where a detainee claims to be receiving medication prescribed before they came into police custody, or medication is prescribed by the Healthcare Professional, the following instructions are to be followed in order for the treatment to be continued safely while the person is in custody in accordance with Code C, paragraph 9.

5.32 If a detainee has their own medication with them, this **must not** be administered whilst they are in custody unless the Healthcare Professional is satisfied as to the veracity of the contents and agrees that the medication may be administered. If the detainee has no medication, the Healthcare Professional may issue a private prescription for the necessary medication to be obtained or may prescribe drugs from the Custody medicine cabinet. The detainee's own medication should only be returned to them on release if the Custody Officer is satisfied that it was prescribed to, or belonged to, them.

5.33 If the prescribed medication is listed in the Misuse of Drugs Regulations 2001, Schedules 1, 2 & 3, a registered medical practitioner **must** be present to supervise the administration of that drug. An entry in Book 83B **must** be made to that effect and referred to in the custody record.

5.34 If the substance is not a controlled drug as above, the provisions of Code C paragraph 9.10 are to be followed.

5.35 Only prescribed medication that is not a controlled drug as above will be given to the detainee for self-administration by custody staff accompanied by a witness. This is to check that the correct medication is given to the right detainee at the correct time and to ensure the detainee has taken the medication to prevent hoarding. In all such cases, details of the medication given will be entered on the custody record by the administering officer and countersigned by the witness. If the detainee declines to take the medication, this **must** be noted on the custody record and the Healthcare Professional informed.

5.36 No medication is to be given to detainees without instruction from the Healthcare Professional. These instructions should be recorded on the NSPIS NATIONAL MEDICAL FORM and on the label of the sachet / envelope containing the medication. If there is any doubt, the dispensing HCP should be contacted.

5.37 Only in very exceptional circumstances will injectable preparations of drugs need to be given to detainees for self-administration. In these cases the Healthcare Professional **must** be present to personally administer and / or supervise the injection.

5.38 Deleted

Medical examinations

5.39 Whenever a Healthcare Professional is called to examine a detainee, the Custody Officer **must** bring to his / her attention the information contained on the NSPIS Risk Assessment. The Custody Officer must inform them of any other pertinent information received concerning the circumstances of the arrest (see 2.18 above).

5.40 Information concerning the visit of a Healthcare Professional to a detainee and of any treatment given **must** be supplied to any other Healthcare Professional who is called to see the detainee. This includes any confidential medical report on Form 170.

5.41 The examination of detainees by an HCP should be conducted out of the hearing of, and preferably out of sight of a police officer. However, in every case, this must be the subject of a risk assessment by the Custody Officer, in consultation with the HCP. Any decision made must be recorded on the custody record. Examinations by HCPs to enable forensic evidence gathering are not covered by this and should be conducted in the presence of officers as before.

5.42 Consideration should be given to ensuring that the member of custody staff present at the examination is of the same gender as the detainee. It is preferable that the police officer is independent of the arrest or investigation. Any officer or DDO present must be up to date with his or her MPS officer safety training.

5.43 When the Healthcare Professional or detainee requests that no member of custody staff is present, the Custody Officer and the Healthcare Professional, prior to the examination, will complete a joint risk assessment. The Custody Officer's risk assessment and the HCP's concerns will be recorded in the main body of the custody record. Based on this risk assessment, compromises may be reached by having the door to the Healthcare Professional's room left ajar and a member of custody staff placed outside the room. The Custody Officer will however, have to make the final decision based on their risk assessment. All the above changes are to reflect Paragraph 38 of the Council of Europe Committee for the Prevention of Torture and Inhuman and Degrading Treatment (CPT) Police Custody Standards.

5.44 The following guiding principles must be very carefully borne in mind and **must** be read in conjunction with the relevant sections of PACE and the Codes of Practice:

- Examinations on behalf of police will ordinarily be made by the Healthcare Professional. However, if one is not available, and the circumstances so require, the services of the nearest suitable doctor should be obtained, and references to an Healthcare Professional should be read as covering any doctor whose services are so obtained.
- Whenever a request for an examination by a private doctor takes place, a Healthcare Professional must be called on behalf of police.
- Healthcare Professionals (and private doctors if requested) must be called immediately the necessity for an examination arises.
- The examination by either doctor should take place as soon as possible after arrival at the station. The examination should not normally be delayed because of the non-arrival of the other doctor.
- If the examination is solely for road traffic impairment assessment, and the person requests their own doctor, it is advisable that both doctors are in attendance, while the Healthcare Professional conducts the examination.
- An examination by a private doctor must be conducted in the presence of the Healthcare Professional or, if not immediately available, a police officer of the same sex as the person to be examined.

- The detainee will be responsible for the fee of a private doctor attending at their request.

5.45 Where a private doctor is requested and completes the examination before the arrival of the Healthcare Professional, they should be informed of the impending examination by the latter so they may be present if they wish. If the Healthcare Professional completes the examination before the arrival of the private doctor, they should be requested to wait a reasonable time for the examination by the private doctor.

5.46 If the Healthcare Professional has left the station before the arrival of the private doctor, they should be recalled or the services of another Healthcare Professional obtained. Meanwhile the private doctor may examine the detainee in the presence of the officer, but should be informed that the Healthcare Professional has been recalled and be invited to remain if they wish so as to be present at the Healthcare Professional's further examination.

5.47 On completion of their examinations, both Doctors **must** be asked to certify their findings in writing. The Custody Officer **must** make it clear to the Doctor called on behalf of the suspect that it is only a request, and that they need not make any written entry, if that is their wish. The HCP called on behalf of the police is expected to record their entry on the National Medical Form. If the Doctor called on behalf of the suspect elects to record their findings for the police, they are to do so on the suspect's Custody Record. This can be achieved by using the 'unsolicited comment' option from the 'Declarations' menu. The Doctor can dictate their findings to the Custody Sergeant who, after recording them in the free text field, should enter the Doctor's name under 'other', and then invite him or her to sign.

Detainees discharged from hospital

5.48 Where detainee is discharged from hospital and taken to a police station, the Healthcare Professional **must** be called. Before the doctor makes an examination, they **must** be told that the detainee was taken to hospital and of any other relevant information or documentation. If a Form 170 has been completed, then officers **must** ensure that it is brought back from the hospital.

5.48a Detainees must be searched upon their return from a hospital visit.

The Healthcare Professional Record/Book 83

NB The Book 83 must only be used when the NSPIS National Medical form is unsuitable or unavailable.

5.49 Whenever a Healthcare Professional attends a detainee they **must** make an entry on the NSPIS National Medical Form. The entry should include any specific information required for the care of the detainee whilst in custody.

5.50 Custody Officers **must** establish, understand and implement the Healthcare Professional's directions - recorded on the National Medical Form - concerning the detainee's medical care whilst in custody *in addition* to the oral explanation that the Healthcare Professional should also give to the Custody Officer. If the Custody Officer decides to do more than directed by the HCP, for example

placing the detainee under constant supervision rather than 30-minute checks, this variation and the reason(s) for it, **must** be recorded in the custody record. Please note, Section 5.51 and 5.52 relate **only** to the Book 83 and **not** to the NSPIS National Medical Form. The Book 83 must only be used when the NSPIS National Medical form is unsuitable or unavailable.

5.51 Book 83 is divided into five parts.

Part 1 **must** be completed by a member of the custody staff and signed by the Custody Officer.

Part 2 will be completed and signed by the Healthcare Professional as a record of the examination. They **must** also initial the opening section of Part 2 to indicate that they understand the instructions outlined in Part 1.

Part 3 will be completed by the Healthcare Professional to claim the fee due.

Part 4 will be signed by the Custody Officer to confirm that the work requested in Part 1 has been completed and that he / she understands the instructions recorded by the Healthcare Professional in Part 2. **This is an important entry and officers must not sign Part 4 if they are unable to read the Healthcare Professional's writing or if there is insufficient information provided.**

5.52 Part 5 is completed by the Finance & Resources Manager (FRM) to approve payment. Part 4 of the Form 83 (and relevant sections in the Form 83A) **must** be signed by a police officer to acknowledge that the Healthcare Professional's instructions and guidance are understood. In the case of detainees examined at the police station, unless it is wholly impracticable, this **must** be a Custody Officer appointed for the tour of duty. Any other officer who signs the form **must** inform an appointed Custody Officer.

5.53 If the Custody Officer has any doubts or is in any way uncertain about any aspect of the Healthcare Professional's report, he / she **must** ask the Healthcare Professional for clarification. If necessary, for example to avoid further misunderstanding by other officers, additional explanations should be added to the National Medical form by the Healthcare Professional. The Custody Officer **must not** conclude their dialogue with the HCP unless he / she understands the Healthcare Professional's instructions and guidance.

5.53a If the Custody Officer does not consider that it is possible to carry out the recommendations of the HCP for any reason, he or she must consult with the Inspector in charge of the Custody Suite immediately.

5.54 Deleted

Detainees for other forces

5.55 Whenever a detainee who is being dealt with on behalf of another police service or agency is examined by an Healthcare Professional, the Form 83 entry must be noted to show the name of the other police service or agency. The Custody Record must also be amended to show that a Book 83 entry was made and why. A copy of Book 83 used will be kept with the Custody Record (front sheet). An NSPIS NATIONAL MEDICAL FORM is still required.

Detainees and hospitals

Detainees to hospital

5.56 Whenever a Healthcare Professional directs that a detainee should be taken to hospital, the Custody Officer **should** bear the following in mind:

- Form 170 should always be completed by a Healthcare Professional and a copy attached to the custody record (printed front sheet).
- A Prisoner Escort Record (PER) must be completed by the Custody Officer. Do not delay a detainee's departure to hospital to do this in an emergency.
- If the Custody Officer considers the case suitable, the detainee may be bailed.
- If friends or relatives cannot be informed, Merlin procedures must be followed, see Merlin - Missing Persons
- If circumstances arise where it is no longer necessary to take the person back into police custody, the person and the hospital must be informed.

Notice to hospital – Form 170 Update & consult

5.57 When a detainee is taken to hospital, the Custody Officer should give written notice (Form 170) to the hospital authorities that the person is a detainee and will be taken in charge of by police when in a fit condition to leave. This needs to be done whether or not the detainee had attended the police station before being taken to hospital. If the detainee at the time of admission is physically incapable of escaping, the Custody Officer **must** request that police be informed as soon as the detainee is sufficiently recovered to need guarding. The wording of the notice may be added to using the following when appropriate - "*or sufficiently recovered to need guarding by a police officer*".

Medical / psychiatric risk - Form 170

5.58 In order that courts and prisons are made fully aware of the medical condition of detainees transferred to their custody, a confidential medical report and envelope may be completed by a Healthcare Professional at their discretion. If a report is used or created, which details confidential medical information, it should accompany the detainee at all times. In cases where the detainee is released from detention, the form must be disposed of as confidential waste. This form is intended for Healthcare Professionals and other Healthcare Professionals and on no account should police open it.

6. CUSTODY RECORDS

The Custody Record

6.1 Deleted

6.2 Deleted

6.3 A custody record **must** be completed for every detainee and given the next consecutive custody number.

Detention not authorised

6.4 If the Custody Officer believes that there are insufficient grounds for detention, a custody record **must** still be opened, the circumstances recorded

and the detainee released. Such cases must be referred to and reviewed by the Custody Manager.

Requests for copies of custody records

6.5 If a person who has left police detention or who is taken before a court (or their legal representative or appropriate adult) requests a copy of the custody record, this **must** be done as soon as practicable. They are entitled to everything in the custody record – once it has been checked and suitably redacted (checked for sensitive information inadvertently included, e.g. witnesses details)

6.6 Deleted

6.6a If a legal representative wishes to see the Custody Record before they consult with their client, they should be given the option of taking a printed copy – not be limited to viewing the Custody Record on a screen.

6.6b Independent Custody Visitors –access to custody records

The Code Of Practice On Independent Custody Visiting gives guidance on access to custody records by Independent Custody Visitors (ICVs).

52. Subject to obtaining the detainee's consent to examine their custody record, the independent custody visitors should check its contents against what they have been told by the detainee.

53. If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption must be in favour of allowing the independent custody visitors to examine it.

Where a detainee is incapable of giving, consent, a printout of the custody record must be redacted to remove all references to the detainee's identity and offences before it is given to ICVs (to ensure compliance with the Data Protection Act 1998).

6.7 Deleted

Storage

6.8 The use of NSPIS has removed the routine requirement to keep 'hard copies' of Custody Records. If, however, a person's detention has generated some paperwork that is not contained on the NSPIS Custody Record (e.g. PER & RA forms, DT/1s etc.) then the front sheet of the NSPIS custody record should be printed and any paper relating to that record attached. This should then be stored in numerical order. These abridged records should be removed from the Custody Suite only after 12 months and must be retained for seven years. There is **no** requirement to keep a hard copy of the front sheet of every Custody record – only those where paper is generated that is not stored electronically.

6.9 Deleted.

Removal of custody records

6.10 The Custody Officer **must** be informed before forms or items attached to a custody record are removed from a binder in the custody suite. When these are taken from storage, the person designated by the OCU Commander as being responsible for the records **must** be informed. Whenever it is removed for

production at court, the Custody Officer or designated person is responsible for ensuring that:

- The person removing the record photocopies it;
- The photocopy is placed inside the binder in the correct position; and
- A note is made on the photocopy showing the date and time the original was removed and the details of the person who removed it.

Note: It is the direct responsibility of the person who removes a custody record to return it as soon as practicable. Any copies made **must** then be removed and destroyed as confidential waste.

7. DETAINEES' PROPERTY

Useful links

For more information / guidance on

- detainees' property, see Code C 4 - detainee's property
- property in general, see Criminal Exhibit Services Manual
- Diversity and Citizen Focus or Policing Diversity
- sensitivity during searches and the searching in a custody suite of persons who have not been arrested, see MPS Stop & Search Policy

Searching of detainees

Sensitivity

7.1 It is recognised that some detainees may present particularly sensitive issues that should be given due respect and consideration when conducting searches. Please see the above links for further guidance.

General

7.2 Any search of a detainee, to whatever extent, must be done thoroughly and the importance of this thoroughness cannot be over-emphasised.

7.3 Detainees **must** be searched under the supervision of the Custody Officer unless precluded by **Code C, Annex A** of the *Codes of Practice*, for example, an intimate or strip search of a person of the opposite sex.

7.4 Where available, the use of a hand-held metal detector should be considered to assist in the search of a detainee.

7.5 No search of a detainee should ever be reduced to a request asking them to simply empty their pockets.

7.6 Where practicable, searching also applies to bulky articles, for example, a suitcase alleged to have been found in the possession of the detainee. It also includes detainees' motor vehicles. When it is not possible to remove bulky articles to the station at the time of, or immediately after, taking the detainee to the station, the Custody Officer will be informed of the nature of the property and the reason for delay in transportation. When it has been expedient to remove any article (for example, an article likely to cause injury) from the detainee prior to arrival at the station, the seizing officer **must** bring any such article(s) to the notice of the Custody Officer.

Disputed possession

7.7 If a detainee disputes their possession of an article, or alleges that it has been deliberately put into their possession by police, the Custody Officer should require them to state in the presence of the arresting and / or searching officer(s) whether they accuse any particular officer. They **must** at once investigate the circumstances of possession, making an entry of the investigation and the result in the custody record.

7.8 Any refusal by a detainee to sign for an item of property on the NSPIS property page should be adequately documented on the Custody Record.

7.9 If the Custody Officer is satisfied from an enquiry that there is reliable evidence that the disputed article was in fact in the detainee's possession, they **must** so inform the detainee and, if the article is one that is relevant to the charge, **must** indicate that it is open to the detainee to repeat their allegation when they appear before the court. A report of the facts **must** be made as soon as practicable to an officer of the rank of Inspector or above who is not connected with the investigation.

7.10 The matter **must** be treated as a complaint if:

- The detainee repeats his / her complaint after the court case is completed;
- The court expresses doubt, or asks for further police enquiries; or
- The disputed article is one that is not relevant to an offence.

Advice for officers dealing with transsexuals and transvestites

The information in the paragraphs below is based on advice from the MPS Diversity and Citizen Focus Directorate. ACPO is due to publish further guidance on this subject. Please contact the Diversity and Citizen Focus Directorate for more information.

7.11 It has been identified from a number of sources that there is a need for advice for officers who have to deal with transvestites and transsexuals. It is important that they receive the same respect and dignity as any other member of the public. It **must** also be recognised that in carrying out some procedures, such as strip-searching, there is also a requirement to be sensitive to the dignity of police officers called upon to perform the task.

Definitions

The following definitions are provided by the Diversity & Citizen Focus Directorate (DCC4). See MPS Equalities Scheme

Transvestite: a person who dresses in the clothes of the opposite sex.

Transsexual: a person who has the physical characteristics of one sex, but with certain characteristics of the other sex. Surgery may have taken place and a person may exhibit the features of both sexes. Potentially there is wide variation in the stage of change from one sex to the other.

7.12 The issues addressed in the following paragraphs are how to establish the 'preferred' gender of the detainee being dealt with and what sex they should be treated as. The principles laid out below primarily relate to transvestites and transsexuals who are in custody or subject to a legal procedure (for example, search in the street). Nevertheless, they should also be borne in mind when dealing with transvestites and transsexuals as victims and witnesses.

Principles

7.13 These principles are very broad and cannot cater for every possible circumstance. The actions of officers **must** be shown to be fair and respectful of the detainee's dignity (for transvestites see also 8.15a).

7.14 Except as provided for under section 9 of the Gender Recognition Act 2004, it should not be forgotten that in law, the sex of a person is that which was registered at the time of birth, a fact that remains unchanged regardless of any subsequent medical treatment or surgery. However, a rigid adherence to this principle has been found to be too inflexible and has led to unnecessary confrontations. Experience has shown that where a person of doubtful sex is treated according to their preferred sex, they are more likely to be co-operative during the course of their dealings with police. The following guidance should be followed:

- If there is no doubt as to the sex of a person, or there is no reason to suspect that the person is not the sex that they appear to be, they should be dealt with as that sex.
- If there is doubt as to a person's sex, they should be asked what sex they consider themselves to be and what sex they would prefer to be treated as. If the person expresses a preference to be dealt with as a particular sex, they should be asked to sign the custody record to indicate their preference. This can be achieved by using the 'unsolicited comment' page within the NSPIS application.
- If a person is unwilling to make such an election, efforts should be made to determine the predominant lifestyle of the person. For example, if they appear to live predominantly as a woman, they should be treated as such.
- If there is still doubt, the person should be dealt with according to the sex that they were born.
- Transvestites and transsexuals must always be accommodated in a cell or detention room on their own.
- Once a decision has been made about which sex a transvestite or transsexual is to be treated as, where possible before an officer searches that person, the officer should be advised of the doubt as to the person's sex. This is important so as to maintain the dignity of the officer(s) concerned.
- Transvestites should be photographed as they would normally 'present'. They can be photographed '*en femme*' too if there is some legitimate intelligence reason (for example, a male detainee regularly commits crime dressed as a woman and that a photograph of the detainee so dressed will assist in the prevention or detection of crime). Although there is a power under Code D 5.14 to remove wigs, there is no power to ask someone to put one back on.

7.15 Also see requirements relating to searching detainees in PACE Code A 3 - Conduct of Searches, Pace Code C 4 - Detainees' Property and Code C Annex A part A and part B. There is a possibility that a technical breach of the codes may take place at Code C, Annex A where the other person present is the opposite sex to the detainee being searched (by birth) but is the sex preferred by the

detainee. However, if this action takes into account the sensitivity of the detainee and reduces their embarrassment, it is believed that such a breach of the codes can be shown to be justified and is unlikely to result in any subsequent exclusion of evidence under Section 78 of PACE. However, any such action **must** be fully detailed in the custody record. The detainee being searched should be asked to give their written consent to such action in the custody record (achievable with NSPIS using the 'unsolicited comment' field).

7.16 In dealing with such circumstances there is potential for conflict and embarrassment. It is also recognised that there is an opportunity for some transvestites and transsexuals to attempt to 'manipulate' their stated sex in an attempt to embarrass and discredit the Service. Sensible application of the principles laid out above should minimise the risk of such action and protect officers.

Gender Recognition Act 2004

7.17 Section 9 of the Gender Recognition Act 2004 provides that where a full Gender Recognition Certificate is issued to a person, for all purposes that person's gender becomes their acquired gender.

7.18 In practical terms, legal recognition under this Act will have the effect that, for example, a male-to-female transsexual person will be legally recognised as a woman in English law. On the issue of a full Gender Recognition Certificate, the person will be entitled to a new birth certificate reflecting the acquired gender (provided a UK birth register entry already exists for the person) and will be able to marry someone of the opposite gender to his or her acquired gender.

Recording detainees' property

7.19 All detainees' property **must** be listed on the NSPIS property sheet. Property entries on NSPIS must accurately reflect whether the property is:

- Kept by a detainee; or
- Kept by police (and the reason for its retention).

Property kept by a detainee

7.20 All property that a detainee may retain whilst in custody must be listed under the heading 'Retained by detained person' on the custody record. The detainee must be invited to check the list and to sign on the next line as a receipt for the property he / she is keeping. The searching officer will then add their signature.

Detainee refuses to sign

7.21 If the detainee refuses to sign for the property, the Custody Officer or DDO will annotate the Custody Record using NSPIS in the normal manner. The Custody Officer and searching officer will each sign the entry. An entry will also be made in the custody record of any known reason(s) for the detainee refusing to sign.

Property kept by police

7.22 Where a detainee has with them either

- personal items or clothing which they are not allowed to keep;
- non-personal items;
- bulky property;
- property the subject of investigation; or
- property the subject of the charge,

it **must** be shown as being "KEPT BY POLICE" and why, and the detainee **must** be invited to sign that the list is correct. The searching officer **must** then add his / her signature.

Property kept by detainee - personal effects

7.23 Normally a detainee will be allowed to retain their personal effects. This is unless as a result of the risk assessment or continuing risk assessment, the Custody Officer or DDO has concerns regarding the detainee causing harm to themselves or others or there is a risk of loss or damage.

7.24 A detainee's property **must not** be retained and placed outside their cell or detention room.

Coins, lighters, matches and keys

7.25 Custody Officers and DDOs **must** keep all coins and keys from all detainees who are to be placed in a cell or detention room. Amongst other reasons, this is to prevent the items being placed in recesses and used as a ligature point.

7.26 Detainees who are placed in cells or detention rooms **must not** be permitted to retain lighters or matches and no special reference to their retention by police needs to be recorded in the 'Log' of the custody record.

Clothing

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Personal cash

7.29 When personal cash is retained by police, the respective amount in figures **must** be entered. Cash that is the subject of investigation **must** be entered separately in a similar manner unless it is necessary for evidential reasons to list bank notes or coins in more detail. If requested by the detainee, personal cash

may be handed over to a third party against receipt on the NSPIS 'Receipt for person & property form'.

Administration

7.30 Whenever possible, property that cannot be retained by the detainee should be handed against receipt to a friend or relative. The detainee's authority **must** first be obtained and entered in the custody record against their signature.

Property brought to the station for a detainee

7.30a It is a common occurrence for a family member, friend or other associate of a detainee to bring items of property to the station for delivery to that detainee. The following items will **NOT** be accepted under any circumstances:

- Alcoholic drinks
- Bulky items such as suitcases or bedding
- Any type of aerosol

7.30b The following items should be accepted:

- A change of clothing provided that there is a need for it and the person is prepared to wait to take away the detainee's dirty clothing;
- Medicines but only under the directions of a Healthcare Professional;
- Food, at the discretion of the Custody Officer.

7.30c Cash may be accepted but should be discouraged whenever possible. Cash will be specific to the immediate requirements of the detainee and limited to what is reasonable in the circumstances. A receipt will be issued and the receipt number entered onto the custody record.

7.30d Care must be exercised on all occasions when property is brought to the station for a detainee. On no account will items be passed to the detainee without the authority of the Custody Officer. All such items should be carefully examined and recorded before handing them to the detainee.

7.30e All property will be subjected to a visual risk assessment and thoroughly searched for drugs and other unlawful items in the presence of the person delivering them to the station and before being handed to the detainee. Property handed in by solicitors on behalf of friends or family will be subjected to the same stringent search criteria.

7.30f If any item of property is abandoned at the front counter it shall be dealt with according to "property found" protocols.

Transfer of property

7.31 Whenever a detainee and their property is transferred to another police station within the MPS, to another police force, to court, or to any other agency such as SERCO, or a community home or hospital, the Custody Officer **must** ensure that the escort:

- Signs for the detainee and any property on the NSPIS 'Receipt for property and person' page;
- If police are transferring property with a detainee to a non-NSPIS station, the escorting officer(s) should

- Take two copies of the NSPIS 'Receipt for person & property form' to the receiving station / agency;
- Obtain a signature for the person and any property from the receiving Custody Officer, or a responsible person at another agency, on the signed copy;
- Hand the transfer copy of the NSPIS 'Receipt for person & property form' to the Custody Officer at the receiving station, or a responsible person at another agency;
- Return with the signed NSPIS 'Receipt for person & property form' copy and file it with the original custody record.
- In all other cases use standard NSPIS prisoner transfer procedure.

7.32 A Custody Officer receiving a detainee in a case **where NSPIS is not being used must** (after ensuring that the property is correct) sign the receipt on this copy of NSPIS 'Receipt for person & property form' and file it in the custody record at the receiving station. In NSPIS cases, use normal NSPIS procedure.

Property for detainees being transferred to prison

7.33 The prison establishment prohibits certain items of property within their environment and exercises strict control over others. In the spirit of assisting the Prison Service, custody staff should carefully consider which items of a detainee's property are transferred with them when it is likely or known that the detainee will be transferred to prison either directly or indirectly from police custody.

7.34 Items prohibited within the prison environment:

Explosives	Aerosols	Alcohol	Wax
Weapons	Wire	Metal Cutlery	Magnets
Drugs (unless prescribed by the prison health centre)			Toy guns

Items controlled and monitored within the prison environment include:

Tools	Matches	Yeast	Vinegar
Clingfilm	Chewing Gum	Syringes	Glue
Tin Foil	Food	Mobile phones	Rope
Solvents	Alarm Clocks	Cameras	Glass

8. FACILITIES FOR DETAINEES

Useful links

- For further information on considerations for detainees from different communities, see [Policing Diversity](#)
- For further information on catering, see [Catering Services intranet site](#)

Refreshments

8.1 A detainee may pay for their own meals, or they can be provided with meals at the cost of the Police Fund. Meals will be obtained from a catering unit. If there is no catering unit at the station, or the catering unit is closed, ambient meals provided by the Police Fund are to be utilised.

8.2 Full advice on the catering provisions for detainees can be found in the MPS Catering Services SOP through the above link. Advice on vegan food can be

obtained from the Vegan Prisoners Support Group on ³⁰ or www.vpsg.info.

Kosher food provision for Orthodox Jewish detainees

8.2a The Society for the Welfare of Jewish Prisoners (SWJP) is able to provide any detainee who is an Orthodox Jew with kosher food free of charge at any time other than on the Jewish Sabbath and Festival Holy days. The SWJP has three members who may be contacted on the following numbers:

- Rabbi³¹
- Rabbi
- Rabbi

Utensils

8.3 Disposable beakers, insulated polystyrene hinged boxes and cutlery are provided for the use of detainees. Canteen crockery and utensils are not to be used. The following instructions apply:

- Under no circumstances will a used beaker be issued to another detainee;
- The Custody Officer is responsible for the cleanliness and safe keeping of all disposable equipment, beverages and ambient meals.
- Food utensils and containers are to be removed from cells and detention rooms as soon as possible after the detainee has finished eating / drinking.

All detainees are to be provided with new disposable utensils for all meals. This is in the interests of both safety and health.

Blankets

8.3a Blankets must only be given to a detainee upon request or if a HCP or Custody Officer feels it is necessary. They should not be left in cells or detention rooms as a matter of routine.

Washing facilities

8.4 Washing facilities in the form of hand basins and / or showers are available for the use of detainees at all police stations with cells. If a detainee asks for a shower they must be allowed to have one unless there is a good reason why this cannot/should not happen. Any request and or any refusal (including the reason(s) for a refusal) must be fully documented in the Custody Log.

8.5 Custody Officers should ensure that adequate time is set-aside for detainees to wash and clean their teeth (and shave if appropriate) before transfer to court or the business of the day is commenced.

8.6 All personal ablution items are suitable for use by vegan prisoners.

8.7 If a detainee is to be held for an extensive period of time e.g. immigration prisoners or others held in excess of 24 hours, and they are at a custody suite that has no showering facilities, if they request a shower they **must** be moved to a custody suite that has adequate facilities.

Razors and toothbrushes

8.8 Staff supervising detainees' ablutions will ensure that all razors are returned with the blade intact.

8.9 Razors and toothbrushes are to be allocated to detainees individually.

8.10 A record of the offer to use these facilities and whether accepted or not, **must** be made on the custody record.

8.11 All toiletry requisites **must** be securely stored and disposed of out of sight and reach of detainees.

Toilet paper

8.12 Boxes of toilet paper sheets should be used in custody suites. Boxes of toilet paper **must not** be left in cells. The provision of toilet paper is subject to the risk assessment conducted on each individual detainee. All the additional needs of detainees should be taken into consideration on an individual basis. ³²

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Other personal hygiene considerations

8.13 The additional needs of detainees who, for example, are menstruating or who have fibroids, bowel disease or colostomy bags should be taken into consideration on an individual basis.

Replacement clothing

8.14 If a detainee is in wet clothing when they are arrested they **must** be provided with replacement clothing as soon as practicable. This is due to the real risk of hypothermia if he / she is left in their wet clothing.

8.15 If any article of clothing worn by a detainee on arrest is removed for examination or seized as an exhibit, police **must** ensure that the detainee is adequately clothed when appearing in court.

8.15a Transvestites arrested 'en femme' should be given an opportunity to change into clothes different to those that they were arrested in (as per 8.16 below) but with the added sensitivity due to the possibility that the detainee's family may be unaware of his alter-ego.

8.16 Efforts should be made to obtain a detainee's own replacement clothing before they are provided with replacements from the custody suite's stock.

8.17 Disposable suits (also known as "white suits") and plimsolls are also available if it has been necessary to seize a detainee's clothing and footwear e.g. for evidence or forensic examination.

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8.20 Detainees **must not** appear at court wearing a disposable suit, nor should they be released from custody in such clothing. Current contractual arrangements stipulate that SERCO staff **must not** collect and transfer to court any detainee who is wearing a disposable suit.

9. DETENTION IN CELLS AND DETENTION ROOMS

Useful links

For more information and guidance on

- the 4Rs guide to visiting detainees, see PACE Code C Annex H - Observation List
- Independent Custody Visitors (ICVs), see icva.org.uk and the associated ICV Code of Practice.

General guidance

9.1 Not more than one person should be placed in the same cell unless there are exceptional circumstances when to detain more than one person in a cell is absolutely necessary or desirable. However, this decision will not be based upon the availability of cells but upon the unique circumstances surrounding each detainee. In each case the Custody Officer must be satisfied that there is no foreseeable risk and so certify on the custody record of each detainee concerned.

9.2 When a detainee is placed in a cell or detention room:

- The door must be locked (unless detainee is under constant supervision);
- The wicket must be locked and signs should be placed on cell doors to remind staff of this.
- The door of the cell passage should be locked. If this is not possible, the Custody Officer is still responsible for maintaining control of who is allowed to enter the cell passage.
- A Police National Computer (PNC) check must be completed for every detainee brought to the police station. This check must be completed as soon as practicable. If, in the exceptional circumstance, it is not possible to complete a PNC check before placing the detainee in a cell, the detainee must be treated as a high risk. The Custody Officer must use the check as part of the detainee's risk assessment.

- If a PNC check cannot be carried out, because details cannot be obtained or the PNC is not working, other methods must be used to obtain

information and a risk status must be applied to the detainee until the check can be completed.

- The Custody Officer is responsible for all cell keys.

9.3 If there are any defects in a cell or detention room that would provide the means for detainees to injure themselves (for example, where a wicket cannot be locked), the cell or detention room **must not** be used and Property Services Department **must** be informed.

9.4 Smoking in cells and cell passages (as well as any part of the custody complex) is prohibited.

9.5 Where practicable, all cells and detention rooms **must** be visually inspected and searched, on release and before new occupancy, to ensure that:

- Fresh damage is identified;
- Defects in cells are identified;
- The cell hatch fully closes;
- No ligature points are available;
- Previous occupants have not left behind or concealed any items.

9.6 All cells and detention rooms should be checked periodically throughout the tour of duty and:

- On handover or at set times, if the cell is vacant;
- Immediately before a detainee is placed in the cell;
- By a trained search team as deemed fit by custody managers.

Spare keys

9.7 Spare keys must be readily available to all cells and custody areas.

9.8 Deleted

Female detainees

General

9.9 Under PACE, there is a requirement that female officers **must** conduct searches of female detainees. However, they should not be posted to the custody suite solely to look after the welfare of female detainees. Whilst women officers **must** take their turn in the custody suite in accordance with normal practice, to employ a woman officer in this way each time there is a female in custody may lead to unlawful sex discrimination under the *Sex Discrimination Act 1975* mainly because of the small ratio of women to men in the Service.

9.10 Routine visits and the provision of refreshments may be conducted by a lone male member of custody staff provided that there is no need to enter the cell / detention room. Only in special circumstances will the presence of a female member of staff be necessary, for example, if the detainee asks to speak to a woman officer.

9.11 A male officer or member of staff **must not** enter a cell or detention room in which a woman is detained, except when accompanied by some other person, unless absolutely necessary, for example to foil a suicide attempt.

The above regulation is there to protect male staff from allegations and vulnerable female detainees from unintended but possibly very real

intimidation. It is not there to protect the sensibilities of the staff. Ergo, this instruction is not applicable the other way round (i.e. for female staff and male detainees).

If, however, a DDO or officer is uncomfortable entering a cell containing a detainee of the opposite sex for reasons of decency, he or she should inform the custody officer and request an officer of the same sex deal. In deciding whether to agree to such a request, in every case the duties of care to the detainee and or colleagues **must** take precedence. If the Custody Officer feels that it is impractical or unreasonable to acquiesce then the member of staff will still be required to deal.

Juveniles

9.12 Section 31 Children & Young Persons Act 1933 requires police to ensure any "girl" under the age of 17 who is in police custody is, whilst so detained, "under the care of a woman". Compliance with this requirement takes precedence over the above directions concerning the Sex Discrimination Act 1975 and the supervision of female prisoners.

9.13 The care may be provided by any female police officer or police staff member and it is necessary to ensure that a female is assigned responsibility for each girl detainee whilst they are in police custody. On being so assigned, they should arrange with the Custody Officer to visit the girl and check on her welfare needs. Nothing prevents the responsibility from being shared by more than one female officer or staff.

9.14 A 'carer' need not be physically present with the girl at all times but **must** be readily available. They **must** be informed of any matters affecting the well being of the girl and should regularly check on her welfare. The girl should also be told that she may ask to see the 'carer' at any time. Each case **must** be treated individually and consideration should always be given as to whether a female should be physically present.

9.15 As a matter of good practice the above procedures should apply to all female detainees where practicable.

Inspection of detainees

9.16 All detainees **must** be checked at least once **every hour**. Those who are intoxicated through alcohol or drugs **must** be visited at least **every half hour**. They should show signs of sensibility and awareness. A normal response to questions and conversation **must** be apparent in all cases. In the absence of such a response, or where there is any noticeable deterioration in a detainee's condition, or in the case of a person who is intoxicated through alcohol or drugs does not show signs of recovery within a reasonable time, a Healthcare Professional **must** be called immediately. When assessing the level of rousability, officers **must** consider the guidance given on the health care of detainees - The 4Rs can be found in Annex H of Code C.

9.17 Risk management of certain detainees may entail constant supervision or, if the threat of self-harm is not imminent, then a CCTV cell and more frequent

irregular visits may be sufficient. It **must** be remembered that irregular visits to some detainees are more effective than visits at set times.

9.18 When cell checks and visits are carried out **it is not** sufficient to record 'visit correct' or 'checked and correct' on the detainee's custody record. More detail is required, for example, "*Detainee checked in cell. Sat up reading. Offered a drink but said he didn't want one*".

9.19 If it is decided that the detainee needs to be roused on each visit, this **must** be done and the responses fully recorded on the custody record.

Visits to detainees in cells

9.20 Cells or detention rooms in which visits take place should be clean and properly lit and all 'panic' buttons **must** be in working order. In the case of private consultations, the visitor **must** be informed of how to operate the panic device before the visit begins. Any request by a visitor to leave a cell or detention room **must** be acted upon as soon as practicable.

9.21 All visits to a cell or detention room by friends or relatives of a person detained **must** be made in the presence of a member of custody staff and care **must** be taken that the detainee does not escape and that articles that may assist them to do so are not passed to them by the visitors (see 3.39b). Casual or frivolous requests for visits by members of the public, or visits by members of the press, **must NOT** be allowed in any circumstances.

9.22 When a solicitor, within the meaning of Code C6.12, is permitted to visit a detainee they should be allowed to discuss the case of their client out of the hearing of police. The Custody Officer **must** decide the location and arrangement for the visit having regard for:

- The commitments within the custody complex;
- The security risk involved; and
- The need to ensure the safety of the detainee, solicitor and, where applicable, the appropriate adult or interpreter, at all times.

9.23 Custody Officers are also reminded of the power under s.54 PACE which provides that a person who is in custody at a police station or is in police detention other than a police station, may at any time be searched to find out if they have anything that they could use: -

- To cause physical injury to themselves or any other person;
- To damage property;
- To interfere with evidence;
- To help them to escape.

9.24 Officers may wish to consider use of this power after a detainee has been visited by a person from outside the police service.

9.25 See also 1.32 A - D above.

10. CHARGING AND OTHER DISPOSAL OPTIONS

Useful links

For information on

- charging, see Statutory Charging

- bail, see Bail Management
- arrests on warrant, see EWMS Warrants
- disclosure, see Emerald Disclosure Guidance

10.1 The charge(s) **must** always be read over to the detainee to inform them of the nature of the offence(s).

10.2 Where more than one detainee is charged with the same offence this should normally be reflected in the charge, for example, "*On (date) at {place} together with 'A.B.' you did*" and so on.

10.3 In non-contentious cases or those cases requiring protracted enquiries, the arresting officer or the officer in charge of the case need not be present when the detainee is subsequently charged and cautioned, provided that the officer's evidence is recorded in an Evidence and Action Book (EAB). In such instances, the Custody Officer will note and sign any reply made by the detainee in answer to the charge(s) in the arresting officer's EAB. In the event of a 'not guilty' plea the charging officer will refer to the EAB for his / her evidence. The officer providing evidence for the charge is to sign as the person charging on the MG4.

Detainee to be charged only when adequately fit to understand

10.4 No detainee who is unfit to such an extent that he / she is unable to appreciate the nature of the proceedings should be charged or cautioned whilst in that condition.

10.5 When a detainee has recovered sufficiently to understand the nature of the proceedings they will be dealt with in the normal way.

10.6 Deleted

10.7 Deleted

10.8 Deleted

10.9 Deleted

10.10 Deleted

Cancellation of PNC entries

10.11 The Custody Officer will ensure that any circulation on the PNC wanted / missing record relating to the detainee is cancelled by telephoning PNC Bureau who will provide a folio number for the cancellation. Where possible, this is to be done before the detainee's release, noting the folio number on on the Custody Record using the NSPIS drop down list (cancellation folio number). The officer in the case will also update the relevant entry on the Emerald Warrant Management System (EWMS).

10.12 Deleted

Immigration Issues

10.13 When a detainee, who is not a British citizen, and is aged 17 years or over, is charged with an offence punishable by imprisonment the following action must be taken by police:

Investigating Officer's responsibilities

10.14 The investigating officer **must**

- Establish that the detainee fits the above criteria.
- Serve the IM3 on the detainee.
- Notify the relevant UKBA Local Enforcement Office (LEO) by telephone of the Foreign National's detention – local opening hours shown below. This office will provide checks on the detainee's immigration status. The police officer should request and note the Home Office reference and a Police Call (PC) reference that is generated as a result of their call. This will not apply to EU nationals. On each occasion a police call is made to an Immigration LEO as a result of a person's detention, they are required to record this fact on their National Operations Diary (NOD5) – this action automatically generates the PC reference. Note the exception to obtaining this PC reference when ringing the Manchester office (see below).
- The decision whether or not to send an Immigration Officer to the relevant custody suite is dependent on a number of factors, not just the immigration status of an individual. If the Immigration Service declines to send an Immigration Officer, this fact and the reasons for the decision must be noted on the custody record along with the name of the Immigration Officer making that decision.
- Becket House Open 0730 – 2000hrs
 - Duty Office³⁷
 - Covers Barking and Dagenham, Bexley, City of Westminster, Greenwich, Havering, Kensington and Chelsea, Lambeth, Newham, Redbridge, Southwark and Tower Hamlets.
- Communications House Open 0730 – 2100hrs
 - Duty Office³⁸
 - Covers Barnet, Enfield, Hackney, Haringey, Islington, Waltham Forest and Camden.
- Eaton House Open 0645 – 2100 hrs
 - Duty Office³⁹
 - Covers Brent, Ealing, Hammersmith and Fulham, Harrow, Heathrow, Hillingdon, Hounslow, Kingston upon Thames, and Richmond upon Thames.
- Electric House Open 0700 – 2100 hrs
 - Duty Office⁴⁰
 - Covers Bromley, Croydon, Lewisham, Merton, Sutton and Wandsworth
- Outside the core hours of the individual LEOs, there is an additional Manchester telephone contact number –⁴¹ This office can also carry out status checks but during these hours they cannot secure the attendance of an Immigration Officer. They will notify the appropriate LEO who will then be responsible for contacting the Custody Officer the following morning. The Manchester office cannot generate a PC reference – this will be provided later by the LEO.
- Attach the fax receipt to the case papers.

- The OIC should ensure that the service of the IM3 is recorded on the MG5 (free text section) including the date and time of service.
- If the detainee is denied bail and detained by police for court, it would be prudent to mention the service of the IM3 on the MG7.
- Attach the signed receipt (torn off) section of the IM3 to the case papers.
- Forward the case papers to the relevant CJU in the normal fashion. This is to ensure that the CPS is in a position to inform the Judge / Justices of the service of the IM3.

Custody Officer's responsibilities

10.16 The Custody Officer must

- Take a generic supervisory overview and ensure that the above process takes place.
- Note the service of the IM3 on the detainee's custody record.
- Note the service of the IM3 on the detainee's Prisoner Escort Record (PER).
- Record on the custody record the detainee's Home Office reference and PC reference.
- Attach a copy of the IM3 receipt to the charge sheet for the attention of the relevant court.

Other options

Withdrawal of charges

10.17 If, after a charge has been accepted, additional information comes to notice which, if known earlier, would have led to a refusal of the charge, the CPS will be informed at the first practicable moment and their instructions followed. If in custody, the detainee **must** be released forthwith and bailed to appear at the next court sitting convenient to all parties.

10.18 Whenever such action is taken, the facts will be brought to the attention of the Inspector in charge of the custody suite for a decision on any further action they may consider necessary.

Release without charge

10.19 Where an arrested person is brought to a police station and is subsequently released without charge, the circumstances of the arrest and the grounds for any subsequent detention are to be entered on the custody record. The offence should be recorded and finalised as a refused charge.

10.20 The Custody Officer will annotate the Custody Record with the details of:

- The alleged offence(s) in the offence recording section;
- The circumstances leading to the detainee's arrest;
- The reason for refusing the charge or not preferring it before release;
- In appropriate cases, a comment as to whether or not the action of the arresting officer was correct; and any action taken to allay a sense of grievance.

Allaying any sense of grievance

10.21 All officers **must** realise that people arrested and whose innocence is subsequently established are very likely to have a sense of grievance. If any force has been used, resentment is almost inevitable. It is therefore very important that everything possible is done at the earliest opportunity to allay such a sense of grievance. A tactful expression of regret by the arresting officer or the Custody Officer will sometimes be sufficient; it does not need to amount to an admission of liability or a concession that police officers acted improperly.

10.22 The offer of assistance, such as the use of a telephone or transport facilities, **must** always be considered. If the person concerned is disabled, extra consideration should be given to their particular needs.

10.23 Custody Officers should not make admissions of liability, nor are they encouraged to make admissions of fact, unless those facts are entirely certain and unassailable, since these may be used in subsequent proceedings such as civil proceedings against police.

10.24 In exceptional circumstances where it is considered necessary, the Custody Officer or duty Inspector will bring such cases to the immediate attention of the Operations Superintendent.

Assistance in returning home

10.25 Where a detainee released from police custody is unable to return home, whether because of insufficient means or other unforeseen circumstances, consideration must be given to the provision of suitable facilities to ensure their safe return, for example, police transport. It is essential, however, that a genuine need exists, for on occasion, the costs may have to be borne by the Police Fund.

11. DETENTION AFTER CHARGE

11.1 A detainee who has been charged and is not granted bail **must** be brought before the first available court within whose jurisdiction the offence was committed.

11.2 The risk assessment must be reviewed when such a decision is made as the detainee is at a higher risk of suicide or self-harm at this time.

11.3 Where a detainee is charged during the time when the court is sitting, every effort **must** be made to bring him / her to court before the end of that day's session. Where this is not possible, police **must** be prepared to justify any delay. If the court is sitting, the Custody Officer **must** contact the Legal Advisor to the Court (formerly known as the Clerk of the Court) who will, if necessary, seek the directions of the court.

11.4 If the Legal Advisor to the Court informs the Custody Officer that it is not practicable to place the person before the court sitting that day, the Custody Officer **must** record that fact and the reason for it on the detainee's custody record.

Legal Advisor to the Court to be informed

11.5 When no court is sitting either on the day of charge or on the next day, the Legal Advisor to the Court concerned **must always** be informed so that a special sitting can be arranged. The Custody Officer is responsible for informing the

Legal Advisor to the Court through local court arrangements. Again for the purposes of this subsection, no account shall be taken of Sunday, Christmas Day or Good Friday.

Remands into police custody

11.6 Under *Section 128 Magistrates' Court Act 1980*, a magistrates' court may remand a person into police custody for up to three clear days. A person remanded on a warrant **must** be treated in accordance with *section 39 PACE*, even though they are not in 'police detention' as defined by *s.118 (2) PACE*.

11.7 A new custody record **must** be opened and, apart from the time limits on detention, the person **must** be dealt with according to the appropriate provisions of the Act and the Codes of Practice.

11.8 Reviews **must** be carried out at the intervals specified in *s.40 PACE*. The purpose here will be to determine if the need for such detention still exists, and if not, to ensure the detainee's prompt return to court. An Inspector will undertake such reviews until such time as investigations are complete and a decision is made to return the detainee to the magistrate's court. At this point an entry will be made in the log of the detainee's custody record to that effect and the Custody Officer may carry out reviews from that time.

Warrant to be endorsed

11.9 When a detainee is remanded to police custody by a court under *s.128 (7) Magistrates' Courts Act 1980*, the Custody Officer **must**, at the end of the period of remand, return the warrant of commitment endorsed to show the number of days actually spent in police custody, whether or not the defendant was in custody for any other reason, to the Legal Advisor to the Court before which the detainee appears.

11.10 A photocopy of the warrant must be filed with the front sheet of the custody record and an entry made in the detention log.

12. BAIL BY POLICE

Useful links

- For information on pre-charge bail, see [**Emerald Bail Management Guide**](#)

Post-charge bail

12.1 When a detainee is bailed, the MG4 for either conditional or un-conditional bail **must** be completed. If a detainee is not bailed directly after being charged, and is bailed at a later stage, MG4 must be amended with the particulars of the bail and given to the detainee.

12.2 When a detainee is bailed, their attention **must** be drawn to the content of the bail sheet (the accused's copy of the MG4). He / she **must** be specifically told of the date, place and time at which they **must** surrender to bail and the consequences of their failure to do so.

Bail record - Form 57D

12.3 Deleted.

Refusal to sign bail record

12.4 There is no authority to detain in custody a person granted bail who refuses to sign the record of bail but who verbally undertakes to surrender at the appropriate time and date at the court specified.

Securities after charge (Bail Act, 1976)

12.5 *Section 3(5)* of the Bail Act 1976 provides that if it appears that a detainee is unlikely to surrender to bail in criminal proceedings they may be required, before release on bail, to give security for their surrender to custody. The security may be given by them or on their behalf. The MPS only accepts cash as security.

- Cases in which securities are required by police under s.3 (5) will be few. Securities will not be taken from persons bailed to surrender to custody for further investigation at police stations. Before any security is taken, the authority of an Inspector will be obtained.
- Cash securities received by police will be recorded on the Custody Record. The NSPIS page for detailing securities can be accessed via the Court Bail option on the Offences Disposal page. The Security page must be fully completed and the person providing the security must sign to acknowledge his or her responsibilities. Details of the securities (including depositor's details) will also be shown on the property page under "Property retained by Police". It should not be shown as an addition to the 'Cash' page but as an addition to the 'recording' page, where it must be properly described.
- A security taken in respect of a person bailed from a police station will be sealed separately from other property and retained in the property store safe. If the defendant appears at court, the security will be restored to the depositor at the police station against a receipt.

Sureties after charge

12.6 The decision as to the need or otherwise for a surety is a matter for the Custody Officer.

Status of surety

12.7 As a rule, sureties should be householders and persons of respectability and substance. Their character and position are to be considered in assessing whether they are likely to secure the attendance of the accused, or are merely being used as a method of assisting their escape. A person under 18 **must not** be accepted as a surety. Officers making enquiries about sureties are to ensure that the person wishing to stand as a surety can meet the financial obligation should the principal abscond.

12.8 All action taken with regard to sureties must be shown on the custody record.

Surety taken at another police station

12.9 When a Custody Officer receives notification that a surety has been taken at another police station, they will immediately telephone the station officer of that station to verify the information.

12.10 Details of this action along with any reference numbers will be recorded on the detainee's custody record.

12.11 When Form 616 is received, it will be filed with the detainee's custody record (front sheet – printed and stored).

13. BREACH OF THE PEACE

Useful links

- For further information, see [Safer Neighbourhoods - ASBOs](#)

13.1 Deleted

13.2 When a person has been brought to the station for breach of the peace, it will be a matter for the Custody Officer to determine whether the situation is likely to be repeated once the person is eventually released. ⁴²

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Purpose of taking a person before the court

13.3 Officers **must** appreciate that the purpose of bringing a person before the court following arrest for breach of the peace is to allow the court the opportunity of binding that person over to be of good behaviour. If police have no reason to believe that the person's previous behaviour will be repeated, then proceedings will be of no benefit and should not be instigated.

13.4 Where the person's attitude has not altered, and there is a likelihood that a repetition may occur if released, the Custody Officer **must** consider whether or not the threat of such a recurrence is immediate or whether any future disturbance would only occur after the date of a court appearance.

13.5 When it can be reasonably assumed that a repetition will not occur before the person's appearance at court, the person should be released to attend the magistrates' court on the date of its next sitting. ⁴⁴

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13.7 Deleted

13.8 Only where there is a real possibility that release will result in a recurrence of the original situation before the court hearing, should the person arrested be detained in custody for appearance at court. This may, for instance, be necessary where there has been a domestic dispute between members of the same family.

13.9 In the event of a person being taken to court, the arresting officer(s) will be required to attend court.

13.11 The Custody Record must be closed using the 'Refused Charge' option.

14. TRANSFER OF DETAINEES

The Prisoner Escort Record (PER) – Form 2277A

14.1 Custody Officers are reminded that risk assessment is an ongoing process and that assessments must always be subject to review if circumstances change and they must implement control measures as necessary.

14.2 The Custody Officer will complete the PER with reference to the structured risk assessment carried out in respect of all detainees entering police custody. The custody log must be annotated to show that PER was completed.

14.3 The main purpose of the PER is to ensure that whenever a detainee is moved between locations, the persons escorting and receiving the detainee are provided with all necessary information about them, particularly in relation to any risks or vulnerabilities they may present. It also enables a record to be maintained of the detainee's movements and of any relevant incidents occurring during transit.

14.4 A PER **must** be completed whenever a detainee (irrespective of age or reason for detention) is to be escorted from a police station to another location, whether to court, to another police station or another agency, for example Social Services, HM Revenue and Customs, HM Immigration Service, and Health Authorities.

14.5 In cases where care has been given to, or identified as being needed by, a detainee, a copy of the NSPIS risk assessment, a copy of the National Medical Form and any other relevant documentation from any source **must** be attached firmly to the PER.

14.6 The PER **must** be completed carefully, especially the sections used to indicate the attachment of supporting reports, in the event of any of the attached information being lost. The nature and the number of the attached reports **must** be entered in the "*further information*" box.

14.7 A full contact telephone number for the originating custody office **must** be added to the PER in the '*further information*' box should any further clarification be required.

14.8 Abbreviations, initials or acronyms **must not** be used on the PER. This is particularly important in relation to PNC warning signals. All PNC warning signals **must be shown in full** and a fuller explanation provided for each to demonstrate the relevance and importance of the warning signal(s).

14.9 Whenever the circumstances of a detainee's risk assessment change, a new PER (Part A) **must** be completed. Each subsequent PER will be numbered in the boxes provided. This will ensure that all risk assessments are identified.

14.10 Whenever a detainee leaves a Metropolitan Police custody suite, the escorting officers **must** take a **new** PER with them. Where the detainee is in transit and a PER has been previously completed by another police officer, the Prison Escort Service or the Prison Service, and there has been no change of circumstances, the new PER will state this; any other correspondence relating to the transfer and care of the detainee (including the earlier PER) will be attached to the new PER.

14.11 The PER is in A4 format – Parts A and B are separate documents. However, the prison and escort services may be using an A3 format of the PER. The escort services may, in addition, use A4 format Part B forms when collecting detainees from the police.

14.12 The police action will usually be confined to completing Part A because they will be handing over the detainee to escort service staff to deal with the transfer. The top copies of Parts A and B **must** travel with the detainee at all times. Staff passing the detainee onto others taking responsibility for custody should always retain a copy of the PER for their own records.

14.13 The PER is normally printed in carbonated form in four sheets. One copy will be retained at the police station and the remaining three (including the top copy) passed to the escort staff, who will link them with a Part B form. Escort staff may provide their own Part B forms.

14.14 If the PER is not carbonated, the form should be photocopied and dealt with in the same way.

14.15 In accordance with current guidelines concerning access to police records and / or documents, Independent Custody Visitors (ICVs) **do not** have right of access to records other than the custody record itself. Although a PER will be completed using information wholly or mainly drawn from the custody record, it remains a separate document and as such ICVs have no right of access.

Completing the PER

14.16 The Custody Officer should complete a detainee's PER. The responsibility for the initial completion of the PER and attaching all documentation detailing care relating to the detainee lies with ***the Custody Officer reviewing and declining to release the detainee***. This includes the completion of a PER for detainees who are not being dealt with for criminal matters, such as the transfer to hospital of a person detained under the Mental Health Act. This vital role should not be delegated to the officer in the case or other custody support staff. Whilst all Custody Officers have a duty to ensure that a detainee's risk assessment is up-to-date, it will be the specific responsibility of the Custody Officer who releases the detainee to escorting staff to ensure that the PER is up-to-date and accurately reflects any associated risks from the detainee and / or of any medical or psychiatric conditions of the detainee.

Part A

The following guidance is intended to help with that process and works through the form in order.

Overall risk assessment

14.17 One of the two boxes at the top of the form must be ticked to indicate either '**NO KNOWN RISK**' or '**RISK**'. This should be done **after** due consideration of the completed NSPIS risk assessment form.

Prisoner not for release

14.18 This box is generally for use by the Prison Service, but should be ticked by the police where it is clear that the detainee should not be released from custody in any circumstances. For example, where the detainee is a serving prisoner who is temporarily in police custody. In such cases the reason should be stated in the space provided.

Personal details

14.19 The detainee's family name, forenames, known aliases, date of birth, sex and ethnicity should be entered.

14.20 Where the detainee has a Police National Computer Identification (PNCID) number, this should be included in the box provided. The prison number is primarily a matter for the Prison Service, but there may be occasions when it is known to the police officer completing the form. Where the detainee is under the age of 18, the box provided should be ticked to highlight that fact.

Escort details

14.21 This section should be completed with the details available before the detainee's departure on escort.

Risk categories

14.22 These are divided into three sets – *Medical*, *Security* and *Other* to reflect the fact that in prisons the responsibility for assessing specific sets of risks is clearly divided between different groups of staff. However, a police officer filling in the PER has to sign the *Risk Categories* box only once, using the box identified for '*police use only*'.

14.23 The officer completing the PER **must** consider the individual risk categories in turn and tick the box against each category that applies. **Whenever a box is ticked, additional details should be entered in the '*further information about risk*' section and the '*reports attached*' box must be ticked where appropriate.** It may be necessary to continue '*further information*' on a separate report that **must** then be attached to the Part A. If no known risks are identified in a specific set, the officer should tick the '*No Known Risk*' box at the bottom of the relevant column. Once the assessment is completed, the officer should sign and date the box identified for police use and then reflect the assessment by ticking either the '*Risk*' or '*No Known Risk*' box at the top of the form.

14.24 Where the Custody Officer is aware that there may be medical risks to record, this should normally be done in consultation with the relevant medical, psychiatric or Healthcare staff, and where appropriate, a copy (or copies if appropriate) of the NSPIS National Medical Form(s) will be attached to the

PER. It will not be appropriate to record the fact that a detainee may be HIV positive, since escorts will automatically assume that this may apply to any detainee in their charge. **However, communicable diseases must be recorded to safeguard others who may come into contact with the detainee.**

14.25 Confidential medical information should generally be attached to the PER in a sealed envelope, marked with an indication of its contents that can be opened in an emergency. However, it is important that essential information about the need for ongoing medical care, observation or examination should be contained in the Form 83 attached to the PER. This is to avoid the detainee and escorts being exposed to unnecessary risk or harm.

Medication issued

14.26 Where medication has been issued, the PER **must** indicate whether the detainee and / or the escort have received instructions about its administration or whether specific instructions for Healthcare Professionals have been provided. Enter any appropriate information in the *Further Information About Risk* box and attach copies of all relevant Book 83 and Book 83B entries.

Special needs

14.27 This box is to be used if the detainee has a disability or has special transport or care requirements due to medical treatment or an on-going medical condition that may affect the safety of the detainee or escorting staff during the escort. Clear details of the specific condition applicable will be particularly helpful for those escorting and / or receiving the detainee.

First aid given

14.28 If first aid been administered to the detainee at any stage, either before arrival at the police station or while detained there, details should be provided as concisely as possible. The police may tick **either** of the two boxes (one entry is listed in the other section of risk categories). A further explanatory note should also be added in the *Further Information About Risk* box.

Security risks

Violence

14.29 This should apply where, for example, the detainee has a history of violent behaviour or has recently committed an assault on a member of police staff or a fellow detainee.

Conceals weapons

14.30 This should be ticked if the detainee has a history of concealing weapons or is considered likely to do so whilst in detention.

Escape risk

14.31 This should be ticked where the detainee's custodial history or behaviour suggests that they present an escape risk or where intelligence is available to that effect.

Hostage taker

14.32 This applies where the detainee is a known hostage taker or where information exists to suggest they may attempt to take a hostage.

Stalker / harasser

14.33 This applies where the detainee has a restraining order or a civil injunction in existence against them under current stalking and / or harassment legislation or the detainee is likely to attempt to harass or intimidate witnesses.

Racial motivation

14.34 This box should be ticked if the detainee has convictions for racially motivated offences or have they been racially motivated to assault other detainee whilst in custody.

Sexual offence

14.35 This covers where the detainee is a known or suspected sex offender, particularly with regard to offences against children.

Other risks

Drug / alcohol issues

14.36 This box should be ticked if the detainee has a drug or alcohol abuse problem, particularly if this is an **immediate** factor in the treatment or handling of the detainee. This is an area where input from medical staff may be important. Record any known or suspected active dependency.

Suicide / Self harm

14.37 This is a very important category and should be ticked whenever the Custody Officer or DDO has any belief or suspicion that the detainee may try to harm themselves. That may arise from a whole range of factors, including the detainee's past or current behaviour, their stated intentions, their mood or the circumstances in which they entered custody. Liaison with medical staff will often be relevant to completing this entry.

Injuries

14.38 This should be ticked if the detainee has any visible or known injuries prior to their departure under escort.

Vulnerable

14.39 This applies where a detainee may be vulnerable to interference or assault by other detainees or by members of the public. This may derive from the general nature or specific circumstances of the offence in relation to which

they are being held. The attitude of associates or co-defendants may also be relevant.

Force / restraint used

14.40 This will require an entry where force or restraint has been used either during arrest or while the detainee has been in custody. The relevant entry on the custody record will be broken down into three sub-categories that is, handcuffs, baton / asp, and CS spray.

CS spray used

14.41 This will be highlighted when CS Spray has been used on the detainee at any time during the arrest procedure or since coming into custody.

Other

14.42 This is a 'catch all' box for risks that are not covered by any of the other categories. If this box is ticked, it will be necessary to provide details in the section for *Further Information About Risk* or in an attached report.

Further information

Report attached

14.43 These boxes should be ticked whenever a report expanding on a specific risk is attached to the PER.

Pre-cons

14.44 Where applicable this box should be ticked and the detainee's pre-convictions should be attached in the form of a PNC court printout when readily available.

Handcuff request

14.45 This box should be ticked where it is necessary to make an application to the Crown Prosecution Service for the detainee to wear handcuffs in court during their appearance. Additional information should be entered in the *Further Information About Risk* box.

Immigration detention authority

14.46 Form IS91 authorising their detention will accompany detainees held on behalf of the immigration authorities. The form should be attached to the PER and the relevant box ticked.

Detainees' property

14.47 The person in charge of the escort should sign to indicate receipt of the detainee and of their recorded property and cash at the point of departure. The person finally accepting the detainee at the end of the last leg of the escort should sign to indicate receipt of the detainee and their recorded property and cash from the escorting staff.

14.48 If SERCO staff are transporting a detainee from the police station to court they **must not** be given any unsealed property bags for any reason. All property bags handed over to SERCO staff **must** be sealed and the seal numbers recorded on the relevant PER.

See also transfer of property above.

Photograph

14.49 Where a photograph of the detainee is available, it should be attached to the **top copy** of the PER (Part A) where indicated. Ideally, this will be small enough to avoid obscuring other parts of the form.

Time and date of last meal (taken or offered) before departure

14.50 It is helpful for escorting staff to know when the detainee was last fed or if a meal has been offered and refused (and the reason, if known). The time and date of the relevant meal should be recorded here. If the person has special dietary needs, this should also be recorded on the form.

Part B – record of events

14.51 The police requirement will usually be confined to Part A because they will be handing over the detainee to escort staff to deal with the transfer. The only occasion when an officer will generate Part B is when MPS personnel provide the escort. While the record of events should always be linked to Part A of the PER, it will not always be physically part of the same document. Therefore, to ensure any necessary cross-referencing, it is essential that the record of events includes the detainee's surname, forename(s), Police National Computer and / or Prison Number(s).

14.52 This record should be used to document key events such as departures, arrivals and any handover of responsibility. It should also include any notable incidents and any new information arising in relation to the detainee. Particular attention should be paid to anything bearing on the risk assessment of the detainee. A tick in the final column should highlight significant events and, if it is necessary to attach a report, the box referring to that should be ticked. If a significant **new** risk becomes apparent during escort, details should be given on the record of events and a new PER (Part A) created.

Other information

Meals

14.53 The time of meals given or offered during escort should be recorded, as should any refusal and the reason for it.

Next appearance and court

14.54 Escorting staff should ensure these details are entered before leaving court. Where there is to be a further court appearance but the date is not yet known, the space should be marked DTBF (date to be fixed).

Transfer of detainees

Fitness for transfer

14.55 If a detainee who is due to be transferred appears to be unwell or otherwise gives concern as to their suitability for transfer, e.g. a pregnant detainee, a Healthcare Professional must be called to certify their fitness to be transferred and the suitability of the transport to be used.

Transfer to another police station

14.56 Whenever a detainee is transferred to another NSPIS police station the Custody Officer receiving them must re-open the previously created Custody Record and use it to document the detainee's continued detention. As a result, a detainee will keep the same Custody Number even after his or her transfer. For transfers to a non-NSPIS Custody suite a photocopy of their custody record showing the time of, and reason for, the transfer, **must** accompany them. The Custody Officer receiving a detainee on transfer, whether for investigation or merely for accommodation purposes, **must** open a new custody record.

14.57 There will be occasions when it would be more expedient for the holding station to transfer the detainee and a flexible approach should therefore be employed to this general principle. However, where agreement cannot be reached, the ultimate responsibility for the transfer of the detainee will remain with the station at which the detainee is wanted.

Persons in custody pending transfer to court

14.58 When a detainee remains in custody prior to their court appearance, the escorting officers will take the detainee and their property. Care should be taken to ensure that all property that may be evidence is retained. If the contracted escort services do not attend, local officers will convey the detainee and their property to court. The escorting officer will sign the NSPIS Custody Record to acknowledge receipt of the detainee and their property.

Contacting Prisoner Escort Services

14.59 Where detainees are to be conveyed to court, the services of a contractor (currently SERCO) will be used.

14.60 Form 2282 (SERCO Prisoner Collection Form) **must** be completed as fully as possible. Risk assessment categories **must** be filled in if applicable and additional information or other special requirements **must** be included.

14.61 Some detainees have specific transport requirements, e.g. female & juvenile detainees, detainees with a disability and pregnant detainees, therefore if this information is not correctly detailed on Form 2282, it may result in SERCO being unable to provide necessary transport.

14.62 Form 2282 should be e-mailed to SERCO before 4 a.m., or if this is not possible, at the earliest opportunity.

14.63 If the contractor has difficulties providing transport to court, the Custody Manager or Custody Officer should contact their local SERCO Manager to try and resolve any problems. Custody Managers have been provided with these

details but the information is also on the Emerald Custody intranet site. If this still cannot resolve the problem, then the local police station will provide transport to court.

15. MISCELLANEOUS

15.1 LiveScan

For LiveScan Standard Operating Procedure, see LiveScan SOP (Notices 21/04).

15.2 DNA sampling

See Notices 19/06, 17 May 2006

15.3 Identification procedure - parades, group identification, video identification and confrontations

- For information and guidance, see PACE Code D 3 - Identification by Witnesses

See also

15.4 Arrests for domestic violence

For information, see Domestic Violence Policy

15.5 Drink / drive

All Custody Staff must ensure that only alcohol-free wipes are used in Custody areas where EBMs are housed.

16. GLOSSARY

ACPO	Association of Chief Police Officers
ASW	Approved Social Worker
BTP	British Transport Police
CA	Custody Assistant
CAD	Computer Aided Dispatch
CCTV	Closed Circuit Television
Centrex	The Central Police Training and Development Authority
CJU	Criminal Justice Unit
CPS	Crown Prosecution Service
CRIS	Crime Reporting Information System
CS	Corson & Stoughton – the eponymous developers of CS Incapacitant Spray
DDO	Designated Detention Officer
DIP	Drugs Intervention Programme
DPG	Diplomatic Protection Group
DPP	Director of Public Prosecutions
EAB	Evidence and Action Book
EBM	Evidential Breath Machine
FME	Forensic Medical Examiner
HCP	Healthcare Professional
ICV	Independent Custody Visitor (formerly known as a Lay Visitor)
LAS	London Ambulance Service
LFMS	Linguistic and Forensic Medical Services
LIN	Local Information Notepad

Merlin	A computerised system that provides information on missing persons, the protection of young people, and prevention of youth offences.
MHA	Mental Health Act
MPS	Metropolitan Police Service
OCU	Operational Command Unit
OIC	Officer in charge/ Officer in the Case
PACE	Police and Criminal Evidence Act 1984
PECS	Prisoner Escort and Custody Services
PER	Prisoner Escort Record
PNC	Police National Computer
PNCB	Police National Computer Bureau
PNCID	Police National Computer Identification
PPS	Premier Prisoner Services
PSD	Property Services Department
SDHPPC	Safer Detention & Handling of Persons in Police Custody
SLO	Stores Liaison Officer
SOP	Standard Operating Procedure(s)
SRO	Station Reception Officer
URN	Unique Reference Number
YOT	Youth Offending Team