BRITISH TRANSPORT POLICE

Report to:	**Professional Standards Committee**
Date:	**25 January 2012**
Agenda item:	**9a**
Subject:	**BTP Custody – Legislative Compliance**
Sponsor:	**Superintendent Peter Rowe**
For:	**Information**

1. PURPOSE OF REPORT

1.1 To provide the Professional Standards Committee with reassurance that British Transport Police (BTP) are compliant with the legislation as laid down in the Corporate Manslaughter Act of 2007, which became relevant to all police custody suites in September 2011.

2. BACKGROUND

2.1 Over the last three years BTP has been preparing for the introduction of the Corporate Manslaughter Act and the impact this will have on BTP's custody estate. This report has been prepared to reassure the BTPA that all reasonable measures have been taken to protect the Force under the terms of this Act and in the case of a death within one of BTP's custody facilities.

2.2 In summary these measures include:

- A comprehensive Custody Standard Operating Procedure (SOP), which is built on PACE (Police and Criminal Evidence Act), the ACPO Safer Detention Guidance, and the recommendations in the Home Office Police Design Guide.
- Accredited custody staff training, reinforced with legislative updates, health and safety and first aid refresher training.
- A six monthly FHQ led inspection of all custody facilities.
- Documenting any remedial work that needs to be undertaken. In case of extensive work and temporary closure the local Area SMT and Territorial Policing senior team are to be advised for a decision to be made.

- A robust reporting procedure of 'Adverse Incidents' in liaison with PSD has been introduced, along with documenting and dissemination of all lessons learned (from in-house and local forces)
- External custody forum attendance to identify best practice.
- Monthly management meetings at FHQ with the Regional Custody Managers to further develop the Force Custody Improvement Action Plan, and monthly meetings with the Area Custody Managers to discuss policies and procedures.

2.3 Whilst theses measures, which are described in more detail in section 3 of this report, provide significant mitigation, they cannot fully remove the corporate risk associated with a death in custody.

3. BTP CUSTODY ESTATE

3.1 The BTP custody estate consists of ten custody suites across BTP, the majority of which are 24/7 designated custody facilities. The table below provides detail of the custody estate as at January 2012.

Area	Custody Suite	Designated	Cell Capacity	Staffed by	DDO/DO /Jailer
London North	Brewery Road	✔	20	Custody Sgt	DDO
London South	Ebury Bridge	✔	4	Custody Sgt	DO
London Underground	Central London Police Station	✔	10	Custody Sgt	DDO
	Hammersmith (Currently Closed)	✔	4	Custody Sgt	DDO
	Wembley Park	✔	8	Custody Sgt	DDO
	West Ham	✔	4	Custody Sgt	DDO
North West	Liverpool	x	2	Duty Sgt	PC Jailer
	Manchester	x	2	Duty Sgt	PC Jailer
Scotland	Edinburgh	x	1	Duty Sgt	PC Jailer
	Glasgow	✔	2	Duty Sgt	PC Jailer

4. STANDARDS AND PRACTICES IN BTP CUSTODY FACILITIES

4.1 BTP custody suites, like all Home Office force custody suites in England and Wales, are required to comply with PACE, in particular Code C which relates to the treatment and detention of persons in custody.

4.2 BTP also comply with the ACPO Safer Detention Handling Guidelines and the Home Office Police Design Guide for Custody Suites. These three documents have been used to formulate BTP's Standard Operating Policy on custody and also BTP's inspection regime criteria that is used to inspect the Force's custody suites.

4.3 In Scotland, ACPOS has published a Safer Detention Guidelines Handbook which covers the legislative powers in Scotland, as well as the fundamental principles of Safer Detention that apply across all custody suites.

4.4 All of BTP's operational custody suites are fully compliant with the Safer Detention Guidance. The custody suites that were inspected in the past and did not meet the criteria expected by the guidelines were closed. These include Finsbury Park, Stockwell and Birmingham New Street. The custody suite at Liverpool Lime Street was also closed but funding was made available to build a new two cell suite which opened in July 2009.

4.5 To continually drive improvements in all areas of BTP Custody, a monthly meeting monitors progress against a Custody Improvement Action Plan which is chaired by Superintendent Territorial Policing. A monthly teleconference also takes place with the Area Custody Managers. This meeting focuses on any adverse incidents, custody projects and any legislative or policy updates that need to be discussed and disseminated to all custody staff.

4.6 BTP is also part of a regional Custody Forum in the South East and North West. These meetings are held every three months and include Home Office forces, NPIA and the National Police Federation, and are a good opportunity to find out what other forces are doing in relation to custody, and to adopt and share best practice and to review any major adverse incidents.

5. BTP INSPECTION REGIME

5.1 All custody suites across BTP are subject to biannual inspections by the FHQ Regional Custody Managers. This is to ensure compliance with Force policy, along with the Safer Detention Guidance published by the Home Office in 2006. The table below details the inspection programme for 2011/12.

Area	Custody Suite	2011/12 Inspections	
London North	Brewery Road	14/09/2011	23/02/2012
London South	Ebury Bridge	15/09/2011	22/02/2012
London Underground	Central London Police Station	16/09/2011	20/02/2012
	Hammersmith (Currently closed)	*N/A*	*21/02/2012*
	Wembley Park	15/09/2011	21/02/2012
	West Ham	16/09/2011	22/02/2012
North West	Liverpool	05/05/2011	02/12/2011
	Manchester	01/12/2011	29/02/2012
Scotland	Edinburgh	07/11/2011	Mar-12
	Glasgow	07/11/2011	Mar-12

5.2 The inspection process is carried out in each custody suite whether designated or non-designated. Persons present include the FHQ Regional Custody Manager, Area Custody Manager/Inspector, and Custody Sergeant or nominated member of custody staff. The Area Estates Manager and Health and Safety Manager are also invited.

5.3 The inspection consists of a scheduled visit to the custody suite and the completion of the BTP Custody Inspection Checklist. This process identifies any improvements or estates works that need to be completed; this is especially relevant to the cells, in particular in identifying any emerging ligature points. Any ligature points that are identified are reported to facilities/estates for immediate works to be actioned and temporary local mitigation put in place. This is an interactive inspection and the views and comments of the local custody staff are requested and any issues that they identify are taken away for consideration.

5.4 Once these checklists have been completed a copy is kept by the Regional Custody Manager and a copy stored centrally at FHQ to ensure all FHQ Custody staff have sight of these reports. In the case of a custody suite needing to be temporarily shut for essential maintenance works, this is reported to the Chief Superintendent Territorial Policing and the local Area Commander recommending closure of the suite until the remedial work is actioned. This would also be brought to the attention of the ACC Territorial Policing outlining the reasons for temporary closure.

5.5 Where it is deemed that the custody suite would need extensive works in order to comply with the Safer Detention Guidelines, then a decision will be made as to whether in the long term this would be deemed cost effective or whether the custody suite should close on a permanent basis. This was the case with the custody suites mentioned earlier in paragraph 4.4.

6. PROCESSES AND PROCEDURES WITHIN OUR CUSTODY FACILITIES

6.1 The processes and procedures followed in BTP custody suites are detailed in the BTP Custody SOP which was written in 2009 and was designed and developed in accordance with PACE and the Safer Detention Guidance. An updated version of the guidance is due in February 2012 and once this is published BTP's SOP will be reviewed along with the Force's inspection regime.

6.2 **Training**

All staff who work in custody must have completed an NPIA approved custody course, this relates to both officers and staff. A yearly one day refresher course is also being rolled out Force wide which focuses on new legislative procedures and also provides an input from a guest speaker. This year's speakers were Forensic Medical Examiners who spoke to staff about their role and what help and advice they can give.

6.3 BTP is in the process of training all custody staff in the use of defibrillators as well as Level 3 Custody First Aid training. As part of this, BTP will be providing a briefing on the Health and Safety Legislation and their obligations under this Act.

6.4 **Custody Booking In Procedures**

Booking in procedures at all BTP custody suites are fully compliant with PACE and are documented in the Custody Record. These are stored safely and are available for inspection.

6.5 BTP is working towards the use of an IT based custody system, which is managed and governed by the BTP CuCase Project Board. The new custody system is planned to be piloted at Ebury Bridge in February 2012. The system will reduce data entry by connecting directly to the case building system and will enable more efficient production of custody management information.

6.6 **Prisoner Risk Assessment**

A risk assessment is completed for all detainees and these are live and on-going throughout the course of the person's detention. This enables the custody staff to make informed decisions as to a person's well-being thus ensuring the safety of all persons in the custody suite.

6.7 **Medical / FME Arrangements**

In-house medical provision is available in all BTP's custody facilities except Edinburgh and Liverpool. In Edinburgh detainees in need of medical attention are taken straight to the local Home Office force (Lothian and Borders). This is by mutual agreement and is a successful working practice. In Liverpool all detainees needing medical attention are taken to either the local Home Office force (Merseyside) or taken straight to hospital, depending on the nature of the injury. Work is currently ongoing to secure a medical healthcare contract for Liverpool and a meeting is due to take place in the third week in January to progress this.

6.8 **Insurance**

BTP has insurance cover, subject to the normal excess of £100k, to cover defence of criminal proceedings / appeals in relation to the Corporate Manslaughter Act. This includes both employees and third parties so will cover death in custody. This is in addition to any claims arising from deaths, i.e. where the Force is sued following a

conviction. The only proviso is that insurers must first approve the legal representation and costs. The cost of any fines imposed is uninsurable.

7. JOINT HMIC / PRISONS (HMIC/P) CUSTODY INSPECTIONS

7.1 The HMIC/P have revised their expectations following consultations with police forces and ACPO due to the rather heavy handed approach that was used in the first two years of the inspection regime.

7.2 BTP are still to receive an HMIC/P inspection and these are due to conclude at the end of 2013. Therefore the Force will be inspected at some point in the next 24 months.

7.3 HMIC/P inspections will now be unannounced (notice will be provided to the FCRL 30 minutes before the HMIC/P inspection team are due to arrive). It is common practice that HMIC/P will arrive at multi-locations at the same time.

7.4 It is stated that only designed facilities in England and Wales will be inspected which technically rules out the facilities at Liverpool and Manchester. However, they have also stated that they may inspect non-designated facilities as well.

7.5 Edinburgh and Glasgow custody facilities are outside of HMIC/P jurisdiction and would therefore not be inspected.

8. RECOMMENDATIONS

8.1 That Members note the update provide in this report.