



Mae'r ddogfen hon ar gael yn Gymraeg yn ogystal â Saesneg.

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Comisiynydd Heddlu a Throseddu
Dyfed-Powys
Police and Crime Commissioner



Heddlu Police
**DYFED
POWYS**

April 29th 2024

Police and Crime Commissioner for Dyfed-Powys
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Custody Independent Scrutiny Panel: Anti-Harm Suits

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Overview, Background, Purpose and Methodology

In 2022, the National Police Chief Council (NPCC) and the Association of Police and Crime Commissioners (APCC) identified that there was limited independent scrutiny of disproportionality and custody in forces across England and Wales. Following several high-profile incidents in recent years there has been a decrease in public confidence in the treatment of the public by the police.

The APCC and the NPCC have suggested that an Independent Custody Detention Scrutiny Panel would improve transparency, increase public confidence and identify both good and poor practices.

The overall purpose of the Independent Custody Detention Scrutiny Panel is to ensure that the implementation of police detention and custody procedures in Dyfed-Powys are proportionate, lawful, and necessary.

Membership of the scrutiny panel consist of pre-existing (but not exclusive to) volunteers from:

- 1) Independent Custody Visitors (ICV)
- 2) Quality Assurance Panel (QAP)

In addition to the Panel members, the scrutiny process was accompanied and assisted by a Custody Sergeant, a member from the charity Adferiad (who supply Appropriate Adults to custodies in Dyfed-Powys for any detainee considered vulnerable 18 years or above) and representation from the Assurance Team from the Office and Police Crime Commissioner (OPCC). This was to assist with professional advice to the Panel should they have any queries in relation to:

- The processes and procedures in custody and/or Appropriate Adults (AA);
- Any questions on the Electronic Forms (E-Forms) which was used to record and provide feedback for the purposes of this scrutiny.

To also aid the volunteers' understanding, prior to the meeting, the volunteers were provided with training by Adferiad, who advised of the process when an AA should be considered for a vulnerable detainee. In accordance with the Police and Criminal Evidence Act (PACE) section C, an AA should be considered when:

PACE Code C 1.13: (updated 2018) (d) 'vulnerable' applies to any person who, because of a mental health condition or mental disorder (see Notes 1G and 1GB):

- ***may have difficulty understanding or communicating effectively about the full implications for them of any procedures and processes***
- ***(ii) does not appear to understand the significance of what they are told, of questions they are asked or of their replies:***
- ***(iii) appears to be particularly prone to:***
 - ***becoming confused and unclear about their position;***
 - ***providing unreliable, misleading or incriminating information without knowing or wishing to do so;***
 - ***accepting or acting on suggestions from others without consciously knowing or wishing to do so; or***
 - ***readily agreeing to suggestions or proposals without any protest or question.***

The cases were selected at random by the OPCC and supplied by the Force focusing specifically on Anti-Rip suits, also known as Anti-Harm suits.

Anti-Rip clothing is the use of re-enforced material that reduces risk of detainees being able to tear clothing with the purpose of self-harm by making ligatures. The use of Anti-Rip clothing should only be used for the purpose of reducing the risk of a detainee causing self-harm during their detention in custody and not for any other purpose. The Independent Custody Visitors Association (ICVA) have reported consistent concerns with the application of Anti-Rip Clothing specifying:

- ***The suits/clothing are recorded as being used in the absence of risk information, often with difficult detainees, by force, and have been noted as being potentially punitive.***
- ***Poor recording and practice in terms of both proportionality and justification of the use of the suits.***

Since March 2022, Dyfed-Powys Police (DPP), ICVA and the OPCC have initiated the Anti-Rip suit pilot, which allows Independent Custody Visitors (ICV) to view custody records of individuals within Dyfed-Powys custody suites who have been issued with an anti-harm suit, looking particularly at:

- ***Are the suits being issued appropriately,***
- ***Are they being removed as soon as possible,***
- ***Is there sufficient rationale for their use recorded within Custody logs.***

Since May 2023, with the integration of a new police recording database called Niche, this pilot has had to be paused. With Chief Constables encouraged to ensure that all forces implement a reportable function for the use of Anti-Rip clothing on custody systems to allow greater scrutiny, it is recognised that Custody Scrutiny Panel can continue to monitor progress in this area.

Summary of Findings

In summary of the findings, the overall feedback from the Panel was positive and the Panel members were keen to highlight the challenges that custody staff have in making their risk assessments in challenging environments. However, there were several concerns raised by the Panel and these concerns centred on the quality and frequency of the risk assessments/care plans being completed.

The Panel assessed that the overall average rating of the 15 custody records reviewed was 3.13 out of 5.

In relation to the positives, the Panel specified the following:

- In all cases scrutinised by the Panel, an observation level was set, (taking all risks into account and recording of the rationale recorded) and all observation levels were adhered to (page 14).
- All female detainees were offered menstrual products as part of their rights (page 14).
- The average time lapsed from arrival to detention authorised was 15 minutes, with the longest period being 1 hour and 8 minutes and the shortest being 1 minute (page 10).
- 67% of DPs had access and referred to support services such as Health Care Professionals (HCP), Social Services and/or Appropriate Adults (page 18).
- Of the 13 cases that wore Anti-Rip suits, only one case had clothes removed by force, 80% were assessed as risk of self-harm and 11 cases provided a rationale for the suit to be issued (page 19).

Where the Panel identified areas of concern or where there could be improvements, their observations were shared with the Chief Inspector of Custody and their response has been included in section 3 *Panel Observations*.

Panel Observations

Force comments were produced by Chief Inspector of Custody in Dyfed-Powys Police Jenna Jones.

Theme	Observation	Force Response
Anti-Harm Suit	<ul style="list-style-type: none"> • Where a suit was provided, 47% did not use the custody system drop down list. • 73% provided a rationale. • Of the 67% of detainees having their clothes forcibly removed, 67% had continual risk assessments. • 60% of cases did not have de-escalation, distraction items or other methods of reducing the risk level. • 60% of custody records did not include the Anti-Rip suit discussed in staff handovers. <p><i>Page 14</i></p>	<p>I will look to feedback to the relevant custody staff members in relation to:</p> <ul style="list-style-type: none"> • The use of the Custody System drop down. • Distraction materials • Handovers to contain information around the level of risk and use of Anti-Rip suit usage.
Strip Search	<p>Of the 8 custody records that had a strip search, 5 provided with a good rationale in comparison to 3 where the rationale could not be found.</p> <p><i>Page 17</i></p>	<p>I have reviewed all three cases specified by the panel. I have managed to locate a rationale for one of three cases, which justified the search stating that the DP had previous for concealment and drug misuse, was foaming at the mouth, appearing under the influence of more than alcohol, highly intoxicated and highly emotional.</p>

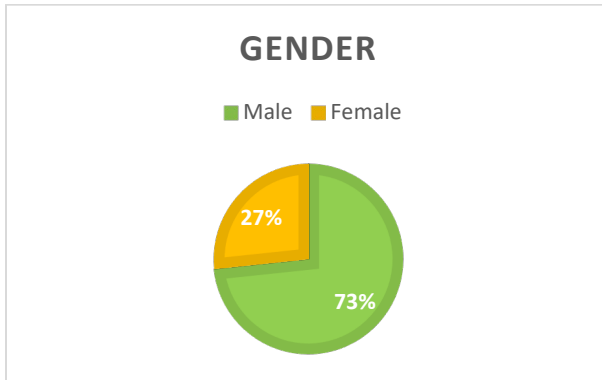
		<p>For the other two cases, there was no rationale provide as no strip search was conducted. However, for both cases, the <u>Davies vs Merseyside</u> recording of strip searches should have been recorded for both. As such, feedback will be provided to the custody officers.</p>
<p>Red Amber Green (RAG) gradings</p>	<p>60% of custody records reviewed specified an amber grading for the use of Anti-Harm suits, suggesting that little or unclear justification was provided in the custody record or detainee was left in the suit for an elongated period of time. <u>Page 16</u></p>	<p>I note that further scrutiny is required around the use of Anti-Harm suits to understand the issues and if recent performance monitoring is improving the recording of rationale around the use of Anti-Harm suits.</p> <p>I will continue to review this as part of the monthly reporting.</p>
<p>Female Detainees</p>	<ul style="list-style-type: none"> • Of the four female detainee cases scrutinised, two of the cases were assigned a same sex officer and were offered to speak with someone of the same sex. • In one of the cases scrutinised, no female officer was available at time of arrest and there was no further record found of whether a female officer was assigned to the detainee. • All female detainees were offered menstrual products as part of their rights. 	<p>Females not been allocated a female officer is part of the scrutiny process. This is a little hit and miss but we are starting to see some improvements in this area.</p> <p>The <u>Greater Manchester Police</u> review of the treatment of detainees, predominantly females, is of interest and will highlight some of these very issues that will need to be scrutinised further.</p> <p>Being offered menstrual products is important and it is promising to see that this is happening and being recorded.</p>

<p>Observational Level</p>	<p>In all cases scrutinised by the Panel, an observation level was set, (taking all risks into account and recording of the rationale recorded) and all observation levels were adhered to. <u>Page 14</u></p>	<p>This is good feedback, which will be provided to the Custody staff.</p>
<p>Gaps in information of detainee's rights</p>	<p>Religion- No Panel member could ascertain whether religious items were offered or requested in any of the custody records reviewed. <u>Page 7</u></p> <p>Cell Call Bell- 80% of the Panel could not determine whether detainees were instructed regarding the call bell located within their custody cell. <u>Page 8</u></p> <p>Toilet Pixelation- 73% of the Panel could not determine whether the detained person (DP) had been advised that the toilet area was pixelated during their detention. <u>Page 8</u></p>	<p>This is a continual area that has been highlighted. I will need to check where this should be recorded and why it is not happening. I believe it is question that should be asked with every detainee and is inputted within the system. I will check with the training sergeant to see if this is being taught in refresher training and to new custody staff.</p>

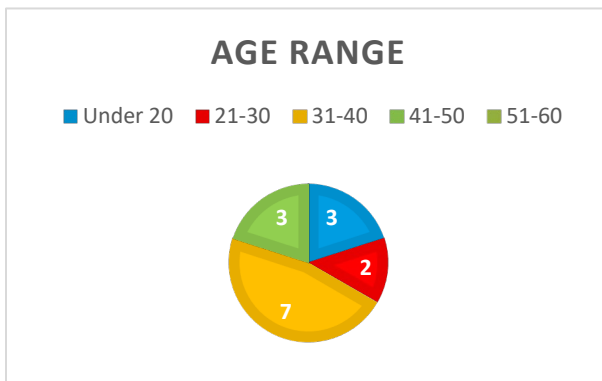
Custody Record Review Findings

The data below outlines the results of the feedback forms completed by the Panel members which was analysed to identify the positives and areas requiring improvement in each specific area of a custody record.

Gender



Age

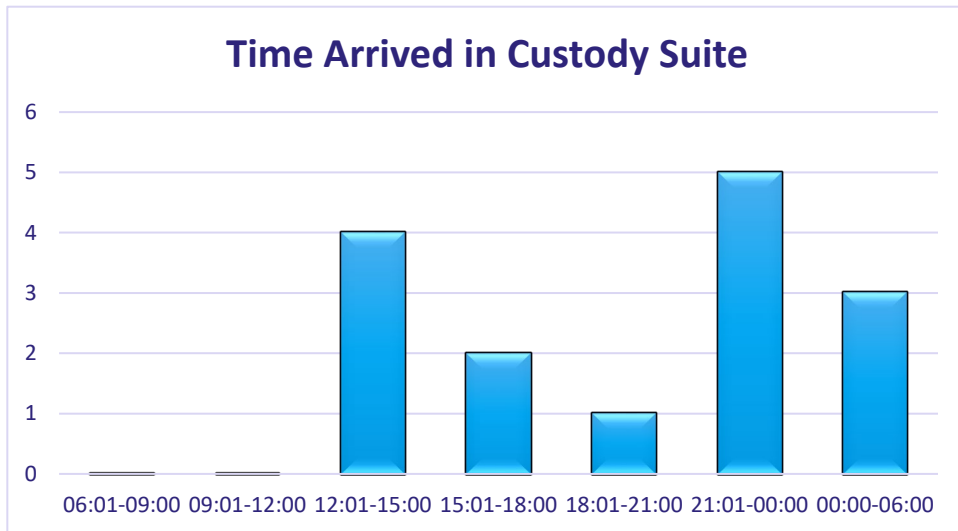


- The pie chart illustrates the breakdown of age ranges reviewed from a total of 15 custody cases.

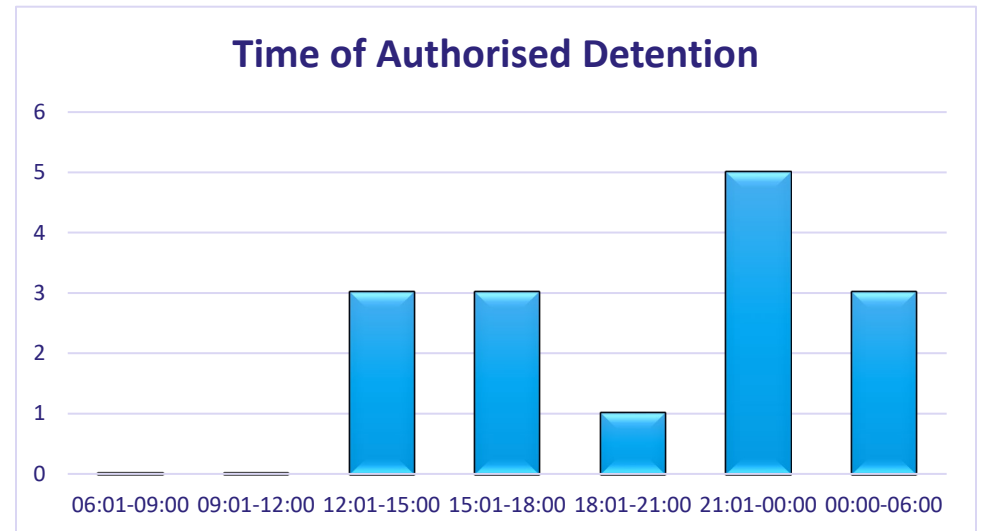
Ethnicity

- All detainees that were in custody were recorded as White British or White North European.
- There were no black or other ethnic minorities recorded from this dip sample.

Time Arrived in Custody Suite



Time of Authorised Detention



- The average time lapsed from arrival to detention authorised was 15 minutes, with the longest period being 1 hour and 8 minutes and the shortest being 1 minute.
- The average total time a detainee was held in custody was 20 hours and 4 minutes. The longest period was 1 day, 8 hours and 39 minutes and the shortest 7 hours and 15 minutes.

Religious Requirements

- No Panel member could ascertain whether religious items were offered or requested in any of the custody records reviewed.

Special Dietary Requirements

DP WAS ASKED ABOUT DIETARY REQUIREMENTS AND ALLERGIES?

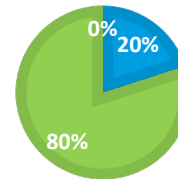
■ Yes ■ No



Cell Call Bell

WAS THE DP INSTRUCTED IN THE USE OF THE CELL CALL BELL?

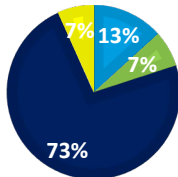
■ Yes ■ No details found in record ■ No



Toilet Pixelation

WAS THE DP INSTRUCTED THAT THE TOILET IS PIXELATED?

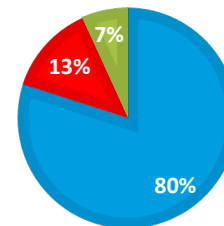
■ Yes ■ No ■ No detail found in record ■ N/A



Food and Refreshments

FOOD AND REFRESHMENTS OFFERED REGULARLY?

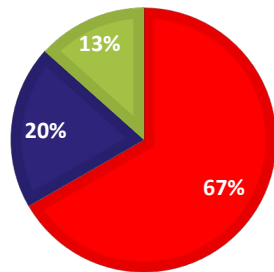
■ Yes ■ No ■ N/A



Hygiene Offered (Showers and Handwashing Facilities)

DOES THE RECORD MAKE ANY REFERENCE TO HYGIENE REQUESTS BEING MADE/GIVEN

■ Yes ■ No ■ N/A

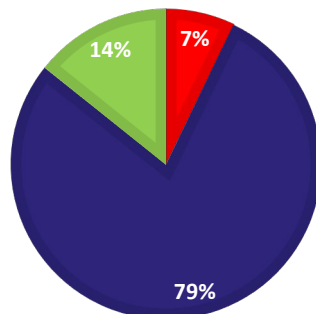


- Of the four female detainee cases scrutinised, two of the cases were assigned a same sex officer and were offered to speak with someone of the same sex.
- In one of the cases scrutinised, no female officer was available at time of arrest and there was no further record found of whether a female officer was assigned to the detainee.
- All female detainees were offered menstrual products as part of their rights.

CEWS (Custody Early Warning Score)

IS THERE EVIDENCE OF A CEWS SCORE BEING UNDERTAKEN?

■ Yes ■ No ■ N/A

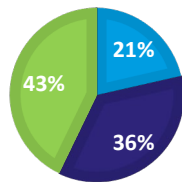


- Custody Early Warning Score system has been added to the normal standardised police risk assessment process to identify detainee morbidity and mortality risk.

Rights and Entitlement

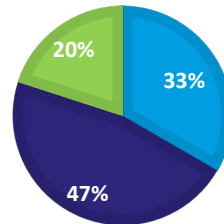
WAS THERE A DELAY IN RECEIVING R+E OF MORE THAN 1 HOUR

■ Yes ■ No ■ N/A



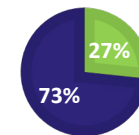
DID THE DP SEE OR SPEAK TO A SOLICITOR?

■ Yes ■ No ■ No detail found in record



IF THERE WAS A LENGTHY DELAY IN SEEING A SOLICITOR, WAS THERE ANY RATIONALE AVAILABLE?

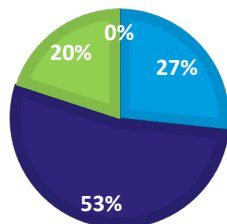
■ Rationale given ■ No



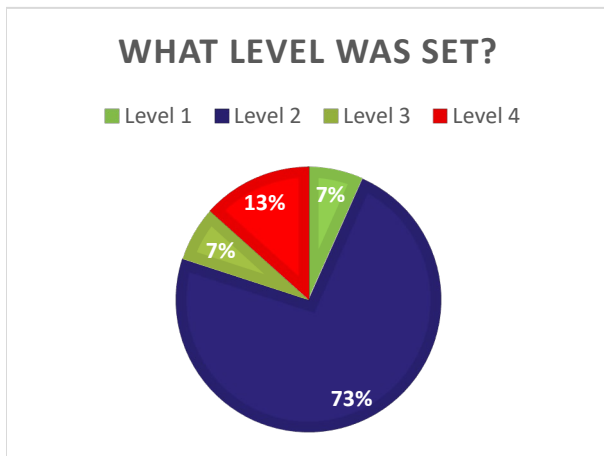
- The average time it took for a detained person (DP) to request a solicitor after their authorisation in custody was 6 hours and 14 minutes.
- The average time it took for police to contact a solicitor after authorised detention was 4 hours and 42 minutes.

WAS SOLICITOR ADVICE GIVEN IN PERSON?

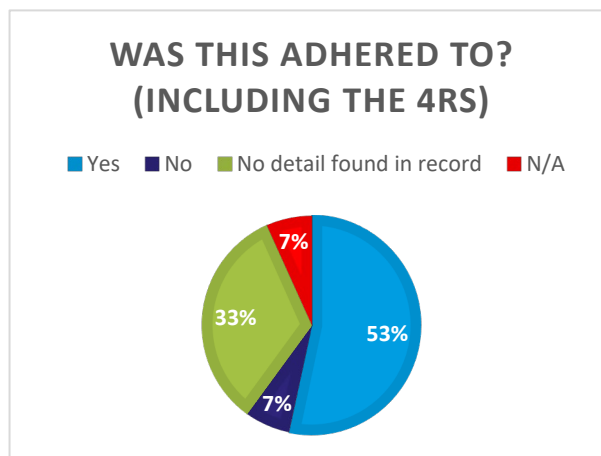
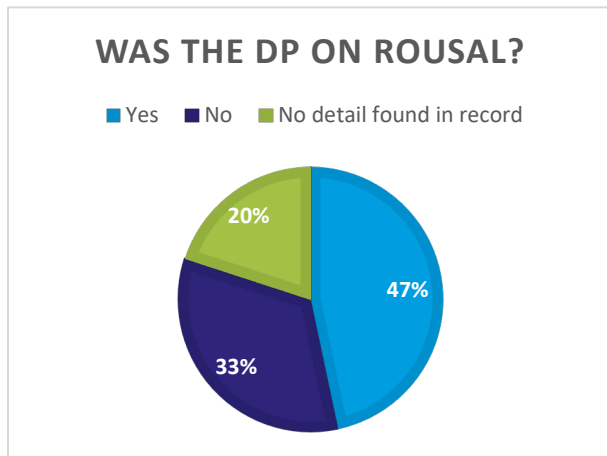
■ Yes ■ N/A ■ Other ■ On the Phone



Observational Level



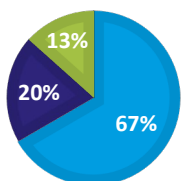
- The risk level is judged on 4 levels.
 - Level 1 General (at least once every hour)
 - Level 2 Intermittent (every 30 minutes)
 - Level 3 Constant (constant observation CCTV and accessible at all times)
 - Level 4 Close Proximity (physically supervised in close proximity).
- In all cases scrutinised by the Panel, an observation level was set, (taking all risks into account and recording of the rationale recorded) and all observation levels were adhered to.



Support Services

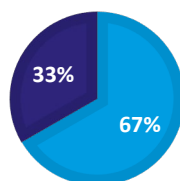
WAS THE DP GIVEN ACCESS TO/OFFERED/REFERRED TO ANY SUPPORT SERVICES?

■ Yes ■ No ■ N/A



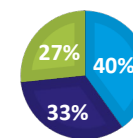
DID THE DP SEE A HEALTHCARE PROFESSIONAL?

■ Yes ■ No



WAS THERE A DELAY IN HCP ATTENDING AND DP RECEIVING A HEALTH ASSESSMENT?

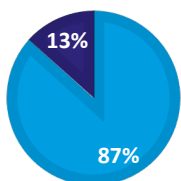
■ No ■ N/A ■ Yes



Anti-Harm Suits

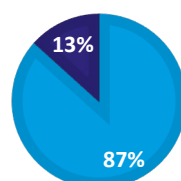
WAS THE DETAINEE GIVEN A SAFETY SUIT/ANTI RIP-SUIT TO WEAR?

■ Yes ■ No



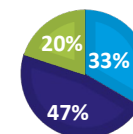
DID THE DETAINEE ENGAGE WITH THE RISK QUESTIONS?

■ Yes ■ No

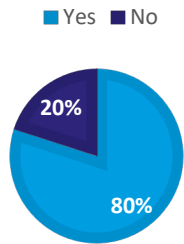


WHERE A SUIT WAS PROVIDED, HAS THE ANTI-RIP SUIT CUSTODY SYSTEM DROP DOWN BEEN USED?

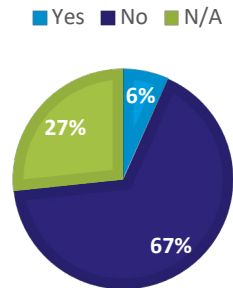
■ Yes ■ No ■ N/A



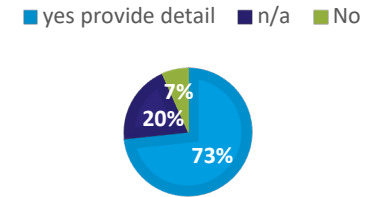
WAS THE DETAINEE ASSESSED AS AT RISK OF SELF-HARM?



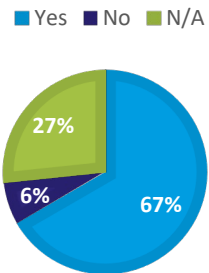
WAS CLOTHING REMOVED BY FORCE?



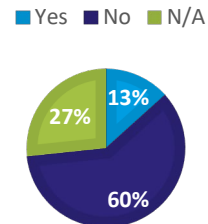
WHERE A SUIT WAS PROVIDED HAS A RATIONALE BEEN PROVIDED?



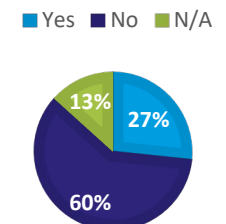
IF CLOTHING WAS REMOVED, WERE THERE CONTINUING RISK ASSESSMENTS?



DOES THE RECORD CONTAIN EVIDENCE OF DE-ESCALATION, DISTRACTION ITEMS OR OTHER METHODS OF REDUCING THE...

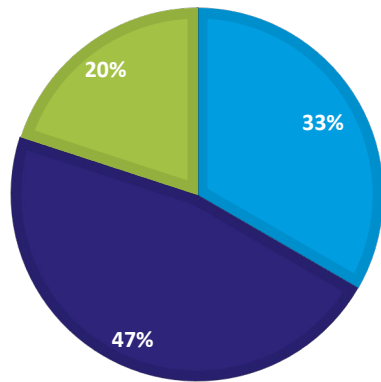


DOES THE RECORD CONTAIN EVIDENCE OF THE ANTI-RIP SUIT BEING DISCUSSED IN STAFF HANDOVERS?



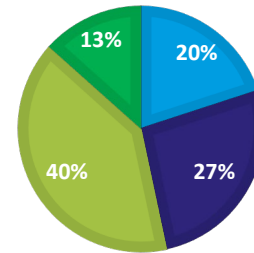
DOES THE RECORD CONTAIN EVIDENCE OF THE ANTI-RIP SUIT BEING REMOVED AT THE EARLIEST OPPORTUNITY?

■ Yes ■ No ■ N/A



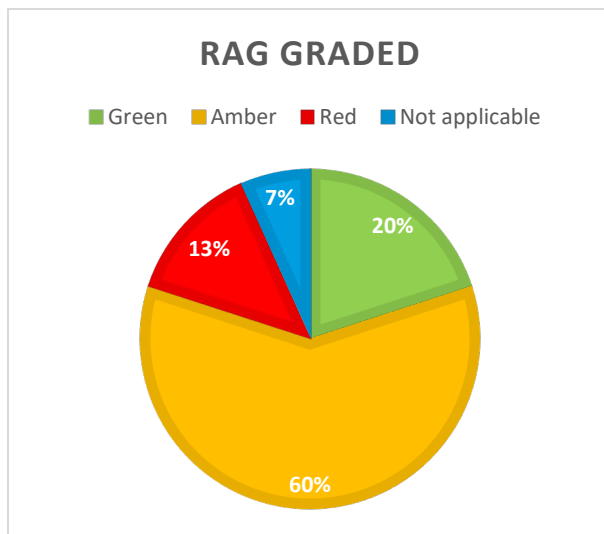
DOES THE RECORD CONTAIN EVIDENCE OF THE ANTI-RIP SUIT BEING REMOVED PRIOR TO INTERVIEW?

■ Yes
■ No
■ n/a DP did not have an interview
■ N/a Dp did not have anti-rip suit

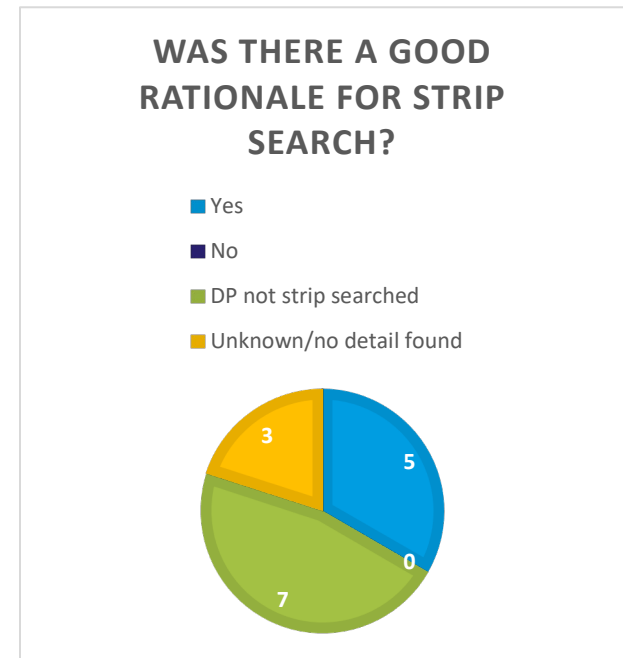


RAG

Reason for Rating	Follow Up Action
Drop down in use, full rationale for use of suit, which is both justifiable and proportionate to risk posed.	No further action required at this point.
Suit removed as soon as practicable.	
Clear de-escalation, distraction items etc. used to mitigate risk of detainee DSH.	
Little or unclear justification for the use of the suit.	Advice/further training given to custody staff.
Insufficient information to determine the proportionality of the use of the suit.	
Detainee left in suit for elongated periods of time.	
Suit drop down used but no further information.	Further exploration required as to use/rationale. Cases to be raised with custody inspector.
Suit used in absence of risk information but no other rationale.	
Suit used by force with no further information.	
Drop down not used, information on suit discovered as part of routine CRR by ICVs	



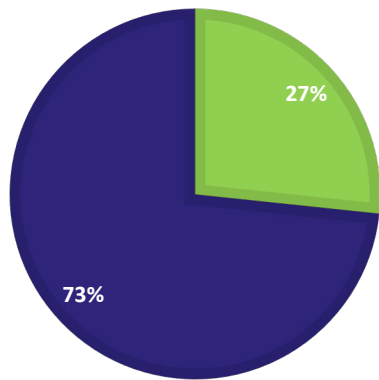
- The Panel advised that on one occasion they could not see evidence of the dropdown function being used; however, the rationale provided was that the DP was intoxicated on arrival and threatened to kill themselves.
- Anti-rip suit was provided as the DP threatened to self-harm. It was removed at DP request but not before interview.
- On a separate incident the reason provided for placing detainee in an Anti-Harm Suit was that the DP would not engage and was emotional due to the anniversary of a friend’s passing.



Appropriate Adult (AA)

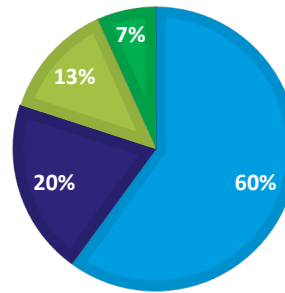
DID THE FORCE IDENTIFY THAT AN AA WAS NECESSARY?

■ Yes ■ No



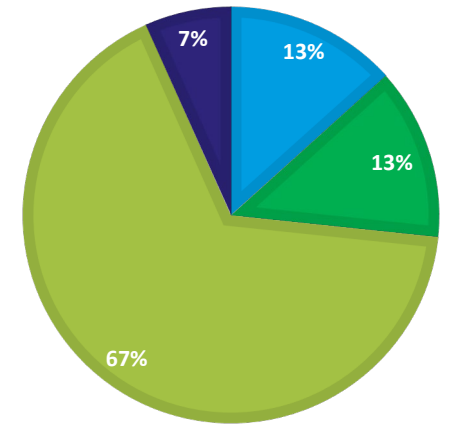
(IF YES AND ONE WASN'T PROVIDED) WAS THERE ANY RATIONALE AS TO WHY AN AA WAS NOT PROVIDED?

■ N/A AA not required ■ No rationale
■ Rationale given ■ N/A AA was provided

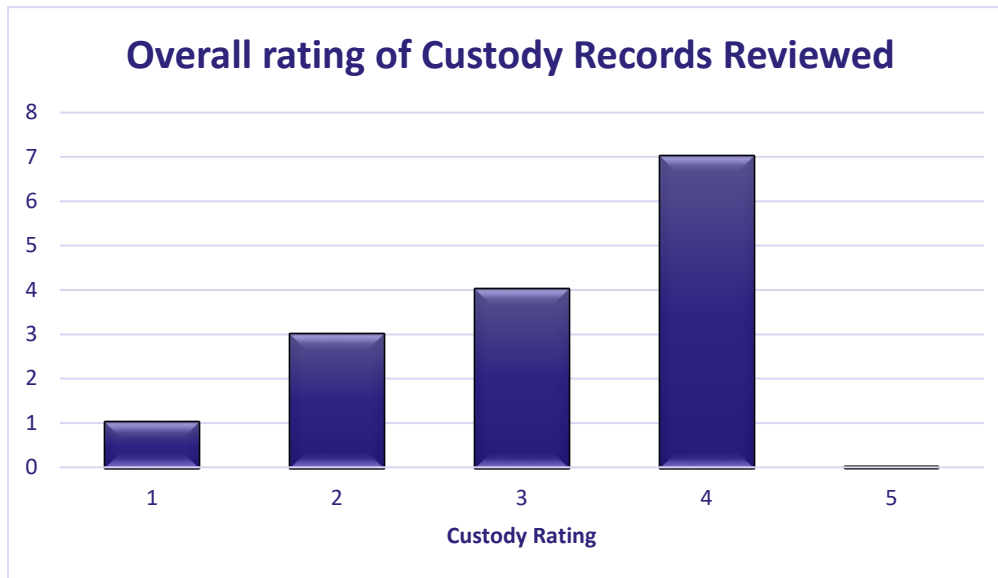


WAS THE NOMINATED PERSON/AA CONTACTED?

■ Yes ■ No detail found in record ■ N/A ■ No



Overall Rating



- The overall score the Panel provided for the 15 Custody Records reviewed was 3 out of 5.
- The rating was scored with 5 being outstanding and 1 needing improvement.