

Custody and Detention (Including TACT Custody)

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Policy Statement

Summary

West Yorkshire Police has a duty of care to ensure detainees are treated in a way that is dignified and takes account of their human rights and diverse individual needs and the safe and lawful operation of activities in the custody suite.

The aims of this policy are to ensure:

- that safe and quality custody is provided at all times;
- custody staff are respectful in their day-to-day working and are aware of and responsive to any particular risks and vulnerabilities; and
- detainees have access to health and social care services appropriate to their physical and mental health needs.

This policy should be read in conjunction with the Police and Criminal Evidence Act 1984, Code C and Authorised Professional Practice (APP).

Scope

This policy applies to all police officers and police staff.

Principles

Principles

West Yorkshire Police will:

- Ensure custody staff are respectful in their day to day working and aware of and responsive to any particular risks and vulnerabilities.
- Ensure all those who work or visit the suite understand their responsibilities to a safe and fair custody provision.
- Make sure custody officers, detention officers and gaolers are adequately and appropriately trained and undergo training at least every twelve months and before their current training expires. A grace period of three months (in addition to the twelve months expiry period) will apply, but **only if**:
 - The custody officer or gaoler has performed the custody role within the last six months; and
 - The refresher course must be booked and attended within the three month grace period.
- Any person not meeting the criteria must have written SLT approval to work in a live suite.
- Require all staff who work in custody on a permanent or ad-hoc basis to subscribe to the Custody Online Knowledge Area (COKA) in order to receive vital information and updates.
- Ensure that warrant and identity card access to custody is only for individuals who require it. This will be determined by Custody Services in line with the security requirements of the suite.

- Help detainees to access health and social care services appropriate to their physical and mental health needs. They will receive emergency medical care where necessary and be provided with appropriate medication or support according to their needs.
- Ensure each district custody suite is visited at least once in 24 hours by a SLT member belonging to that district, except when exceptional circumstances apply. An entry will be made in the SLT book retained in custody to record the visit and any action taken. Visits by cadre members is in addition to this requirement.

Independent custody visiting (ICV) scheme

Introduction

The role of ICVs is to examine issues relating to the care and welfare of persons detained in police custody and not address resourcing issues or to inspect staff areas or report on staff concerns. They should be granted immediate access to custody suites unless there is an operational need to delay their access, e.g. violent detainee at the custody desk or medical emergency.

Highlighting problems

The ICV will identify problems which have a negative effect on detainee care and, based on their decision about its urgency and bring it to the attention of the custody officer as follows:

Non-Urgent

If it is minor, it may be sufficient to draw such problems to the attention of the escorting officer or the custody officer, and not worth including in the custody visitor's report. If not, the problem should be recorded in the report, which will be noted by the custody officer, then forwarded to the District Commander and the Mayor of West Yorkshire's office.

Urgent

The first contact is with the custody officer. If they cannot resolve the issue, the ICV will contact the duty inspector for resolution. If this fails, the ICV will pass the complaint on to the district 'on call officer' via the Force Duty Officer.

Further information

Information concerning independent custody visitors are covered in the APP Detention and custody and ICV local protocol.

Responsibilities

Arresting /escorting officers

Before arrival at custody	<p>Officers are responsible for:</p> <ul style="list-style-type: none"> • If the detainee is drunk and incapable, or there is a visible head injury, ensuring they are taken directly to hospital. • Where practicable, before arrival at custody: <ul style="list-style-type: none"> ○ Ensuring all detainees have been appropriately searched; ○ Finding out if the arrested person has any medical condition and is likely to need any medication while in custody and collecting the medicine from their home address; ○ Removing all excess property from the detainee unless it will potentially be required as evidence; and ○ Bringing the detainee's mobile 'phone and a small amount of money to enable them to travel home when/if they are released from custody; • Not leaving an arrested person alone or allowing them to eat or drink at any time before handing them over at the custody suite. • Keeping a log of their activity, treatment and being in possession of the risk assessment for the detainee when away from the custody suite.
Arrived in custody	<ul style="list-style-type: none"> • Informing the custody staff about the circumstances of the arrest as well as the occurrence number. • Informing the custody staff of all information they are aware of relating to a detainee that may impact upon their health and welfare whilst in detention including any use of force.
Hospital treatment	<p>Officers are responsible for:</p> <ul style="list-style-type: none"> • If the arrested person is injured, ensuring the detainee is examined and assessed but, if healthcare services refuse to admit and or treat the detainee, taking them to a designated police station. In these cases, they must request clear instructions about their care and transportation in a written discharge summary which should include the reasons for refusing to admit the detainee. • If they do not agree with the decision of the hospital staff to either refuse admittance or release the detainee from hospital: <ul style="list-style-type: none"> ○ Requesting a second opinion; ○ Discussing options with a healthcare professional; or ○ Requesting that a healthcare professional discuss the issue with the Accident and Emergency consultant; • If the detainee is unconscious, contacting the ambulance service so that they can be conveyed directly to a hospital. They must not be taken to a police station and never placed in a cell. Do not assume that a person snoring is asleep, they may be unconscious.

- Supervising the detainee while in hospital in accordance with the guidance contained in the Hospital Close Proximity form for Persons in Police Custody (Form 28e) and ensuring these duties are performed by police officers of the same sex as the detainee, wherever possible, to preserve decency.
- Supervising detainees when they ask to go to the toilet.
- Retaining the clothing until they are discharged by the hospital and searching the detainee again to ensure they have not acquired items that could be used to harm themselves or others or damage property.
- On release from hospital:
 - Obtaining, **in writing**, any case notes, care plan or items of information from the hospital medical staff, including a **discharge summary**, and passing them to the custody healthcare professional; and
 - Establishing definitively if the detainee has been medically discharged by a medical professional at the hospital or has self-discharged or refused treatment. This information is vital to the custody officer.
- Returning the PER to the custody officer and informing them of any additional identified risks they need to be aware of.

**Intoxicated
through drink or
drugs and
pregnant**

Officers are responsible for:

- If the pregnancy is identified while the detainee is being booked into custody, they must complete an appropriate safeguarding referral.

NB: If the detainee later provides a positive drugs test while in custody, the responsibility for referrals lies with the investigating officer.

The officer in case (OIC) is responsible for:

- Endorsing the Niche OEL with the offences(s) the detainee has been arrested for.
- Notifying social services or out of hours Emergency Duty Team (EDT) using the safeguarding process and taking into account the fact that some social services require a formal referral form and others referral via an email.
- Copying the district SGU for information only.
- If it is necessary to view CCTV footage within the 90 day period, to assist with the investigation, obtaining the authority of the duty inspector who must supervise the viewing.
- If a copy of the CCTV footage is made for the defence, forwarding an additional copy to the CPS.

**Options other
than police
detention**

See Voluntary attenders policy.

Supervising detainee in holding cell

Officers are responsible for:

- Supervising the detainee in the holding cell or other suitable safe area until they can be formally booked in.
 - Constantly observing and gathering information about the detainee's behaviour and appearance so officers can dynamically assess the detainee to help custody staff produce a meaningful risk assessment.
 - Reducing the risks to officers, custody staff and the detainee by **not** being distracted by their handheld devices, work or personal mobile phones as appropriate supervision of the detainee is paramount.
 - If to complete the arrest proforma compromises the officer's ability to effectively supervise the detainee, then the form should not be completed and all information should be past to the Custody Officer verbally.
 - Any immediate concerns or risks must be relayed immediately.
-

Escort and Transportation

Officers/staff must ensure:

- That only approved handcuffs are used in line with their training, for the escort and transportation of detainees. This includes the production of Prisoners from HMP/YOI establishments. The only handcuffs currently approved are rigid handcuffs and flexi cuffs.
 - Detainees/prisoners are not to be handcuffed to Police Officers/Staff as this tactic limits the tactical options available to the officer should they be attacked by the detainee/prisoner that is handcuffed to them.
 - They avoid escorting a handcuffed detainee on foot through the street or on a public service vehicle. If possible, conveying the detainee by police vehicle or, if not readily available, a hire car.
 - Please refer to the Officer Safety, Police Support Unit (PSU) Training and Job Related Fitness Testing policy.
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Use of leg restraints

- Officers are responsible for using leg restraints if properly trained.
 - They must be applied correctly and removed as soon as appropriate and safe.
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Custody staff**Staff and equipment****Staffing and security**

The Custody officer is responsible for:

- Ensuring the ratio of custody staff to detainees is sufficient to enable the maintenance of safety and security based on risk and not detainee volume alone.
- Consulting with the duty inspector if additional staff are required.

- The security of the cell area and ensuring that the cell keys are always accounted for and identified doors remain closed.
- Where multiple custody officers are engaged on duty, nominating an individual custody officer to monitor detainee welfare/risk.

Personal protective equipment

Custody staff are responsible for:

- Being in possession of a 'Big Fish' ligature cutter at all times;
- Having PPE readily accessible; and
- Wearing PAVA if trained.
- The care and storage of the cell entry pad and ensuring it is used in accordance with training. Staff should conduct a dynamic risk assessment in line with the NDM when considering its use and request PSU Level 2 trained officers if appropriate.

Use of handcuffs

Custody staff are responsible for:

- Using only rigid or flexi cuffs in line with training.

Use of leg restraints

Custody staff are responsible for:

- Using leg restraints only if they are appropriately trained and in line with training.

Use of Safety Pod and foam cushion

The Safety Pod and foam cushion offers an alternative de-escalation tool and will be primarily used for restraining those detainees who are violent.

A detainee must never be placed onto the Safety Pod either face down or handcuffed to the rear.

Custody staff are responsible for:

- The care and storage of the Safety Pod and foam cushion, ensuring that it is quickly accessible at all times;
- Using the equipment in accordance with training and ensuring that there is a Safety Pod trained Officer/staff member present at all times whilst the Safety Pod is in use to offer support/advice as necessary;
- Placing detainees, who are being restrained on the Safety Pod, on level 4 observations and not leaving them alone at any time;
- Ensuring the Safety Pod and foam cushion are immediately removed from a cell when use is no longer necessary –
 - In exceptional circumstances and after fully risk assessing the situation, the Custody Officer has the discretion to leave the Safety Pod with an unrestrained detainee.
 - In such cases, the detainee must be placed in a CCTV cell on 30 minute checks as an absolute minimum. Enhanced observations may also be necessary depending on the risk (L3/L4).

- The Custody Officer's rationale must be recorded on the custody record and in the care plan.
 - Reporting any damage or filling requirements to UK Safety Pod and withdrawing the equipment from use if necessary.
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Verifying identity

Fingerprints and software checks

Custody staff are responsible for:

- Ensuring that the following checks are made while the detainee is in custody:
 - Checking PNC, Corvus and PND if trained;
 - Verifying the identity and address of the detainee by the taking of fingerprints and checking their details on PNC and Niche;
 - Endorsing the custody record that these have been done; and
 - If the detainee is a foreign national, complying with the Foreign National Offender policy in relation to the completion of ACRO and i24/7 checks and referral to the Immigration CCU.
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DNA

- DNA should be taken in line with the instruction on PNC for each individual.
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Children and young persons

Additional responsibilities

Custody staff are responsible for:

- Complying, where possible, with the Concordat on Children in Custody
- Using the discrete booking in desk for all children and young persons and other individuals considered vulnerable.
- Complying with the requirements of s38(6) PACE 1984) (detention of juveniles after charge), rather than using case law (and in particular R v CC Cambridgeshire Ex p M 1991) except in exceptional circumstances following discussions with the relevant Youth Offending Team.
- Identifying a single point of contact (SPOC) for all children (male and female) when detention is authorised and following each shift change. The SPOC details must be noted on the custody record.
- Referring to the Protocol for the provision of local authority accommodation for children post charge for the appropriate area when dealing with young persons in custody.
- Communicating concerns arising from the detention of a child or young person to the appropriate agency.
- When a child is going to be released from custody, sharing information to protect the welfare of a child if:

- There are concerns about their welfare arising from risk assessments or other available information; and
 - There is a risk of significant harm to the child.
 - Considering the need to submit a Public Protection Notice (PPN) if any safeguarding issues are uncovered or encountered during the child's stay in custody.
- If the child is subject to a strip search whilst in custody, a PPN must be submitted by the authorising custody sergeant on each occasion.
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Vulnerable or high profile detainees or sensitive cases

Considerations

Custody staff are responsible for:

- Considering using discreet booking in areas to give additional privacy in high profile, sensitive cases or for vulnerable detainees.
 - Providing easy read rights and foreign language versions of documents and increasing the level of frequency of visits. See the vulnerable and special groups section of the Custody Services website.
 - All female detainees must be asked whether they have any caring responsibilities, and this must be recorded as part of the risk assessment. They must also be asked whether they are, could be or have recently been pregnant as part of the risk assessment and/or in private by the female SPOC and the custody record should be updated to reflect this has taken place and to record the response. If any of these apply, see further information and guidance, including lactation, Perinatal Considerations in Custody. The welfare and dignity of both the mother and child must be paramount when dealing with perinatal females.
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Searching

Clothing

Custody staff are responsible for:

- **Ensuring all searches are conducted by a custody trained officer wherever possible.**
- Ensuring that handheld metal detectors are used during the searching of a detainee.
- Searching and removing all items that could foreseeably be used as a ligature from a detainee such as shoe laces, cords and belts. Where the cord is attached in such a way that removal would cause damage to the clothing, offering alternative clothing and storing the detainee's item with their property.
- Deciding if a detainee can receive a change of clothing provided from outside of custody, thoroughly searching all items before handing them to the detainee, thoroughly searching the exchanged items (unless they are intended for forensic examination) and recording on the custody record.

Forcible mouth searches

Custody staff are responsible for:

- Before conducting a mouth search, informing the detainee of the reason for the search, bearing in mind the immediacy of action required to preserve any evidence or risk to the arrested person.
- Following the advice for conducting searches contained in the Forcible Mouth Search guidance.

When detainees have been outside the cell or vacated it

Custody staff are responsible for:

- If there are concerns that a detainee has not been adequately supervised outside a cell, e.g. during consultation with a solicitor, thoroughly searching the detainee before returning them to the cell.
- Conducting a careful search after the detainee has vacated the cell to ensure they have not secreted articles there.
- All detainees returning from hospital must be searched.

Internally concealed drugs - Operating instructions

Custody staff are responsible for:

- Adhering to this guidance when operating the drug toilet to recover drugs that the detainee may have swallowed or secreted about their person.

Medical coverings, assistance aids and prosthetics

Considerations

Custody staff are responsible for:

- Appropriately questioning detainees with medical coverings, medical assistance aids or a prosthetic (e.g. plaster casts, removable casts/support boots/air-cast pots, heavy bandages, neck braces, wheelchairs, prosthetic limbs, prosthetic genitals or crutches etc.) to establish if they are genuine, if the assistance aid is required constantly or if they are secreting something which could cause them harm or is significant to their arrest.
- Having a healthcare professional present if the detainee offers to remove the covering. Medical coverings should only be removed as a last resort. Fixed casts must not be removed in a custody environment and removable casts only by a healthcare professional.
- Considering that removing a medical assistance aid could prevent the detainee being able to toilet themselves.

Where a detainee declines to have a medical aid, covering or prosthetic searched and staff are not able to search it thoroughly, the detainee should be placed on Level 4 Observations.

Food and drink

Dietary or religious needs

Custody staff are responsible for:

- Asking detainees if they have any specific dietary or religious needs in relation to the serving of food and, taking into account the individual needs of detainees, offering them ambient meals with a suitable calorific content.
 - In exceptional circumstances, using their discretion to allow food to be brought in for detainees and ensuring they are searched for drugs or other unlawful items before being passed to the detainee. On no account will food items be given to a detained person without the authority of the custody officer.
 - Refusing any items which cannot be properly searched.
 - Making an entry on the custody record if meals are accepted or refused.
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Clothing

Shoe laces, cords and belts

See section on searching regarding removing items from the detainee's clothing which could be used as ligatures.

Wet clothing

Custody staff are responsible for:

- Considering removing wet clothing for health reasons and:
 - Providing replacement clothing of a reasonable standard of comfort and cleanliness;
 - Placing the detainee in a cell with a temperature boost facility (PFI custody suites only) as a temporary measure; and
 - Considering other medical interventions if the detainee does not show significant improvement in their condition.
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Monitoring, observing and escorting detainees

Exercise

Custody staff are responsible for:

- Using prisoner risk assessment to determine how many detainees can be exercised together.
 - As exercise yards contain hazards, ensuring detainees will be physically supervised by close proximity observations and not via the CCTV systems.
-

Communication between detainees

Custody staff are responsible for:

- Ensuring no contact or communication takes place between detainees who are co-accused/jointly charged, unless consultation has taken place with the officer in the case.

Handheld devices and mobile 'phones

Custody staff must not:

- Use any work or personal mobile phone or device whilst working in the Control Room or conducting similar duties (answering phone/answering call bell/observing CCTV (ad-hoc or Level 3)) as appropriate supervision of the welfare of a detainee is paramount and reduces the risks to detainees and custody staff.

Escorting

Custody staff are responsible for:

- Arranging an appropriate transfer in line with the individual risk assessment and APP.

Transporting detainees with disabilities

Alternatives & accessibility

Custody staff are responsible for:

- Considering alternative modes of transport if a police vehicle is inaccessible or inappropriate for transporting a person with a disability.
- Obtaining the authority of the duty inspector, where possible, if the most suitable mode of transport is an adapted taxi which may incur a charge.
- Consulting with prisoner escort and court services to ensure they are capable of accepting the detainee if they are going to court.

Hospitalisation

Releasing from custody and taking to hospital

Custody staff are responsible for:

- If a detainee is to be hospitalised, considering if it is feasible to release them from custody. Generally, they should be released from police custody if circumstances permit (depends on the nature of the charge, prisoner risk assessment and any other reasons requiring continued detention).
- In the case of an emergency transfer:
 - Informing the duty inspector that a detainee has been released direct to hospital.
- In other cases, requesting transportation via the duty inspector and:
 - Briefing the transporting officers to remain with the detained person at all times and giving them the PER form and Form 28e.
- If releasing them from custody is not feasible, providing ongoing police supervision unless the detainee is considered incapable of escaping due to

their physical or mental condition when arrangements must be made with the hospital authorities to notify the custody officer of any change in their condition and the situation reassessed.

Releasing from hospital

Custody staff are responsible for:

- On release from hospital, obtaining, **in writing**, any case notes, care plan or items of information from the hospital medical staff, including a **discharge summary in a sealed envelope**, from the transporting or escorting officers as well as the PER form and Form 28e.
- Passing the case notes and discharge summary to the healthcare professional.
- If in any doubt about a detainee's fitness to be detained or interviewed, asking a healthcare professional to reassess them.

Refusing treatment / to treat

Custody staff are responsible for:

- Obtaining the PER form and Form 28e from the transporting or escorting officers.
- Arranging for the healthcare professional to see the detainee.

Suicide and self-harm

Considerations

Custody staff are responsible for:

- Considering a strip search if there is intelligence or observations to justify this.
- If possible, obtaining the consent of the detainee to remove cords/drawstrings where this would cause damage to the item of clothing and placing them with the person's property or, if not, removing the item in its entirety from the detainee's possession and providing alternative clothing.
- Reminding the member of staff conducting Level 4 observations that their role is not simply to watch the detainee, but to actively prevent them from self-harming and ensure they have read and signed Form 28d on Niche.

See Suicide Guidance – CSEA Suspects for further information.

Intoxicated or drunk individuals

Considerations

Custody staff are responsible for:

- If arrested for their own safety:
 - Considering that the person's condition may be the result of a head injury or other medical problem than simply alcohol intoxication; and

- Arranging for the detainee to be breath tested to confirm or eliminate the presence of alcohol in diagnosing their condition. The use of AlcoQuant 6020 for this purpose is for screening purposes only and does not form part of an evidential sample. This should be emphasised to the detainee because they must give their consent for its use. The test should be recorded in a custody detention log entry by the person undertaking it and the detainee's consent recorded on the medical sheet.
 - If the detainee's condition is not solely the result of alcohol intoxication, consulting the healthcare professional or ensuring the detainee is conveyed to a hospital as a medical emergency.
 - If the detainee is intoxicated and vulnerable (e.g. child, elderly or infirm) but not suspected of being injured, releasing them into the care of a suitable carer. If this is not possible:
 - Arranging suitable transport to an appropriate location taking into account the vulnerability of the person; or
 - Opening a Storm log in order to follow up with the hospital to monitor the condition of the detainee.
 - Being aware that the homeless are particularly vulnerable and leaving this group without care can lead to further complications such as hypothermia. Do not assume that just because an individual has a long record of alcohol abuse that they are not ill or injured.
-

Pregnant and intoxicated through drink or drugs

- If a detainee is pregnant and identified as being drunk / intoxicated by drugs; a drug user or an alcoholic; or tests positive for drugs then:
 - Endorse the custody record and update the risk assessment with the pregnancy information;
 - Refer the detainee to the HCP to review and formulate an appropriate care plan; and
 - Notify the officer in case.
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Detained for drink driving

Legal advice and assessment before release

- Custody staff are responsible for:
- Ensuring that during the booking in process those detainees who request it, are allowed brief access to legal advice/notification from their elected legal representative, before any drink drive procedure takes place.
 - When assessing the suitability for release of a detainee who has provided a positive breath test in the OPL procedure:
 - Using the AlcoQuant 6020 screening device to gauge when a detainee is no longer over the limit by following this detailed guide. If the reading provided is under 35ug, the detainee can be released. (NB If the AlcoQuant device is not available, officers should use the Lion Intoxilyzer 6000); and

- Making a note of the number shown in the display on the detention log relating to the release of the detainee.

Use of force on violent detainees

Proportionate and safe

Custody staff are responsible for:

- When required to use force during the course of their duties, ensuring this is proportionate and justified. Only using the approved techniques and methods taught by Officer Safety Training when placing a violent detainee in a cell and using sufficient numbers of staff to deal with the perceived threat and to safeguard both police staff and the detainee.
- Where training has lapsed, attending refresher training within the three month grace period will apply during which time they must, otherwise they will not be deployed in a custody area, without a member of the senior leadership teams expressing permission in writing.

Monitoring

Custody staff are responsible for:

- Contacting a healthcare professional to assess and monitor the condition of violent detainees.
- Monitoring detainees during periods of prolonged restraint, especially if restrained in the prone position, ensuring that the degree of restraint being applied is reasonable, proportionate and necessary and is recorded on the custody record.

Recording and reviewing

Custody staff are responsible for:

- Recording use of force accurately on the custody record risk assessment, whether used in custody or before the detainee arrived, and explaining on a supplementary detention log what force was used, the rationale and the result, i.e. any injury caused where referral to a healthcare professional must be considered and possible escalation of the detainee's care plan.
- Completing a Use of force form on Pronto where any force is used in custody.
- Reviewing the initial risk assessment after the person has been placed in the cell and repeating it when and if the detainee has calmed down and is able to answer questions. These procedures must be recorded on the custody record.

Risk assessments and records

Assessing

Custody staff are responsible for:

- Being trained and able to recognise and assess risk factors and manage those risks.
 - Ensuring that they are aware of the current risks associated with the detainees in their care and keeping informed of changing circumstances that may lead to additional risk.
 - Continuously monitoring the risk assessment throughout the detainee's detention and updating the computerised risk assessment form to reflect any changes.
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Rousing

Custody staff are responsible for:

- Conducting Level 2 rousal visits in line with Annex H.
 - Not assuming that a person snoring is asleep, they may be unconscious. Snoring is also an indication of a blocked airway. If a detainee cannot be roused easily, summon immediate medical assistance, lay the detainee in the recovery position on the floor of the cell and provide first aid until the healthcare professional or ambulance arrives. Assume the worst case scenario and refer to the Deaths and positive interventions section.
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Recording

Custody staff are responsible for:

- Formally documenting and recording this information on the custody record.
 - Completing Form 28 (custody record) when the computer system is not available and updating it as soon as the system comes back on line.
 - Ensuring a copy of the custody record accompanies a detainee who is transferred to another police station out of Force.
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Drug Testing on Arrest (DTOA)

Custody staff are responsible for:

- Considering whether a drugs test should be conducted for trigger offences.
 - Checking PNC, CORVUS, NICHE and other sources of information including the risk assessment responses to consider whether an Inspectors authority to conduct a drug test should be requested.
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Departure**Assessing and assisting**

Custody staff are responsible for:

- Conducting a comprehensive Pre Release Risk Assessment (PRRA) to ascertain if the detainee poses a risk to themselves, others or to the community and identify actions to mitigate those risks or any that are foreseeable before release. A list of area specific support organisations is contained with the Pre Release Toolkit.

- In all cases, giving consideration to risks identified during the custody process and the nature of the offence for which the detainee has been arrested and the associated disposal.
- For each risk identified, making comment on the actions taken to mitigate.

Particular consideration should be given to vulnerable groups, e.g. females released during the night and rail travel warrants should be issued when appropriate.

Property

When to record

Custody staff are responsible for:

- Ensuring all property is handled in an area covered by CCTV, and ensuring that all property is accounted for. **Only custody staff** should access property lockers and stores.
 - Recording all items and the reason for their retention on the custody record.
 - Seizing and recording in as much detail as possible any property which is believed to be the proceeds of crime or could have been used in the commission of crime or could be relevant evidence of an offence.
 - Considering the nature of the offence, e.g. if arrested for burglary the detainees property may give additional grounds for a s18 search or other further searches.
 - Recording and consider retaining under POCA legislation any drugs, money or property of significant value, e.g. jewellery, sealing it in a tamper proof bag marked with the detainee's name and custody reference number and keeping it in a safe. The custody record must be endorsed regarding the content and location of the property.
 - Recording the IMEI number from mobile phone. The Custody Officer is to ensure the detainee is made aware that the IMEI will be obtained from the mobile phone and it will be subject to a search against the NMPR. Should the detainee be taken immediately to a cell, they will be notified of this as soon as practicable. A record will then be made on the detained persons custody record of the IMEI number and the fact the detainee has been made aware that it will be subject to a search. The arresting/investigating officer will conduct a search of the IMEI against the NMPR and take appropriate action on any return. This will take place prior to the release of the detainee.
 - If there is a likelihood the mobile phone will be seized as part of the investigation the search will **not** be undertaken to preserve the forensic integrity of the phone. Click on link for further information and guidance - [IMEI policy guidance](#).
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Connected and miscellaneous	<p>Custody staff are responsible for:</p> <ul style="list-style-type: none"> • Linking property to the relevant Niche occurrence with a tag number (which may be different to the occurrence for which the detainee has been arrested or a new occurrence created for the property). This would include property which is: <ul style="list-style-type: none"> ○ Other than the detainee's own personal property; ○ Initially recorded as a detainees' personal property, but subsequently found to be subject of crime; and • Subject of the charge to which the detainee has been arrested.
Accuracy of description	<p>Custody staff are responsible for:</p> <ul style="list-style-type: none"> • Accurately and adequately describing all items of property including clothing and footwear particularly if there are any distinctive marks or features. • Recording any property that is damaged on receipt or while in police possession and include the description of the damage.
Removed for investigation	<p>Custody staff are responsible for:</p> <ul style="list-style-type: none"> • Where items of personal property are removed for investigation purposes, i.e. identification, endorsing the custody record with time, date, reasons, seizing officer's signature. • Replacing returned property in the appropriate bag and endorsing and signing acceptance on the custody record.
Needed by detainee	<p>Custody staff are responsible for:</p> <ul style="list-style-type: none"> • Considering if money belonging to the detainee may be used to pay a fine, e.g. one imposed by the court, before releasing it to the detainee's spouse, civil partner, dependent relative or other nominee. • If approved, having the detainee endorse the custody record, obtaining the receiver's details and signed receipt and ensuring that their name, rank and number are clearly shown on the receipt and endorsing the custody record. • Not destroying any property receipt or copy under any circumstances. • Scanning any separate receipt forms relating to the property of a detainee onto the custody record and recording the receipt number on the detention log, taking care not to obliterate any previously recorded information.
Returning	<p>Custody staff are responsible for:</p> <ul style="list-style-type: none"> • Returning property, including money, clothing (cords/drawstrings) and footwear, taken from the detainee when they are released on bail or discharged from custody, unless: <ul style="list-style-type: none"> ○ It is material to the charge, other crime or suspected crime;

- It has been seized for evidential purposes;
 - There is reason to believe that the property forms the proceeds of crime; or
 - There is another reason why the property or part of the property should not be left at the disposal of the detainee (substantial amount of money, the court is likely to make an order to deprive them of it if used or intended for use in crime, seized under POCA).
 - If uncertain about retaining property, obtaining advice from the Crown Prosecution Service (CPS) or submitting the matter for the court to consider under s48 Magistrates Court Act 1980. In the latter case, the property should not be returned until the appeal period has passed and has been dealt with unless a special direction is given by the court.
 - Ensuring that the detainee signs the custody record for the receipt of any property. If the detainee refuses to sign for the property, another officer must corroborate the return of the property and both endorse the custody record accordingly.
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Visitors

Custody visits

Custody staff are responsible for:

- Ensuring visits by relatives or friends take place within sight of an officer (they can take place out of their hearing) unless they feel, or following representations by the officer in the case, that an officer should be present during the visit, including one by a spouse or civil partner.
-

Independent custody visiting (ICV) scheme

Custody staff are responsible for:

- Ensuring custody visitors complete and sign the register for each visit, even if there are no detainees in custody and countersigning the entry signed to acknowledge receipt.
 - Making a log of the visit on the custody record.
-

Visitors to custody

Custody staff are responsible for:

- Searching the detainee before and after visits. If the detainee is not searched, consideration must be given to this fact when deciding whether or not to allow the visit.
 - If the detainee is not searched or the visit takes place in a cell, ensuring it takes place in the presence of a police officer and no physical contact is allowed between the detainee and visitor.
 - Ensuring any copies of custody records handed to ICVs during their visit are retrieved and destroyed when the visit concludes.
-

CCTV systems

Responsibilities	<p>Custody staff are responsible for:</p> <ul style="list-style-type: none"> • Retaining records for 90 days. • Choosing the images to be displayed on monitors. • Ensuring that where CCTV is used for monitoring detainees in cells, the number of cameras being monitored and the size of the images is not at detriment to the intended purpose. • Controlling third party access to images to protect the rights and dignity of individuals and to maintain the continuity of evidence and ensuring: <ul style="list-style-type: none"> ○ Authorisation from an officer of the rank of inspector or CJS Supervisor is obtained prior to footage or images being downloaded or viewed by a third party; ○ Screens for monitoring live images from cells are placed out of the sight of anyone who is not directly involved in monitoring the detainee's welfare; and ○ Opportunities for accidental or casual viewing are minimised (monitors that display images from communal areas are not visible to other custody suite users). • Referring subject access requests for images to Information Management. • In the event of CCTV failure, staff must utilise Body Worn Video (BWV) until CCTV function returns or further direction is provided. Please refer to the BWV process.
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Buildings and administration

Inspecting and cleaning cells	<p>Custody staff are responsible for:</p> <ul style="list-style-type: none"> • Inspecting cells before they are occupied and as soon as possible after they are vacated to establish if there has been any interference with or damage caused to the fabric, furniture or fittings which may create ligature points, aid future escape, cause injury or lead to a charge of criminal damage and recording this on the detention log. • Ensuring that the custody Daily, Weekly & Monthly checks area carried out and recorded on force systems in a timely manner. • Referring to the Blood Borne Virus Contamination Incidents policy when dealing with infested or contaminated detainees or cells. • Ensuring cells remain clean and hygienic, liaising with cleaning staff as appropriate. • Moving detainees to allow cleaning staff access to cells if the circumstances allow to ensure all cells receive regular cleaning.
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Faith items	Custody staff are responsible for:
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- Maintaining a stock of items that detainees are likely to need in connection with their faith, and ensuring these are stored correctly. Guidance on the storage of faith items can be found on the Custody Services website.

Deaths and positive interventions

Deaths	APP Detention and custody
Positive interventions	See section 'How and where to report' for guidance on submissions.

Duty inspector

General	<p>The duty inspector is responsible for:</p> <ul style="list-style-type: none"> • Where additional staff are required in custody, facilitating who is suitably trained to undertake the task. • Conducting checks of the cell area as well as the accuracy and relevance of the risk assessments for detainees currently in custody. • Ensuring children held in their custody suite are held only when absolutely necessary and for the shortest time possible. Particular focus should be given to children held overnight. • Reviewing legal issues and taking into consideration the welfare of the detainee and revisiting any associated risk assessment. • Dealing with complaints made while a detainee is in custody. • If the OIC must view CCTV footage within the 90 day period to assist with their investigation, considering authorising and supervising the viewing.
Hospital treatment	<p>The duty inspector is responsible for:</p> <ul style="list-style-type: none"> • Identifying officers to escort a detainee to hospital. • Arranging for a Storm log to be created and endorsing the number on the custody record. • Nominating a member of staff (identified on the Storm log) to enquire with the hospital and update them about the detainee's condition. • Once the detainee has been released from hospital, arranging for the Storm log to be closed and the custody record/risk assessment updated with any information relevant to the detainee's admission into custody.

Senior investigating officer

- Responsibilities** Senior investigating officers (SIOs) are responsible for:
- Authorising speculative viewing of custody CCTV footage in order to assist an investigation into:
 - Terrorism;
 - Other serious incident; or
 - The conduct and behaviour of all persons present in the custody area.
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Safeguarding Unit (SGU)

Intoxicated through drink or drugs and pregnant

Safeguarding Units are responsible for:

- Feeding information about a pregnant detainee who is intoxicated or tests positives for drugs into the MARAC process if the female is known to the SGU or already subject of MARAC.
-

Custody services section

Audits and inspections

Custody Services section is responsible for:

- Carrying out thematic audits and conducting an inspection regime to cover all relevant areas of custody.
 - Disseminating good practice and learning.
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Healthcare professionals

Detainee's condition

Healthcare professionals are responsible for:

- Assessing and monitoring a detainee's condition and providing appropriate medication.
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Arrest – other force

Requesting another force arrest a suspect

Officer in the case is responsible for making their request by an auditable means, e.g. email and:

- Outlining the nature and gravity of the alleged offence and clearly identifying the suspect in as much detail as possible, quoting reference numbers, where appropriate, and including any known risks.
 - Ensuring details of any proposed restrictions are included on the arrest request, e.g. any proposed limitations on the detainee being allowed to contact specific nominated persons or restrictions if bail is to be granted. In the absence of any specific instructions from West Yorkshire Police, a detainee will be afforded all normal facilities.
 - Assuming custody of the detainee as soon as possible. If, in exceptional cases, it appears likely that a detainee will have to remain in the custody of the arresting force for more than 24 hours, West Yorkshire Police will inform the arresting force the latter will consider if bail is appropriate.
-

Arresting for another force

Custody staff are responsible for:

OFFICIAL

- Informing the requesting force of the arrest.
- Arranging an escort for the detainee.

OFFICIAL

Additional information

Compliance

This policy complies with the following legislation, policy and guidance:

- Police and Criminal Evidence Act 1984 (PACE) and associated Codes of Practice
 - APP Detention and custody
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Supporting Information

The supporting information for this policy can be accessed online.
