



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**

August 28th 2024

Police and Crime Commissioner for Dyfed-Powys
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Custody Independent Scrutiny Panel: Children in Custody

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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 and representation of 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 in relation to Children in Custody (CIC).
- Any questions on the Electronic Forms (E-Forms) which was used to record and provide feedback for the purposes of this scrutiny.

The cases were selected at random and supplied by the Force, focussing on CIC, children on remand in custody and strip searches in custody.

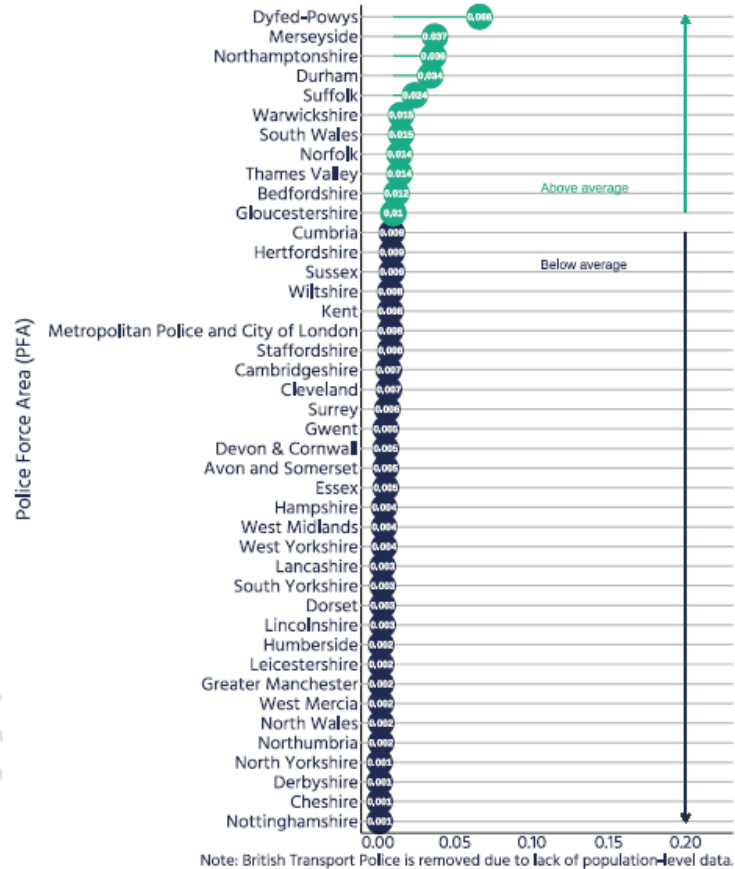
The volunteers are aware of the section 1(8)(h) of the Police Reform and Social Responsibility Act 2011 and the Police and Crime Commissioner (PCC) responsibility to hold the Chief Constable to account for the safeguarding of children under sections 10 and 11 of the Children Act 2004 from the previous Custody Independent Scrutiny Panel (CISP) held on the 6th of March 2024. Details and findings of that report can be found via our webpage: [Dyfed-Powys Police & Crime Commissioner \(dyfedpowys-pcc.org.uk\)](https://dyfedpowys-pcc.org.uk).

To also aid the volunteers' understanding, prior to the meeting, the volunteers were given a brief on the [Childrens Commissioner report](#), published on the 19th of August 2024. Within the report, a national survey was conducted to assess the practice of strip searching of children by the police.

"In total, 3,368 strip searches of children under stop and search powers were reported in England and Wales between 2018 and June 2023. This is an increase of 521 searches since the CCo's previous report published in March 2023, which presented data from 39 police forces on searches reported between 2018 and June 2022. This additional data includes 64 searches conducted between 2018 and June 2022, and 457 searches conducted between July 2022 and June 2023."

The data showed that Dyfed Powys Police (DPP) had recorded nationally the highest rate of strip searches of children as illustrated in the table below:

Figure 4. Search rate of children as a proportion of the total population of children aged 10- 17 in each police force area between July 2022 and June 2023



It is worth noting, that since the published report, DPP have responded by specifying that the data provided to the Childrens Commissioner was incorrect. In the public statement, DPP specified:

"We can confirm the number of strip searches carried out by Dyfed-Powys Police officers on children between January 2018 and July 2023 was seven."

Considering the smaller timeframe focussed on in Children's Commissioner's report - June 2022 to July 2023 - the number of strip searches carried out on children in our force area was just one."

As a result of the publication of the Childrens Commissioner, the Panel were asked to take specific notice of strip searches conducted of children, whether an Appropriate Adult (AA) was present and whether a rationale had been recorded.

In addition to reviewing strip searches, the Panel were also asked to assess:

- Children in remand, whether alternative accommodation was sought.
- The rationale for the arrival time and detention time exceeding over 30 minutes.
- The rationale for any delays in the AA contact time and arrival time.

Here is an example of the set of questions the Panel were asked to consider:



Summary of Findings

In summary of the findings, the overall feedback from the Panel assessed that the overall average rating of the 21 custody records reviewed scored 4.2 out of 5.

Below is a summary of some of the findings by the Panel:

Positives:

Strip Search

Of the four strip searches that occurred, all four provided a good rationale for conducting this; however, of the four, only three had an AA present whilst the strip search was conducted. Mitigating factors were recorded by the Panel who specified that one juvenile requested that the AA step outside and the other was recorded as a strip search despite that the juvenile had requested custody trousers as their own clothing was damp and they were not wearing underwear.

Appropriate Adults (AA)

In all 21 cases, an AA was deemed necessary and each CIC received an AA which is consistent from the previous panel review.

Time in Custody

The average time lapsed from arrival to detention authorised was 14 minutes. In comparison from the CISP report in March, this was 29 minutes; therefore, a reduction in authorising CIC by 15 minutes.

Rights and Entitlement

All juvenile detainees were given their rights either at the booking in stage or later. Of the 21 records, 20 were all offered to speak to a solicitor, with one detail not being able to be found.

Healthcare

Of the 21 records, 19 juvenile detainees saw a Healthcare Professional (HCP) with only one experiencing delays.

Special Risk Clothing

5 of the 21 juvenile detainees wore Special Risk Clothing (SRC). In one case observed, a juvenile detainee's record evidenced that the SRC was only used when needed, that there was a detailed rationale provided for the use and there was evidence of de-escalation/distraction items and/or other methods of reducing the detainees risk level. The same record was also discussed during handover and the SRC was removed at the earliest opportunity.

Areas for improvement:

Children in Custody (CIC)

Of the 21 CIC cases reviewed, 8 were detained overnight with only 1 being sourced alternative accommodation. Whilst there was rationale provided for majority of custody records, there were 4 instances where this was absent. Additionally, from the records reviewed, 16 records show that the Children's Checklist had been used. Whilst this number still suggests 76% completion, this is still an area for improvement for the Force.

Appropriate Adults (AA)

The average time custody contacted an AA after detention was authorised was 2 hours and 57 minutes with an average delay of 2 hours and 2 minutes for the first contact between the AA and the CIC. Only four records had rationale provided with the other records not having this recorded.

Special Risk Clothing

Of those 5 juveniles in SRC, 1 did not have a recorded rationale provided. This is an increase of the use of SRC on CIC by 3 records in comparison to the CISP March report, which also provided 100% rationale for the use.

Female

Of the 9 juvenile females detained, 8 were assigned a female officer and 8 were all offered menstrual products. Whilst 89% of female juveniles received same sex officer and hygiene products, this is a decline from the last CISP report on CIC in March, which saw all female juveniles receive an assigned female officer.

Time in Custody

The average time a juvenile detained was held in custody was 18 hours and 13 minutes and the average time lapsed from arrival to detention authorised was 14 minutes. In comparison with the CISP report in March, the average time a juvenile detained was held in custody was 12 hours and 8 minutes and the average time lapsed from arrival to detention authorised was 29 minutes.

Panel Observations

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

Theme	Observation	Force Response
Children In Custody	<p>Of the 21 CIC, 13 were kept overnight with only one looking for alternative accommodation.</p> <p>The reasons specified for detaining a juvenile overnight were:</p> <ul style="list-style-type: none">- DP was not fully engaging.- They were refused bail.- Not appropriate for the juvenile to return to the care home.- Not appropriate to return to the foster home, due to the incident occurring at this location.- Social Services were unable to provide an alternative accommodation.	<p>Children in remand cases are reviewed by the Inspector lead for CIC every month, which is also reported through to Welsh Government.</p> <p>The reasons specified for keeping a juvenile in custody are all appropriate. I am confident that all Custody staff see this as a last resort.</p> <p>Unfortunately, we do not have secure accommodation available to us. This is asked of Social Services on each occasion and recorded within the Custody record that it is not available.</p>
Childrens Checklist	<p>In one 'Reachable moment' matter, no action was taken due to the Officer specifying that they had received no training on the topic.</p>	<p>I will address the comment as this is not appropriate on a custody record. 'Reachable moments' should be completed by a person who is not police staff and has appropriate</p>

	<p>On five occasions, the 23-point checklist was not completed.</p>	<p>training. There are plans to look at our Healthcare Professional (HCP) staff completing this training and carrying out such interviews when they see the child.</p> <p>A new checklist is being completed and we will enquire if this can actually be added to the Niche system (Police custody record software). At present this is a manual task for the staff and we have also noticed it is being missed on occasions. The new list will go out with explicit instruction on its use with every Child in Custody.</p> <p>We also focus on 'Voice of the Child' more so than the reachable moments for our custody staff enabling them to report any concerning behaviour/words used to the investigating team for any further referrals for support.</p>
<p>Removal of Clothing</p>	<p>The DP was not placed in SRC but was asked to remove their own clothing and placed in custody greys due to 'cords' in their own clothing. Is this considered to be standard procedure?</p> <p>One report specified that 'no force used' which seemed to be contradicted later in the record advising that force was used in the</p>	<p>Yes, this should be risk assessed and if a child or adult has cords in their clothing, they are asked to either remove them and remain in their own clothing or they can be provided with custody greys. This should be recorded as a strip search and is recorded as a <u>Davies V Merseyside</u> strip search. We are currently</p>

	<p>removal of coat and footwear. Can this be clarified?</p>	<p>monitoring this type of search recording in our audits.</p> <p>From reviewing the initial record, the booking in on care plan states no force was used at that time and I can confirm, it wasn't. AA (mother) had refused to remain with the juvenile in the detention room so officers have had to remove her footwear and coat (as would be with any suspect in custody) to search her. At this point the juvenile has started to become violent so force was used. I have no issues with the use of force within this record. However, care plans should have been used to update the record more thoroughly in establishing the risk changes and the fact that force was then used. This will be Fed back to the local inspector to discuss with the Police Sergeant.</p>
<p>Special Risk Clothing (SRC)</p>	<p>Overall, the Panel noted that in the five instances SRC was issued, all 5 specified the rationale being that the juvenile's clothing presented the risk of cords. In one instance, rationale was not recorded for issuing SRC.</p>	<p>I have reviewed the custody record and cannot see information that suggests force was used. The juvenile's hooded jumper was removed due to cords with no rationale around this, but there is no mention of the use of the SRC in the record. I do not believe the juvenile was issued with an SRC as she was correctly placed on level 4 observations.</p>

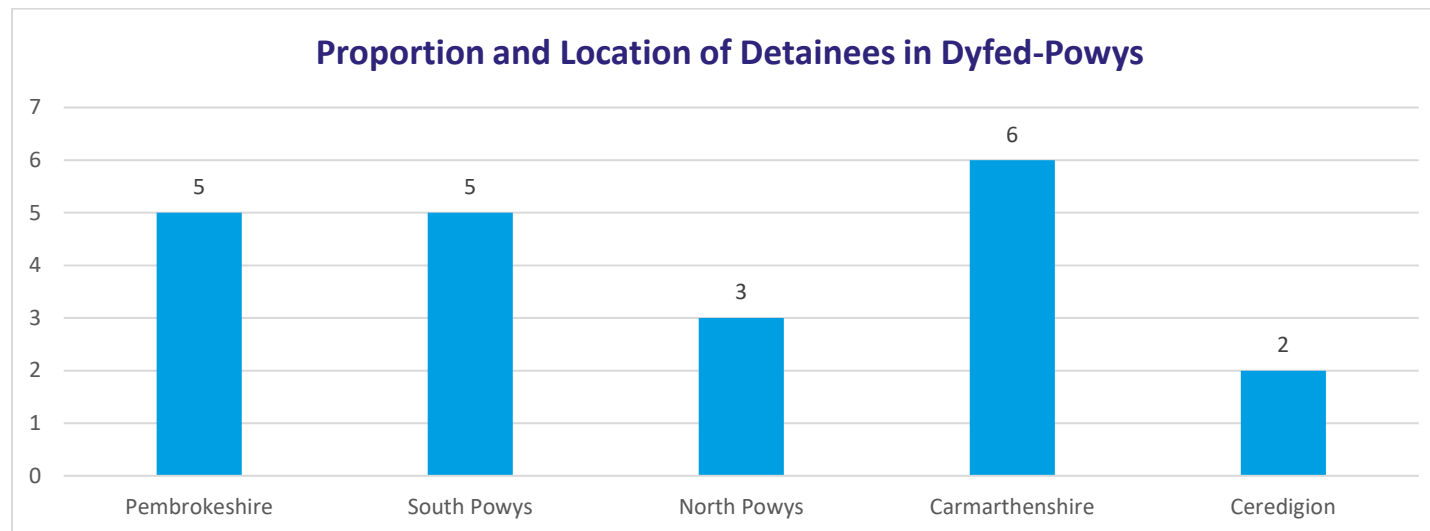
Strip Search	<p>Of the 21 records reviewed, four juvenile DPs were strip searched.</p> <p>A Panel member noted that the reason specified for the juvenile DP to have been strip searched was their clothing was damp and had cords. This specific instance did not have an AA present.</p>	<p>As above regarding the strip search, this is recorded as per legislation Davies v Merseyside.</p> <p>Interesting to note no AA present, I wonder if this is required as they would be allowed privacy to change into the clothing so is not an official "Strip search" per se. I will check but I would suggest this type of SS does not require an AA.</p>
Appropriate Adults (AA)	<p>The Panel advised in all 21 cases reviewed, an AA was deemed to be necessary. However, from the 8 cases where there was a delay, only four had recorded their rationale.</p> <p>Is the average time for a detention officer to make contact with AA being 2 hours and 57 minutes, considered to be good practice?</p>	<p>I will send out feedback around this to the staff. AAs should be contacted at the nearest opportunity and this needs to be documented.</p> <p>Any delay in contact should be recorded with rationale.</p>
Mental Health (MH)	<p>The Panel noted that Custody staff documented information regarding MH concerns comprehensively and used their own observations alongside comments raised by the juvenile detainee. There was even one instance where a child was diagnosed with autism for the first time whilst in custody.</p>	<p>This is really good feedback; I will ensure the staff are fed back this good work update from the panel.</p>

Health Care Professional (HCP)	Appears to be a conflicting messaging in this record, whereby the DP was recorded seeing an HCP, an Inspector noted that this had occurred; however, there is no record of the DP actually seeing the HCP. In a further entry, an inspector review asked if DP had seen a HCP where no response was recorded.	I will review and feed this back to the staff involved in this custody record.
Legal representative	The Panel noted only on four occasions a rationale been provided to explain the reason for the delay and on one occasion there was no rationale found.	I will review and feed this back to the staff involved in this custody record.

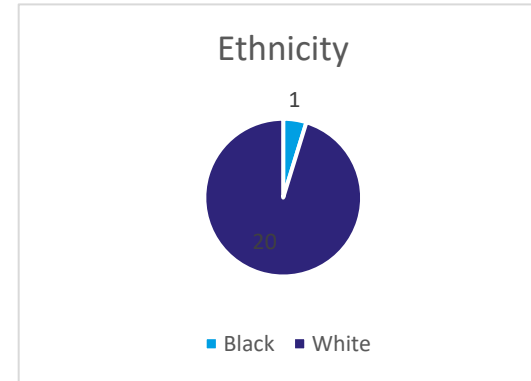
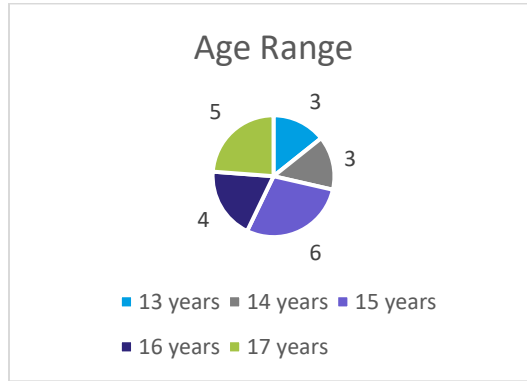
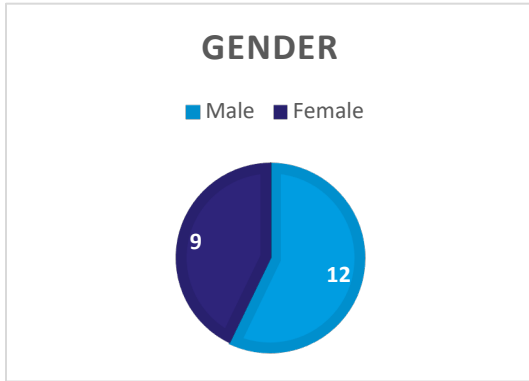
Custody Record Review Findings

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 custody with the focus of Children in Custody (CIC).

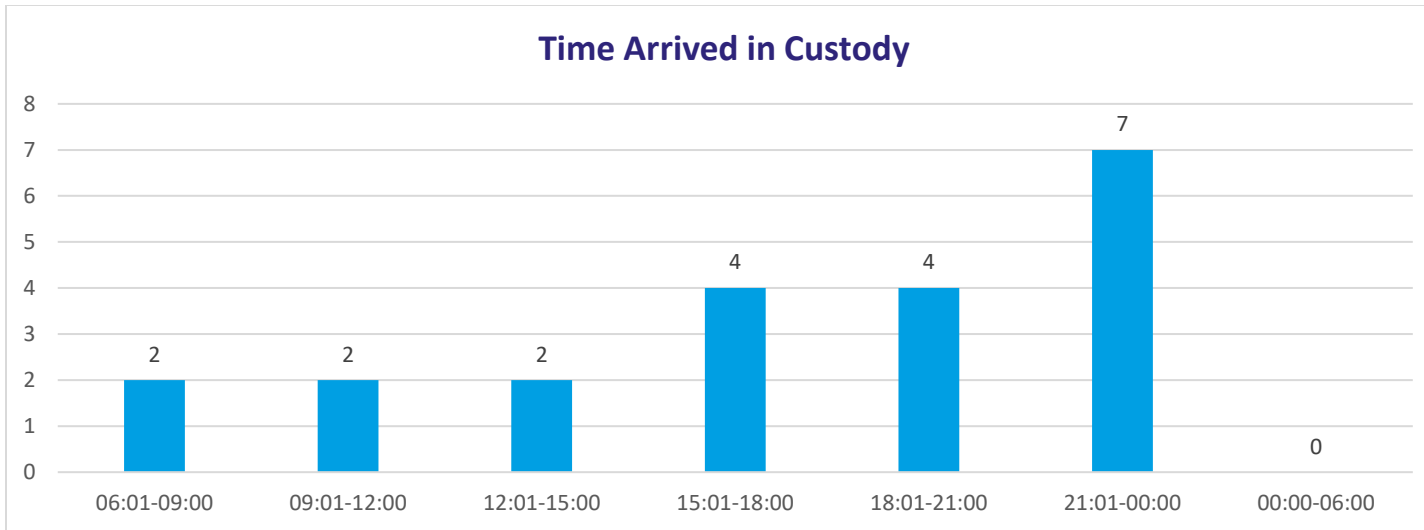
Custody Suites



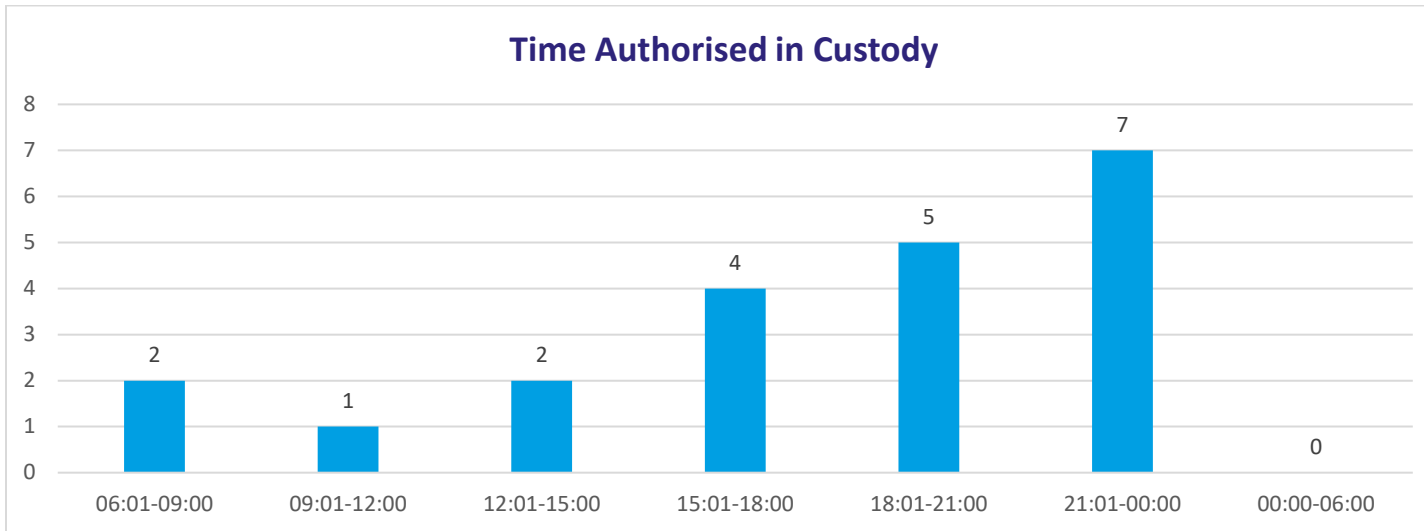
Demographics



Times Arrived in Custody



Times authorised into Custody



Time lapsed from arrival to detention authorised

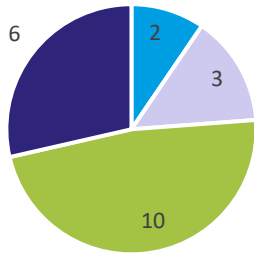
- The average time lapsed from the point a detainee arrived at custody and was authorised for detention was 14 minutes.
- The highest waiting time was 1 hour.
- The fastest time for a detained person (DP) to have their detention authorised was 2 minutes.

Total Time in Detention

- The average time a detainee was held in custody was 18 hours and 13 minutes.
- The longest time a DP was held in custody was 2 days 10 hours.
- In contrast, the shortest time a DP was held in custody was 16 minutes.

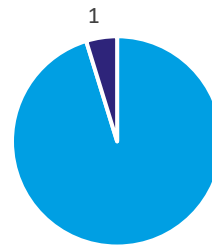
Provisions in Custody

WERE RELIGIOUS ITEMS CATERED FOR?



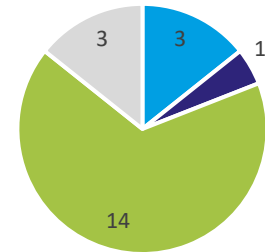
■ Yes ■ Not requested ■ No details found ■ N/A

DP WAS ASKED ABOUT DIETARY REQUIREMENTS AND ALLERGIES?



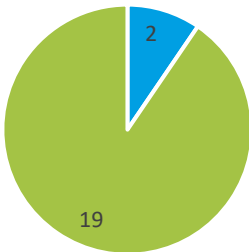
■ Yes ■ No details found

Was the DP instructed in the use of the cell call bell?



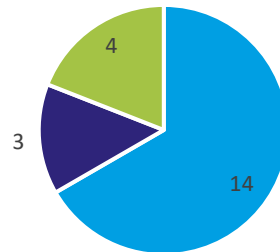
■ Yes ■ No ■ No details found ■ N/A

Was the DP instructed that the toilet is pixelated?



■ N/A ■ No details found

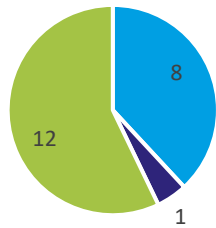
Food and refreshments offered regularly?



■ Yes ■ No ■ N/A

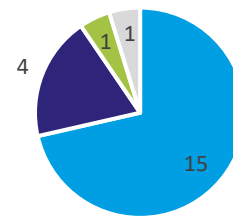
Female Detainees

(If female) Was a female officer assigned where necessary for a female DP?



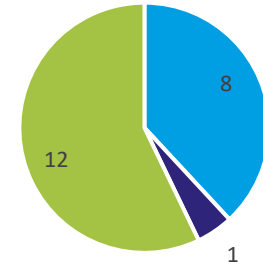
■ Yes ■ No details found ■ N/A

Was the DP asked if they would like to speak with someone from the same sex?



■ Yes ■ Yes but DP refused ■ No ■ N/A

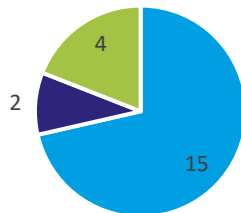
(If female) Were menstrual products offered?



■ Yes ■ No ■ N/A

Hygiene Requests

Does the record make any reference to hygiene requests being made/given, for example; showers and handwashing facilities being offered?

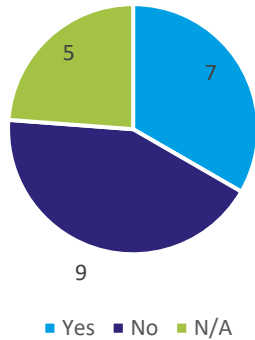


■ Yes ■ No ■ N/A

- The Panel overall assessed that the hygiene coverage was good, that checks were conducted regularly and that detainees were looked after.
- For one detainee, it was noted that they were in custody for over 4 hours and other than water from the initial 32 minutes, there was nothing else offered.

Custody Early Warning Score (CEWS)

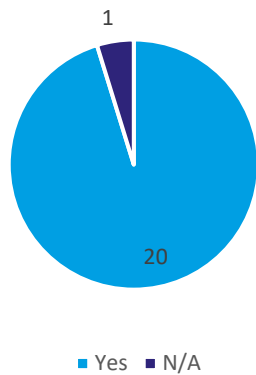
Is there evidence of a CEWS score being undertaken?



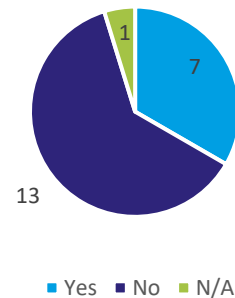
- Custody Early Warning Score (CEWS) system has been added to the normal standardised police risk assessment process to identify detainee morbidity and mortality risk.

Rights Entitlements

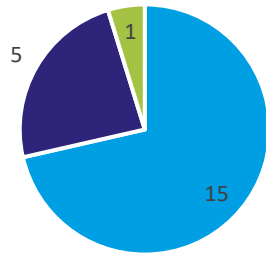
Was the DP given rights - either at booking in or later ?



Was there a delay in receiving R+E (e.g. with AA/interpreter present) of more than 1 hour?



Did the DP see or speak to a Solicitor?



■ Yes ■ No ■ No details found in the record

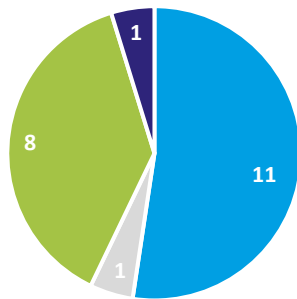
How long, after detention authorised, did the DP request a solicitor?

- The average time for a detainee took to request a solicitor was 22 minutes.
- In 10 of the cases, the DP made the request for a solicitor within 25 minutes.
- The longest period for a DP to request a solicitor was 2 hours and 42 minutes.
- 69% of detainees saw or spoke with a solicitor during their detainment.

The length of time taken for police to contact a solicitor

- The average time taken was 1 hour 26 minutes for police to contact an on-duty solicitor.
- The longest period of time was 6 hours and 30 minutes.
- The shortest was immediately after being requested.

Was solicitor advice given in person?

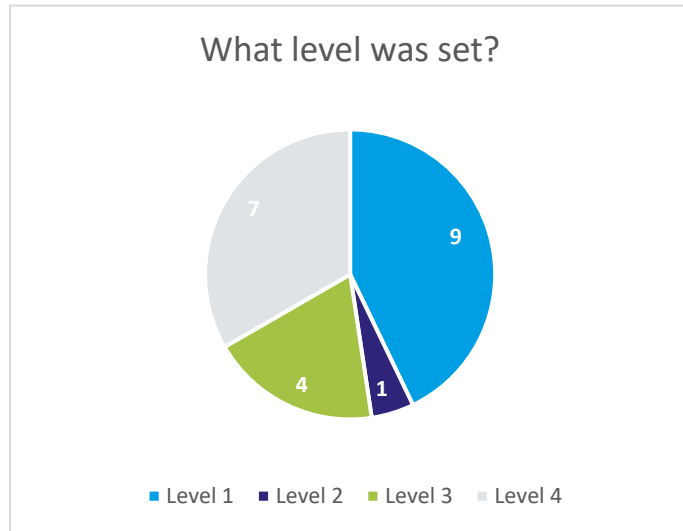


■ Yes ■ On the phone ■ N/A ■ Other

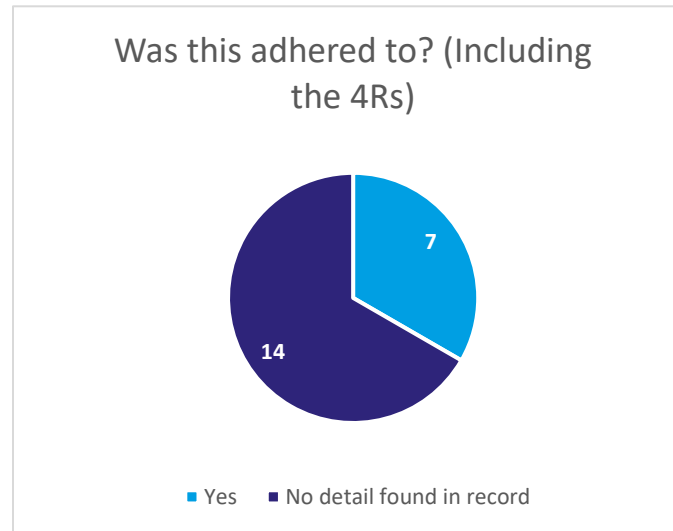
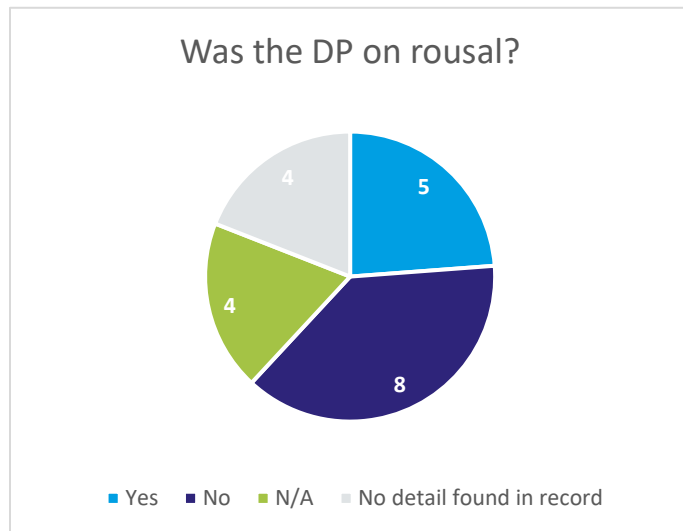
The length of time taken for solicitor to arrive from the point of being contacted

- The average time for solicitor to arrive was 1 hour and 46 minutes.
- There was 1 occasion where a solicitor arrived after 10 hours of the DP being detained.
- The shortest time noted was immediate.
- The Panel had noted only on four occasions a rationale been provided to explain the reason for the delay. On one occasion there was no rationale found.
- The Panel also noted that a number of juvenile detainees had declined the option of meeting with legal counsel. A reason for some delay was due to CIC sleeping, the availability of the solicitor, and the transfer of one detainee from one custody suite to another.

Observation level

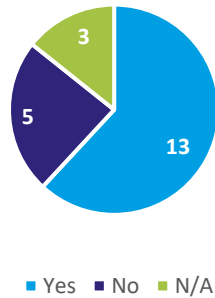


- The risk level is judged on 4 levels.
 - Level 1 General (at least once every hour)
 - Level 2 Intermittent (every 30 minutes)
 - Level 3 Constant (constant observation CCTV and accessible at all times)
 - Level 4 Close Proximity (physically supervised in close proximity).
- The Panel recorded 100% confirmation that all DP's risks were taken into account with the rationale recorded.
- A number of the Panel members noted that the observation levels were downgraded from higher risk level grading to Level 1 appropriately during the DPs detention and that they were regularly monitored.



Support Services

Was the DP given access to/offered/referred to any support services?



- 62% of DPs were offered support services, 24% were not.
- The Panel noted that a number of juvenile detainees were already supported by agencies such as Child and Adolescent Mental Health Services (CAMHS), Youth Offending Team (YOT), Healthcare Professionals (HCP) and social services.

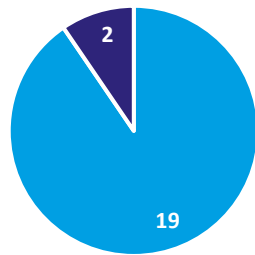
Healthcare Professional (HCP) and Special Risk Clothing (SRC) *formerly known as Anti-Rip Suites*

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.	Further exploration required as to use/rationale. Cases to be raised with custody inspector.
Suit drop down used but no further information.	
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	

Healthcare professional (HCP)

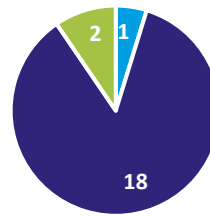
- Of the 21 cases reviewed, 19 were required to see a HCP and there was only one delay in DPs receiving a health assessment. The Panel member noted that there was no rationale provided for the delay.

Did the DP see a healthcare professional?



■ Yes ■ No

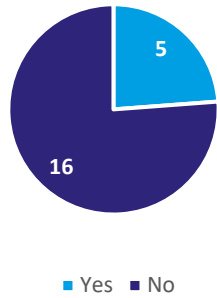
Was there a delay in healthcare professionals attending and DP receiving a health assessment?



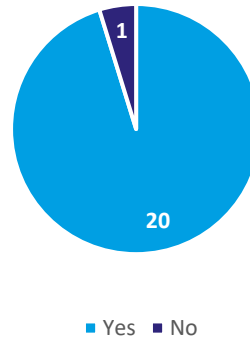
■ Yes ■ No ■ N/A

Special Risk Clothing and Use of Force

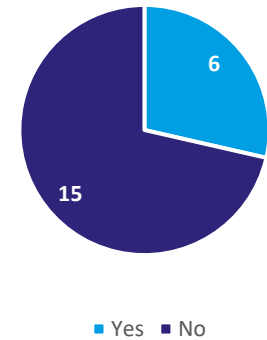
Was the detainee given a safety suit/Special Risk Clothing (anti rip-suit) to wear?



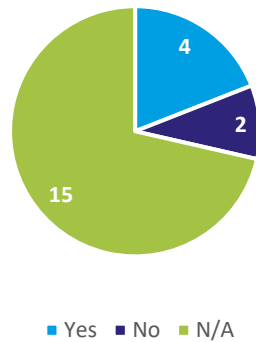
Did the detainee engage with the risk questions?



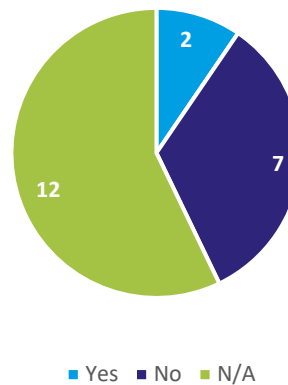
Was the detainee assessed as at risk of self-harm?



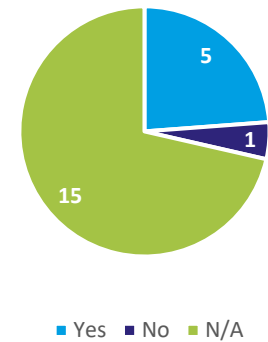
Where a suit was provided has a rationale been provided?



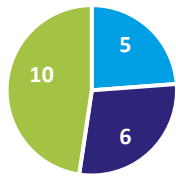
Was clothing removed by force?



If clothing was removed, were there continuing risk assessments?

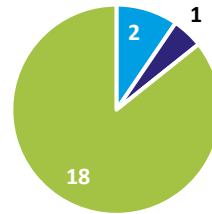


Does the record contain evidence of de-escalation, distraction items or other methods of reducing the detainees risk level?



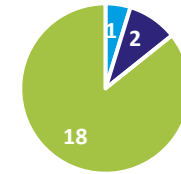
■ Yes ■ No ■ N/A

Does the record contain evidence of the Special Risk Clothing being discussed in staff handovers?



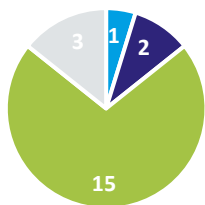
■ Yes ■ No ■ N/A

Does the record contain evidence of the Special Risk Clothing/Anti-Rip Suit being removed at the earliest opportunity?



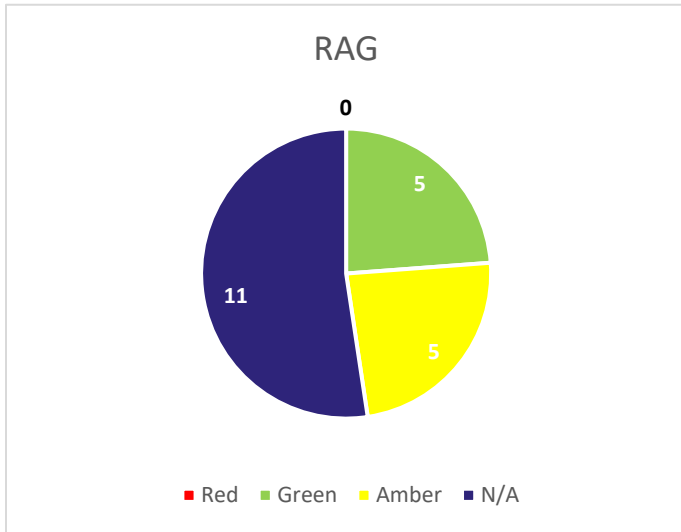
■ Yes ■ No ■ N/A

Does the record contain evidence of the Special Risk Clothing/Anti-Rip Suit being removed prior to interview?



■ Yes
 ■ No
 ■ n/a DP not in Special Risk Clothing
 ■ n/a DP did not have an interview

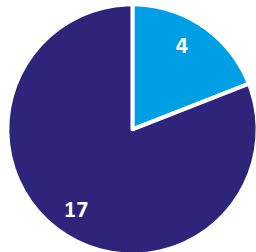
Overall, the Panel noted that in the five instances SRC was issued, all 5 specified the rationale being that the juvenile’s clothing presented the risk of cords. In one instance, rationale was not recorded for issuing SRC.



- The Panel had the following comments regarding RAG:
 - The DP was well looked after. There were no notes to suggest any concern that DP was in any harm while in custody. There was a good risk assessment which included DP's vulnerabilities involving self-harm or mental health.
 - SRC rationale appears to be missing from the record.

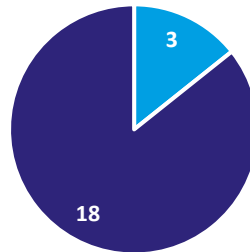
Strip Search

Was there a good rationale for strip search?



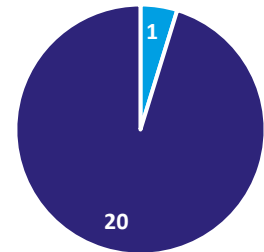
Legend: Yes, DP not strip searched

Was there an Appropriate Adult present during the strip search?



Legend: Yes, No

If no, was the Strip Search considered as urgent?

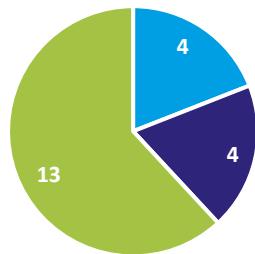


Legend: No, N/A

The Panel member noted that the reason specified for the juvenile detained person to have been strip searched was their clothing was damp and had cords. This specific instance did not have an AA present.

Mental Health (MH), Appropriate Adults (AA) & other Vulnerabilities

Was there any rationale available for a delay in AA's arrival?



■ Rationale given ■ No Rationale given ■ N/A

The Panel advised in all 21 cases reviewed, an AA was deemed to be necessary and they were all contacted accordingly. The average time for a detention officer to make contact with AA was 2 hours and 57 minutes, and the average time the juvenile first made contact with an AA was 2 hours and 2 minutes.

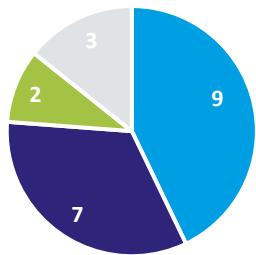
From the rationale provided, the Panel advised that the delay was due to:

1. Two instances of DPs being asleep.
2. AA had to travel from long distance.
3. Time of night when the call was provided.

- The Panel were asked for their observations, in relation to how custody staff approached MH concerns in custody. The Panel noted:
 - a) Custody staff documented information regarding MH concerns comprehensively.
 - b) There was an instance of the juvenile referencing they had ADHD, which conflicted with their doctor's prescription.
 - c) There was one instance where a child was diagnosed with autism for the first time whilst in custody.
 - d) Custody staff were using their observations alongside documenting comments raised by the juvenile.

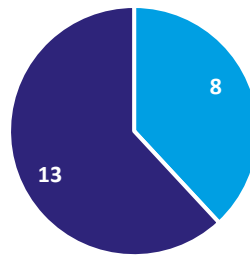
Children in Custody

(Children only) Was the child charged?



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

(Children only) Was the young person detained overnight?

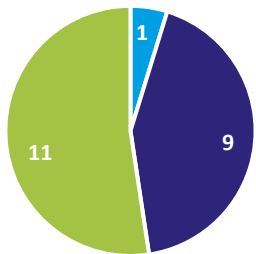


■ Yes ■ No

The reasons specified for detaining a juvenile overnight were:

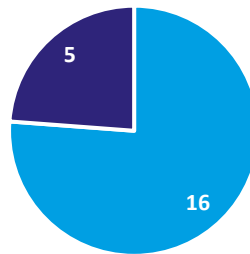
- DP was not fully engaging.
- They were refused bail.
- Not appropriate for the juvenile to return to the care home.
- Not appropriate to return to the foster home, due to the incident occurring at this location.
- Social Services were unable to provide an alternative accommodation.

(Children only) Was an alternative care setting sought?



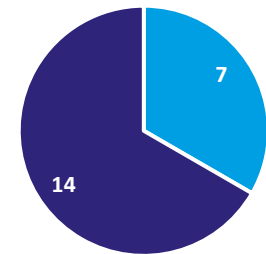
■ Yes ■ No ■ N/A

Was the Children in Custody checklist used?



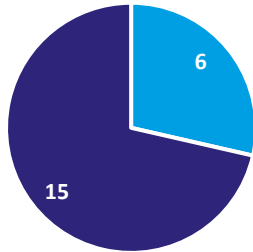
■ Yes ■ No

Was the Voice of the Child recorded?



■ Yes ■ No

Has a reachable moments interview occurred?



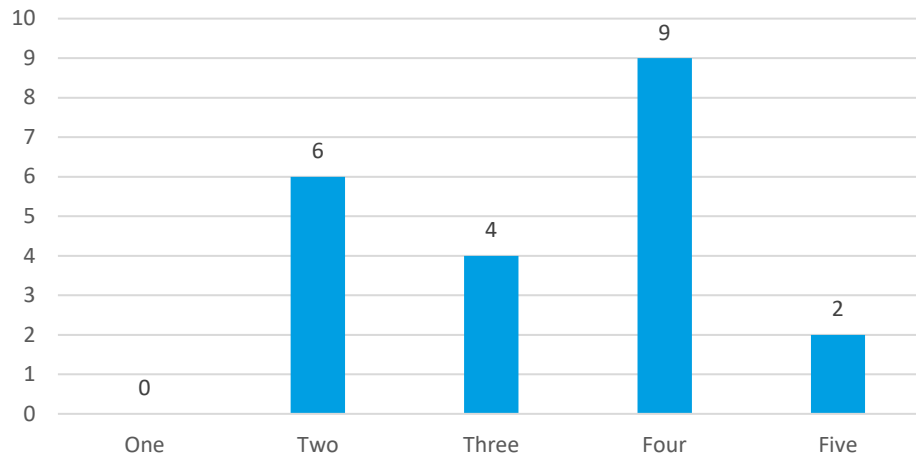
■ Yes ■ No

The Panel noted that:

- In one instance, good, clear notes were provided with no concerns. It was considered to be dealt with appropriately and in a timely manner.
- On five occasions, the 23 point checklist was not completed.
- In one 'Reachable moment' matter, no action was taken due to the Officer specifying that they had received no training on the topic.
- Issues with a lack of alternative accommodation.

Overall Rating

Overall Rating of Custody Record observed



- The Panel were asked to give a scoring out of 5 at the end of each custody record, with the guidance that from 1 needing improvement to 5 being outstanding.
- The overall average rating the Panel scored for CIC out of the 21 custody records reviewed was 4.2.