



**Policy Title** Custody

**CCMT Sponsor** ACC Neighbourhood Policing & Partnerships

**Department/Area** HQ Criminal Justice

**Section/Sector** Shared Service Custody

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## **1.0 Rationale**

It is essential that any person detained for any period of time within Thames Valley Police custody facilities is dealt with expeditiously, lawfully and proportionately and in a manner that respects their individual human rights.

## **2.0 Intention**

The aim of this document is to set out force policy in respect of the treatment of persons held in detention at Thames Valley Police custody facilities, irrespective of whether the provisions of the Police And Criminal Evidence Act 1984 and other associated provisions apply or not.

## **3.0 General Principles**

This policy is a high level document setting out the key values, principles and requirements of the force's Shared Service Custody provision. More detailed protocols for dealing with detained persons are available in the Police and Criminal Evidence Act, its Codes of Practice, the National Guidance on the Safer Detention and Handling of Persons in Police Custody, and also in the electronic Custody Portal.

The Custody Portal is a living document that is subject to regular change in line with national guidance and legislative changes. As such it can only be viewed on the intranet and should not be printed out for day to day referral.

The Custody Portal is supported by the daily electronic Custody Briefing system which is also subject to regular review.

Legislation, and any associated Codes of Practice, will always take primacy in respect of custody procedures.

### **3.1 Roles and Responsibilities around the forcewide provision of custody facilities**

The ACC responsible for Neighbourhood and Partnerships is the Force's ACPO lead with overall responsibility for Custody Services within the Force.

The force Custody Strategy Group monitors and reviews a range of issues relating to the force's management of its custody environment and custody procedures. The Group meets bi-monthly and is Chaired by the ACC. Membership includes the Police Authority member with Custody portfolio, representatives from the Criminal Justice Department, Property Services, Police Federation, Business Support, and also representatives from Local Policing Areas.

## GPMS: NOT PROTECTIVELY MARKED

The Head of Department (Criminal Justice) is accountable to the ACPO lead for the strategic direction and development of the custody functions supported by the Chief Inspector Custody lead.

Each Custody Suite has a nominated Custody Inspector who has day to day responsibility for the performance and management of their Custody Suite and staff.

### **4.0 Challenges & Representations**

Any person directly affected by this policy may make representations in relation to this document and/or any decision taken in consequence of it to:-

Superintendent (Head of Department),  
HQ Criminal Justice,  
Police Headquarters,  
Oxford Road,  
Kidlington,  
OX5 2NX

### **5.0 Guidance, Procedures & Tactics**

#### **5.1 Resourcing**

Sufficient staff will be deployed to each custody suite to ensure that all detainees there can be dealt with in accordance with the legislation, Codes of Practice and this policy document.

No Sergeant will perform the role of Custody Officer unless fully trained in accordance with the current training competencies.

The Custody Officer should not accept more detainees than they can deal with safely. When a custody suite is closed for any reason then the detained person should be promptly transported to the next nearest designated custody suite. Closure of a custody suite can have a significant effect on local policing and resilience and should only take place in accordance with the procedures set out in the Custody Portal.

#### **5.2 Detention**

Before deciding whether to detain a person brought to the custody suite, the Custody Officer shall consider whether further detention is necessary and lawful, whether the grounds to detain the person still exist, whether the detention is proportionate. If these criteria are not met then the person should be released without delay.

Every person detained in a Thames Valley Police Custody Suite shall be subject to reviews of detention even if there is no legislative requirement for such reviews under section 40 PACE. An officer of at least the rank of Inspector (or Superintendent when applicable under s42 PACE) will undertake PACE reviews pre-charge and the Custody Officer will undertake all other reviews.

Every person in detention in custody should be dealt with expeditiously. This should be considered as part of the review process. Although section 40 PACE allows reviews of detention at set intervals, these intervals shall not be taken as the standard. The review officer shall, on each occasion, determine the period of further detention to be granted up to the maximum permitted and clearly record this within the record of review.

At a designated Police Station, the Custody Officer will make decisions as regards the disposal action to be taken in relation to any detained person. This will be in consultation with the CPS and other advisers where appropriate, and the Custody Officer will give priority to such decisions to ensure that no-one is detained unnecessarily.

### **5.3 Custody Portal**

Instructions in relation to the management of custody suites and the processing of detainees are contained in detail within the electronic Custody Portal accessible on the force intranet which can be accessed via the link below. These procedures will be followed and Custody Officers will ensure that all decisions made in relation to detainees are accurately recorded.

<http://knowzone/int-cp-home.htm>

### **5.4 Detainee Welfare**

As a matter of principle the detainee's right to life will always be of paramount importance. The rights of detained persons are protected by legislation, including the Human Rights Act and the Police and Criminal Evidence Act. Detained persons will always be given the opportunity of exercising their rights unless they are withheld in accordance with the legislation.

Every person brought into police custody will be the subject of a risk assessment which must consider the risks to the detainee, the custody staff and any other person who may be affected. Whenever a detained person is identified as presenting any risk of self harm or a risk of serious illness then the Custody Officer is responsible for deciding on suitable control measures that will be adopted to minimise or negate this risk. This could include releasing the detained person from custody to facilitate their removal to hospital, or releasing them pending their re-arrest at some future time.

## GPMS: NOT PROTECTIVELY MARKED

Custody Officers are able to contact a Health Care Professional for advice either by telephone or by means of personal visit to the Custody Suite as appropriate.

The Custody Officer is responsible for identifying special groups of people who may be detained, such as disabled persons, persons with learning difficulties or mentally ill, or juvenile detainees. In each case the Custody Officer should take appropriate action in accordance with the Custody Portal instructions and Safer Detention Guidance in order to safeguard their rights and well-being.

Each person brought into the Custody Suite should be treated as an individual with special consideration being given to their specific needs. Each detainee must be subject to a dynamic risk assessment by the Custody Officer in charge of the Custody Suite. It is important to ensure that if risks change during their period of detention then these changes are recorded in a timely and accurate manner together with any new control measures which have been put in place to minimise such risks.

Following the release of a detainee from the Custody Suite, consideration must be given to their vulnerability, ability to return home and the provision of appropriate further support or contact with other agencies. A full Pre-Release Risk Assessment will be carried out in relation to each detainee prior to release or else reasons will be recorded in the Custody Record as to why it is not considered necessary. Full guidance in relation to these Assessments is provided in the Custody Portal.

The Custody Officer will be supported by contracted Detention Officers who will operate under his/her instruction at all times in accordance with legislative provisions and the terms of the contract.

### **5.5 Maximising Evidential and Intelligence Opportunities**

Every effort should be made to maximise the evidential and intelligence value of a person's detention in custody in accordance with legislation and the Custody Portal, together with other guidance which may be published by the force from time to time.

Every opportunity will be taken to update PNC, obtain fingerprints, photographs, DNA samples and footwear impressions in line with legislation and force procedures. In particular, it is essential for a detainee to be correctly identified prior to release from custody.

### **5.6 Documentation**

All decisions made and actions taken in respect of detained persons shall be fully recorded, including the reasons where appropriate, as part of the custody record.

All police actions will be conducted in a manner compatible with the operational principles of safety, lawfulness, necessity, proportionality and the least intrusive to achieve the purpose. It is necessary to achieve a balance in the protection of the rights and freedom of all persons concerned.

### **5.7 Responsibility for Detainees**

Where there is more than one Custody Sergeant on duty at a Custody Suite then the provisions of the Custody Portal will be followed, in particular so that at any point in time it is clear as to which Custody Officer is responsible for any particular detainee.

There must be no confusion between Custody Officers as to who is responsible for decisions in respect of any particular individual.

At the point where a Custody Officer authorises a person's detention then s/he becomes accountable for all actions taken in relation to that detainee until such time as s/he hands over accountability to another Custody Officer. Whenever such a handover occurs this must be clearly documented in the custody record log by the receiving Custody Officer so that investigating officers and others are aware of who is responsible. When the receiving Custody Officer takes over accountability they should examine the Custody Record, review the risk assessment and visit the detainee to satisfy themselves of the control measures in place.

### **5.8 Directions at Variance with the Decision of the Custody Officer**

Section 39(6) PACE already makes provision for the resolution of situations where an officer of a higher rank than the Custody Sergeant gives a direction at variance with the decision of the Custody Sergeant. In such circumstances the Custody Sergeant shall refer the matter "at once" to an officer of at least the rank of Superintendent who is responsible for that Police Station.

In practice, it is expected that most disagreements can be resolved through discussion of the issues, although should a Custody Officer change his/her mind about a course of action as a result of representations from a colleague they remain fully accountable for their decisions.

### **6.0 Communication**

The Policy Management Unit will publish the policy onto the Policy and Procedures intranet site and the force website. The document is not restricted and can be disclosed to any interested parties.

Any revisions or changes to this policy will be publicised on the force intranet.

This policy will be managed by the Headquarters Criminal Justice Department through a process of regular review against new legislation and guidance.

## **7.0 Compliance and Certification**

### **7.1 Human Rights Audit**

This policy has the potential to engage the following Human Rights Articles:

- Article 2 (Right to Life) as regards the welfare of detained persons
- Article 5 (Right to Liberty) as regards the detained person's detention.

### **7.2 Diversity Impact Assessment**

This policy has been assessed for its relevance to all the strands of Diversity and it has been rated as “LOW” relevance.

### **7.3 Diversity (Human Resources)**

In the application of this policy, the Force will not discriminate against any persons regardless of their gender, sexual orientation, race or ethnic origin, religion, age or disability. Every person will be treated as an individual.

### **7.4 Data Protection**

All personal data processed in compliance with this policy will be managed in accordance with the provisions of the Data Protection Act 1998.

### **7.5 Freedom of Information Act**

This policy is suitable to be made available to the public and can be published on the TVP FOI internet website.

### **7.6 Protective Markings**

This policy has been assessed as NOT PROTECTIVELY MARKED.

GPMS guidelines will be followed to ensure the correct storage, movement and destruction of protectively marked material gathered as a result of this policy.

### **7.7 Health & Safety at Work**

The necessary Health & Safety considerations have been included in the generic force Custody Risk Assessment and associated control measures.

## **8.0 Monitoring and Review**

### 8.1 Review Process

Monitoring of this policy is to be carried out by HQ Criminal Justice at least bi-annually.

Any review will take account of:

- Changes in legislation
- Court rulings
- Examples of good practice
- Changes in Home Office Circulars
- Developments with ACPO
- Relevant diversity & equality data

### FOR USE BY THE POLICY MANAGEMENT UNIT ONLY

<b><u>Chief Officer Policy Authorisation</u></b>	
<b>Policy signed off by:</b>	
<hr/>	
<b>ACC Neighbourhood Policing and Partnerships</b>	<b>Date</b>