

NOT PROTECTIVELY MARKED



**Policy Title:** Smoking in Custody Suites

**CCMT Sponsor:** ACC Specialist Operations

**Department/Area:** Criminal Justice

**Section/Sector:** Headquarters

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### **1.0 Rationale:**

Thames Valley Police has a duty of care towards all persons in police detention as well as towards any other persons attending police Custody Suites. The purpose of this policy is to comply with the Government directives on smoking in public buildings and also to take account of the health, welfare and safety of persons in police detention, as well as all visitors, contractors and other persons entering Custody Suites.

### **2.0 Intention:**

The purpose of this policy is to minimise, as far as practicable, the effects of smoke inhalation on both detainees and Custody Staff and all visitors to the Custody environment. It aims to minimise the risks of self-harm or fire in relation to the smoking of tobacco products. It also aims to provide guidance to Custody Staff in relation to the effects of nicotine withdrawal. This policy document is intended to be available to the general public and all persons who may be affected by it. Paper copies of the policy document will be available at each police station which has a Custody Suite. The policy has been drawn up to take account of the Force '**No Smoking Policy.**'

### **3.0 General Principles:**

#### **3.1**

No persons will be permitted to smoke in Custody Suites. 'Persons' will include:

- Police officers,
- Special Constabulary Officers,
- Police Community Support Officers,
- Support staff,
- Detainees,
- Contractors
- Any other visitors to Custody.

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### 3.2

The term 'Custody Suites' includes:

- Cells, holding areas,
- Processing areas,
- Interview rooms,
- Fingerprint areas,
- Washing and toilet facilities,
- Exercise yards,
- Van docks,
- Consultation or other rooms within Custody Suites.

This will also include any vehicle, portacabin or other place which is being used as a Mobile or Temporary Custody Suite facility.

### 4.0 **Challenges & Representations:**

Any enquiries in relation to this order should be referred to:

Thames Valley Police Headquarters,  
Criminal Justice Department,  
Wychwood House,  
26, High Street,  
Kidlington OX5 2DH

### 5.0 **Guidance Procedures and Tactics**

#### 5.1

On arrival at the Custody Suite, detainees will be subject to the arrangements set out in the Police and Criminal Evidence Act 1984 and its Codes of Practice. The Custody Officer in charge of the Custody Suite will carry out a risk assessment which will direct the initial care and supervision regime of the detainee.

#### 5.2

'Where appropriate, following a risk assessment of the detainee, the Custody Officer in charge of the Custody Suite shall consider any request from a detainee for nicotine replacement products, typically patches. The Custody Officer may seek the advice of a Force Medical Examiner (FME) or healthcare professional (HCP) who will advise on the effects of nicotine withdrawal. This advice may be by telephone or in person, and the Custody Officer in charge will be guided by the advice of the FME or HCP. However, at night (between midnight and 0700) most detainees should be able to wait until the morning before the FME is consulted on the issue of a Nicotine patch, it should only be on rare occasions that a detainee cannot wait until a reasonable hour for the FME to be consulted. However should the FME be called for another matter then they should be consulted regarding patches for a DP and speak to the DP in person when attending custody or on the telephone so that all relevant and necessary questions can be asked.'

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The prohibition of smoking can have adverse effects on those detainees in custody who wish to smoke. It follows that all Custody staff and officers need to be aware of the possible signs of acute nicotine withdrawal on the part of detainees. It is important to ensure that evidence obtained by interview is not obtained in circumstances which could amount to undue pressure being put on the detainee due to the effects of enforced and prolonged nicotine withdrawal. Whilst it is not possible to give a definitive list of the symptoms displayed by a person who is suffering from nicotine withdrawal, where the demeanour of a detainee, who is a smoker, changes and there appears to be no evidence that the withdrawal from other substances may be the cause, then the possibility of nicotine withdrawal should be considered. A detainee's request to smoke may be accompanied by increased anxiety, decreased cognitive performance, irritability, mood swings, disorientation, and depressive symptoms. Increased aggression due to nicotine withdrawal is generally considered to be rare, but cannot be totally discounted. In cases where this may be an issue, advice should be sought from the Custody Officer in charge and FME or HCP as appropriate.

**5.4**

The FME or HCP can advise Custody staff in relation to clinical options which may include the provision of gums or patches in order to minimise the effects of nicotine withdrawal whilst a detainee remains in police detention. Where such provision is recommended, then the Custody Officer in charge shall make a dynamic risk assessment in relation to any possible misuse of such products, including any possible self-harm or damage to cells or other property.

**5.5**

The experience of other forces who already have a similar policy in place has been taken into account, and it indicates that the vast majority of social smokers, and even heavy smokers, can refrain from smoking for long periods of time without any significant adverse effects, but in cases of doubt then advice should be sought from the FME or HCP.

**5.6**

When detainees first use nicotine replacement, they may experience short-term nausea and dizziness if they have been deprived of nicotine for a considerable time. It is recommended that a period of at least 15 minutes should elapse between the provision of nicotine replacement and the beginning of any subsequent interview. Nicotine replacement methods can cause stomach upsets or other adverse reactions. If a detainee who has been given a nicotine replacement complains of illness, the advice of the FME or HCP should be sought without delay.

**5.7**

Each Custody Suite should maintain suitable facilities so as to enable the hygienic disposal of used nicotine replacement products. The Custody Officer will consider any risks relating to self-harm, swallowing or misuse

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of nicotine replacement products as part of each detainee's dynamic risk assessment when determining the level of supervision required for the safety of the detainee. Provision should be made for each Custody Suite to maintain an adequate stock of nicotine replacement products, such stock to be approved by the Principal FME and sourced by the force Procurement Department.

**6.0 Communication:****6.1 Links to Police National Legal Database/Other**

- No Smoking Policy
- Custody Standard Operating Procedure

**6.2 Communications Strategy**

The Policy Management unit will publish the policy onto the policy and procedures intranet site and the TVP website; it will also be advertised in Manager's Briefing.

The policy will be circulated to BCU Commanders, BCU Custody Inspectors (for dissemination to custody officers), the Crown Prosecution Service, Criminal Defence Service and to Reliance Security plc as existing custody contractors. The policy will be explained at Custody Management Meetings and locally on an ad hoc basis as requested. Criminal Justice staff will monitor the roll-out process of CCTV across custody suites and will personally visit suites from time to time in order to monitor its effectiveness as part of the review process.

**7.0 Compliance and Certification****7.1 Human Rights Certification****(i) Legal Basis**

This policy is compliant with the Police and Criminal Evidence Act 1984 – Codes of Practice the Human Rights Act 1998 and the Regulation of Investigatory Powers Act 2000. It also takes account of draft ACPO guidance on the use of CCTV

**(ii) Human Rights Articles Engaged**

- Articles 8 – Privacy and related matters
- Article 14 – Prohibition of Discrimination

**(iii) Prohibition of Discrimination**

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.

**NOT PROTECTIVELY MARKED****7.2 Diversity Impact Assessment**

This policy has been assessed for its relevance to the six strands of Diversity and is rated as 'LOW.'

**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.

**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 within the Guidance, Procedures and Tactics section.

**8.0 Monitoring and Review****8.1 Links to Best Value/PPAF/Priorities/Performance Indicators**

The policy actively assists the Force Strategic Objective 'To equip our frontline staff to deliver on our objectives'. It also supports the Corporate Priority of promoting safety and security in relation to detainees at police custody suites.

**8.2 Review Process**

Monitoring of this policy is to be carried out by BCU Custody Inspectors on an ad hoc basis and any issues or concerns raised for the awareness of HQ CJ.

This policy will be reviewed in 3 months by HQ CJ to ensure that it is being effectively applied, and will look at:

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- Changes in legislation
- Court rulings – Domestic, European and Human Rights
- Examples of good practice from other Forces or other organisations
- Changes in Home Office Circulars
- Developments with ACPO Policy Unit
- Representations made by individuals and relevant organisations
- Relevant race equality data