

## Custody services in a COVID-19 environment

This HMICFRS thematic inspection report gathered evidence from all 43 police forces in England and Wales and carried out fieldwork in five forces: Gloucestershire Constabulary, Lancashire Constabulary, the Metropolitan Police Service, Norfolk Constabulary and South Wales Police.

The report was published on 20<sup>th</sup> April 2021 and a response is due by 15<sup>th</sup> June 2021.

### Key findings

Forces did well in:

- Planning for staff shortages
- Managing Covid-19 risks
- Having a clear focus on health and wellbeing
- Maintaining approaches to caring for detainees and their welfare needs

Forces faced challenges around:

- The cost of virtual remand hearings
- Releasing detainees at risk of having Covid-19; most forces had arrangements in place but there were concerns over what happens when a detainee is not prepared to co-operate with release arrangements
- Temporary interview protocol; it was unclear how detainees had been informed of changes to legal advice and whether consents were being recorded, and differences in understanding around the use of video/telephone link
- The ability to social distance in custody (concerns raised by custody officers)
- Not collecting enough of the right information to help them manage demand in a Covid-19 environment
- Forces don't know whether detainees receive their legal rights and representation through virtual means rather than having solicitors attend in person because they do always not record this information

### Recommendations

The report makes two recommendations for police forces, which are to be considered alongside the recommendations and learning points relevant to custody services in HMICFRS' concurrent *report Policing in the pandemic: the police response to the coronavirus pandemic during 2020*<sup>1</sup>. A third recommendation is directed at the NPCC and is included below for completeness.

#### *Custody information*

To help clarify the custody information that forces collect and use, we recommend that forces:

- track the numbers of detainees with, or suspected of having, COVID-19;

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<sup>1</sup> <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/the-police-response-to-the-coronavirus-pandemic-during-2020/>

- record and monitor the length of time detainees remain in police custody, and any additional detention times due to waits for virtual remand hearings;
- record and monitor the way in which detainees receive their legal rights, and how many receive them by virtual means rather than a solicitor attending in person; and
- record the use of bail and released under investigation, and assess any increases in pre-charge bail.

### *Remand hearings*

The police service should evaluate the advantages and disadvantages of using virtual remand hearings. It should use this information to help the wider Criminal Justice System learn from its experience and develop better working arrangements that meet the needs of justice and make best use of public money.

### *Releasing detainees*

The NPCC, working with the National Health Service (NHS), should consider how to minimise the risks of spreading the virus in the community when releasing detainees with, or suspected of having, COVID-19 and what arrangements can help achieve this.

The full report can be viewed here:

<https://www.justiceinspectrates.gov.uk/hmicfrs/publications/custody-services-in-a-covid-19-environment/>

### **Chief Constable's comments**

I am very grateful for the HMICFRS report "Custody Services in a Covid-19 Environment".

The Covid-19 pandemic throughout 2020/2021 has been described as 'unprecedented' and this is no exception for Devon and Cornwall Police. Officers, staff and volunteers within Devon and Cornwall Police have responded to the challenges this has presented, adapting working practices, processes and relationships to ensure the ongoing protection of, and service to, the public.

The Custody environment has been particularly challenging when seeking to ensure the safety of detainees, legal representatives, visitors alongside officers and staff within the custody environment. Staffing levels within the custody environment were impacted whilst officers and staff themselves were affected by covid symptoms, requirements to self-isolate and requirements for some to shield. The force complied with National Police Chief's Council and Public Health England guidance with regards to the PPE requirements and social distancing expectations from the outset. Through robust management by supervisors, positive cultural behaviours around covid security were embedded, protecting detainees, visitors and colleagues alike. This is not to say that this was an easy task or that there was universal compliance due to availability of PPE and rapidly changing guidance. The support and challenge of the Police Federation and Trade Unions was genuinely appreciated.

The report identifies a number of recommendations for Police Forces and I am pleased to report progress against these is already well underway.

Building on an earlier recommendation within the HMICFRS report “Policing in the Pandemic”, the recommendation advised forces to ensure they clearly and consistently record the informing of individuals details in custody of the temporary changes to exercising their rights to legal advice and representation. This has been undertaken by Devon and Cornwall Police during the pandemic as part of the process when detainees arrive at custody. Further work will be undertaken to ensure this is included as part of the forthcoming change to our IT systems.

The report also suggests an action to collect enough of the right information about the continuing effects of the pandemic (for custody departments) so they can resource their work appropriately. As much information as possible has been collated through existing IT systems and risk assessments. Extraction of this data may prove time consuming as the system is not readily equipped to capture this information in a simple format, but the information is still retrievable for analysis and reporting purposes.

The other recommendation refers to the police service evaluating the advantages and disadvantages of using virtual remand hearings and using this information to help the wider Criminal Justice System learn from its experience. I am proud of Devon and Cornwall Police, supported by the Police and Crime Commissioner, for delivering Virtual Remand Hearings on a large scale. One significant benefit being the reduced transportation of detainees and subsequent reduction in risk of cross transmission. There have been some resourcing challenges to ensure the successful delivery of each individual Virtual Remand Hearing, and there are some reflections and learning to be shared, locally and nationally, in order to progress this agenda.

I welcome the report which highlights ongoing opportunities to ensure our service to the public, whilst also safeguarding colleagues, continues to be delivered to a high standard.

### **Police and Crime Commissioner’s response**

I welcome this report which recognises the particular challenges faced by the custody environment during the coronavirus pandemic. I am proud of the custody service Devon and Cornwall Police have continued to deliver throughout the pandemic, which has only been possible due to the commitment and adaptability of officers and staff who continue to work hard to keep detainees, visitors and colleagues safe.

This report makes a recommendation which expands upon the custody-specific recommendation made in HMICFRS’ report on policing in the pandemic, providing more detail on the type of custody information HMICFRS would like to see forces collecting and using. As stated by the Chief Constable in his comments above, much of this information is already being recorded by the force and can be retrieved for the purposes of review and analysis.

In Devon and Cornwall we adapted our ICV scheme to ensure there was ‘virtual’ contact with custody centres where risk assessments did not enable physical visits to occur. These regular oversights were vital in providing reassurance that high standards were being maintained.

The second recommendation relates to the evaluation of virtual remand hearings, and as laid out in the Chief Constable's response, informal evaluation has already begun and both benefits and challenges have been identified. Devon and Cornwall were one of the first areas outside London to stand up virtual remand hearings and they undoubtedly facilitated swifter justice. However their sustainability and interdependencies with national prisoner transport contracts is an area which needs more investigation.

I will be working with the Chief Constable to ensure that the advantages and disadvantages of continuing virtual remand hearings are fully understood and that learning is shared across force areas.