

# Custody management and planning

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## Legal framework

The [Police and Criminal Evidence Act 1984 \(PACE\)](#) and the associated [Codes of Practice](#) set out the legislation and standards for dealing with people who come into contact with the police. PACE Codes C and G set out the expectations and powers placed on the police during and throughout a police investigation. They also set out the rights of any individual suspected of committing a criminal offence.

The following areas of PACE and the Codes of Practice are particularly relevant.

- [police use of force](#)
- [lawful arrest](#)
- [searches](#)
- [designation of a police station](#)
- [police resources](#)

Learning standards and materials relevant to the work of the custody suite are available from the national policing curriculum (NPC) in many areas, including:

- custody
- first aid
- personal safety
- mental health

Forces are required to pay due regard to:

- [HM Inspectorate of Constabulary and Fire & Rescue Services \(HMICFRS\) Expectations for Police Custody](#)

- [Independent Office for Police Conduct \(IOPC\) Learning the lessons bulletins](#)
- Authorised Professional Practice (APP)

There is a separate section for [detainees arrested for offences related to terrorism](#).

## Principles of safer detention

1. There is a strategic focus, supported by the chief officer group, which promotes the safe and decent delivery of custody.
2. Detention is appropriate, authorised and lasts no longer than is necessary. Forces adhere to all rights relating to PACE and the PACE Codes of Practice. While detainees are in custody, officers and staff treat them in a way that is dignified and takes account of their human rights and diverse individual needs. Custody staff are respectful in their day-to-day working and are aware of and responsive to any particular risks and vulnerabilities.
3. Detainees have access to health and social care services appropriate to their physical and mental health needs. They receive emergency medical care where necessary and are provided with appropriate medication or support according to their needs.
4. Any force used within a custody suite is necessary, proportionate and lawful.
5. All custody officers and staff have undergone appropriate and adequate training. Police, contract and healthcare professionals (HCPs) understand their role and their legal responsibilities, and are operationally competent.
6. All areas of the custody suite are clean and safe. Officers and staff keep custody facilities in a good state of repair and ensure that they are fit for purpose and meet fire safety standards.
7. Officers and staff record and monitor all use of force.
8. Forces must ensure that there are appropriate governance and accountability arrangements in place for contracted and commissioned staff.

## Information sharing in custody

The [Independent Advisory Panel on Deaths in Custody \(IAP\) information sharing statement](#) has been agreed by the Ministerial Board on Deaths in Custody and the General Medical Council (GMC).

Police forces and all those working in custody should pay due regard to this statement where there is any potential conflict between confidentiality and preventing harm.

Although medical confidentiality is supported by the right to respect for private life under [Article 8](#) of the European Convention on Human Rights, the state has positive obligations under [Article 2](#), the right to life, to protect a detainee from the risk of suicide or self-harm. Effective information exchange, in accordance with privacy rights, between the police, prison, immigration service and health services, on the vulnerability of a detainee to suicide or mental illness, or the threat which he or she may pose to others, is crucial to establishing an individual approach to detainee care in accordance with the positive obligations under Article 2.

(from [House of Lords/House of Commons Joint Committee on Human Rights, Deaths in Custody, Third Report of Session 2004-2005](#) Vol 1, para 131, referencing European Court of Human Rights, [Edwards v UK](#) (2002) 35 EHRR 19, paras 63-64)

## Senior management considerations

To achieve the adequate strategic focus necessary for the safe delivery of custody, senior management should maintain a policy focus on custody issues at chief officer level and an effective management structure. There must also be effective, proactive oversight by independent custody visitors (ICVs), offices of police and crime commissioners (PCCs) and quality assurance procedures that include monitoring the use of force data. See [use of force recording](#).

Maintaining a policy focus on custody should include:

- developing and maintaining the custody estate
- suitable and sufficient [training](#) for police officers and staff undertaking custody duties
- safe and effective staffing arrangements that allow detainees to be lawfully and expeditiously processed in custody
- due regard to the [Code of Ethics](#) for policing
- managing the risks of custody
- meeting the mental and physical health and wellbeing needs of detainees
- meeting the diverse needs of detainees, including vulnerable adults and safeguarding children
- working effectively with commissioners and providers of health services, immigration services, youth offending teams, criminal justice teams, the Crown Prosecution Service, courts and other law enforcement agencies
- cooperation between forces and local authorities to ensure safe, alternative secure and non-secure accommodation for children and young persons where required

- strategic links with HM Courts and Tribunal Service to ensure access to courts, avoiding unnecessary delays

Tools to ensure that management structures remain effective must include:

- establishing and implementing appropriate custody policies and procedures
- proactively monitoring custody against agreed standards and performance measures
- proactively monitoring use of force, adverse incidents and complaints locally and at force-wide level
- establishing partnership agreements facilitating constructive engagement, including at local criminal justice board level

## Health and safety

Under the [Health and Safety at Work etc. Act 1974](#), an organisation (including a police force) has a duty and liability as an employer that extends to employees (police officers and staff) and those who are not strictly employees but who provide a service to it, such as agency or contract staff. This employer's duty includes:

- providing and maintaining a safe place of work and equipment
- providing competent employees
- establishing and enforcing a safe system of work

All duties are personal and cannot be delegated.

## Designation of a police station

It is the responsibility of the chief officer to designate a police station for the purposes of PACE.

Custody suites must be fit for purpose before a police station is designated under [section 35](#) of PACE. Forces must continue to maintain them at that standard.

HMICFRS and HMIP specify that new custody suites must provide spaces that allow private booking-in areas for charging detainees for sensitive offences, or booking in vulnerable people.

## Human resources and training

Appropriate training and resources can help to minimise problems arising while people are detained by the police.

## Police resources

There is no standard model for staffing levels or resource composition in custody. Forces should establish a staffing model which considers:

- demand levels, such as at peak times of day, month and year, including seasonal variations
- the number of people detained each year
- the number of detainees anticipated in future years
- the efficiency of the custody process
- geographical area
- resourcing of special events
- the physical structure and design of the custody suite
- staff training
- succession planning
- operational resilience

## Custody resources

The following resources must be available when required:

- custody officers
- detention staff (police officers/staff/contract staff)
- adequate inspector and superintendent cover to meet the requirements of PACE
- an appropriate gender balance among staff to ensure female detainees have appropriate access to female custody staff
- HCPs
- legal advice
- referral scheme workers
- interpreters via telephone/videophone or in person
- appropriate adults

Using private contracts for some roles within custody may help to make the most efficient use of designated staff (see [contractual arrangements for contract staff](#)).

Those working in custody must have clearly defined roles and responsibilities regardless of the title of the role. Each employee should fully understand their role and responsibilities.

Each force should have a specific profile for the role of the:

- custody officer
- detention officer
- detention assistant
- escort officer

The IOPC's jurisdiction in relation to contractors is set out in [The Independent Police Complaints Commission \(Complaints and Misconduct\) \(Contractors\) Regulations 2015](#). These regulations apply to any new matters coming to the attention of the appropriate authority on or after 8 April 2015 and apply to all contractors who enter into a contract with the chief officer or PCC.

## Custody officer

It is a statutory requirement under PACE [section 36](#) that a chief officer (or other officer as directed by the chief officer) appoints a custody officer in a designated police station.

The custody officer must be of at least the rank of sergeant, although an officer of a lower rank can perform the functions of a custody officer in limited circumstances.

The custody officer has specific responsibility and authority for the custody and protection of the detainee and the progress of the investigative process in the police station.

The custody officer must be able to direct and call on resources to protect and provide safe detention.

The custody officer also has personal responsibility for the safe and lawful operation of activities in the custody suite. This may include delegating some tasks and functions to officers and staff to assist them. Where this is done, the custody officer must be satisfied that the officers or police staff concerned are suitable, trained and competent to carry out the task or action in question (refer to note 3F, [PACE Code C](#)).

## Staff responsibilities

Police forces are required to have an effective organisational management structure for their custody operations, with clear lines of accountability. Lines of management need to be clear and unequivocal, and should be graphically conveyed to all staff performing custody duties. Police forces should ensure that custody officers and staff clearly understand their individual roles and responsibilities in the custody suite. All staff must be trained and competent to perform their role in custody and be aware of their responsibilities, their obligations under PACE and the expectations of their colleagues and the force.

Chief officers have a statutory responsibility under [section 3](#) of the Health and Safety at Work etc. Act 1974 to ensure that detainees have access to appropriate healthcare while in custody. This must be provided in a timely and effective manner.

## Healthcare models

Forces must develop an appropriate healthcare model in consultation with health commissioners and other key stakeholders that best meets the needs of detainees based on a regular needs assessment. The agencies and individuals providing this service must have the legal authority, qualifications, experience, capability and capacity to deliver a continuous quality service within set timeframes.

Forces should monitor their healthcare provision to ensure quality of service and effectiveness.

Forces should have appropriate partnership arrangements to monitor response times for adult social services/mental health trusts to complete mental health assessments in custody to ensure vulnerable detainees are detained no longer than is necessary.

Forces should ensure that they have protocols with ambulance and local hospitals to ensure violent detainees, [Mental Health Act 1983 section 136](#) detainees and drunk and incapable detainees are dealt with consistently and in accordance with the [National Mental Health Crisis Care Concordat](#) and [National Ambulance Service Protocol](#).

## Healthcare professionals

A healthcare professional (HCP) is a person with clinical and forensic competencies to work in a forensic custodial environment. All HCPs must work within the scope of practice as determined by their relevant professional body, such as the GMC, Nursing and Midwifery Council and Health and

Care Professions Council. PACE and their clinical competencies will define the functions and role that a particular HCP can undertake. For example, full prescribing is limited to doctors and HCPs with prescribing qualifications.

For further information, see [PACE Code C](#) paragraph 9.16 and Annex G, paragraph 7.

For further details on the roles and responsibilities of HCPs in custody suites, see [Home Office Circular \(20/2003\) Healthcare professionals in custody suites – guidance to supplement revisions to the codes of practice under PACE](#).

## Contractual arrangements for contract staff

Contract staff should work to the legislation and principles of safer detention set out above, including fulfilling obligations under the [Equality Act 2010](#). The responsibilities and duties of privately contracted detention staff vary according to the contractual arrangements made by each force. Contract staff working in the custody environment and, as designated, detention and escort officers must be fully aware of their role and how it integrates with the police officers and staff they work with. Contract staff must be trained to understand and appreciate their designated legal responsibilities. They must carry their appropriate designation cards.

## Police Reform Act 2002

[Schedule 4, Part 3](#) of the Police Reform Act 2002 deals with the powers and duties of designated detention officers. The designated powers that detention officers have may vary between forces according to their operational requirements.

## Service standards

Custody managers and officers should be given and take time to read employment contracts and wider contractual arrangements made between forces and private companies supplying custody staff. These contracts govern the working relationship that custody officers have with the contracted staff they supervise. Contracts and role specifications may include details of certain duties and responsibilities that differ from initial expectations and assumptions.

Police custody managers, officers and staff should also be aware of the content of relevant contracts for healthcare and cleaning services. Forces should monitor standards effectively and

hold service providers and staff to account according to their contract requirements. Custody officers should be aware of the procedure for raising issues or concerns about development needs or professional competence for a contracted employee.

## Independent custody visitors

Independent custody visitors (ICVs) are volunteers. Their role is to attend police stations to check on the treatment of detainees and the conditions in which they are held and also to establish that their rights are being observed. This protects both detainees and the custody staff, and provides reassurance to the community at large. Responsibility for organising and overseeing the delivery of independent custody visiting lies with PCCs, in consultation with chief constables.

ICVs may visit police stations at any time and must be given immediate access to all custody areas unless doing so would place them in danger. A custody officer may delay but not deny access. A full explanation must be given for any delay, which the ICV records in their report. Where a custody officer reasonably believes the visitor may be in danger, or that access could interfere with the process of justice, an inspector (or higher ranked officer) may legally limit or deny the ICV access to a specific detainee. Any such decision must be recorded in the detainee's custody record.

For further information see:

- [PACE Code C, Notes for Guidance 1F](#)
- [The Independent Custody Visiting Association](#)
- [Home Office \(2013\) Code of Practice on Independent Custody Visiting](#)
- [Outline of protocols for ICVs](#)

## Training and learning

Forces must ensure that all staff working in the custody suite are fully trained and operationally competent in their role before being appointed or allocated tasks. All custody staff have responsibility for detainees in custody. In addition to formal training, staff retain individual responsibility for their own professional and personal development.

Police custody training should systematically incorporate lessons learnt as a consequence of deaths and adverse incidents that occur.

Learning standards and materials relevant to the work of the custody suite are available from the NPC in many areas including:

- custody
- first aid
- personal safety
- mental health

Forces should use qualified trainers and assessors who have relevant experience. Trainers must be operationally competent and should maintain that competency. Following the delivery of formal, structured custody training, the practice of shadowing experienced members of staff is recommended as an effective means of improving staff competence prior to starting work in the custody suite.

Forces should also pay due regard to:

- [IOPC Learning the lessons bulletins](#)
- [HM Inspectorate of Prisons \(HMIP\) and HM Inspectorate of Constabulary and Fire & Rescue Services \(HMICFRS\) Expectations for Police Custody](#)

## Custody training checklist

- All police officers and staff working in a custody suite must receive training which meets the standards as set out in the NPC before they commence their role and undertake refresher training while in post.
- Custody managers should identify the training requirements for existing staff through a training needs analysis as part of the annual personal development review process.
- Designated and contracted staff must be adequately trained and able to undertake their role within custody.
- All police officers who work in operational roles, and staff who work in custody, must be trained in [risk assessment](#) as it is fundamental to the welfare of detainees and all those present in the custody environment.
- Forces must make full personal safety training and personal safety refresher training available to custody officers and staff as appropriate to their role.

- All custody staff, including contracted staff, must have adequate first aid training for their role. As an absolute minimum, all staff should know how to conduct basic life support and know how to use all healthcare equipment, including resuscitation equipment.
- There should always be at least one officer or member of staff who is trained in first aid, working in the custody suite at any time. This ensures that immediate medical care can be provided to detainees prior to the arrival of ambulance crews or other medically trained persons.
- All custody officers and staff must be trained to use the Police National Computer (PNC) and local IT systems, and should know how to access the Police National Database (PND) for intelligence relating to detainees.
- Custody officers and staff must be trained in how to respond to deaths or successful interventions in custody and how their role is affected by a post-incident investigation.
- Custody officers and staff must be trained to meet their obligations under the [Corporate Manslaughter and Corporate Homicide Act 2007](#) and relevant health and safety legislation.
- Mutual benefits can be achieved through joint agency training. For example, staff from mental health teams could deliver training to custody staff on dealing safely with detainees experiencing mental ill health.

## Contracted staff training

All contracted staff must be suitable and adequately trained for their contracted role in a police custody suite. Privately contracted designated detention officers who may be required to book in detainees must be adequately trained in risk assessment.

All HCPs must have competences defined by the National Service Specification framework and the [Faculty of Forensic and Legal Medicine](#). These include a valid certificate in Immediate Life Support approved by the Resuscitation Council UK and Safeguarding Vulnerable Adults and Children (level 3) qualification.

## Refresher training

All custody staff must receive refresher training. There must be continuing access to refresher training and learning opportunities while in post. The period required for refresher training should be determined by its content and the method of delivery. Forces should conduct a training needs analysis to identify when further training is required.

## Personal safety training

All custody staff must be trained in personal safety in accordance with [ACPO \(2012\) Personal Safety Manual of Guidance](#) (available via College Learn to registered users). Forces should make additional provision for joint training for groups of custody staff who regularly work together. Forces must make full personal safety training and personal safety refresher training available to custody officers and staff as appropriate to their role.

## Equality Act 2010

All staff should be trained to understand their obligations and duties under this Act.

## First aid training

The [Police First Aid Learning Programme](#) (FALP) (available via College Learn to registered users) has five modules:

- module 1 FALP – basic life support
- module 2 FALP – first aid skills initial training
- module 3 FALP – custody first aid
- module 4 FALP – first aid skills initial and requalification
- module 5 FALP – first aid enhanced skills

Police custody staff must receive training to at least modules 2 and 3 before taking up post in a custody suite. Refresher training must be completed at least every 12 months.

## First aid training for contracted staff

All private contracts for custody staff must require contract custody staff to be trained to the same standard required for police staff. Under some existing contractual arrangements, contracted custody staff may not be trained, or adequately trained, in first aid. In such cases, contracts for custody staff should require contract custody staff to immediately report any identified need for urgent first aid to the custody officer. The custody officer will then arrange for the necessary first aid to be provided.

## Health and safety training

All officers and staff must be trained to meet their obligations under health and safety legislation. Initial health and safety training must be specific to the role and give an overview of health and safety legislation. Clear lines of designated responsibility, thorough risk assessment and handover briefings are essential to protect the safety of detainees and custody staff. Information recorded on the custody record must be clear, accurate and completed in a timely manner.

## Cleaning

Custody suites should have hygiene control measures similar to those found in hospitals for the control of MRSA and other infections. This includes using hygiene wipes and hand scrubs. Staff must be trained to use them properly.

## Food hygiene certification

All staff preparing food supplied to others should hold a food hygiene certificate, unless the preparation is purely reheating sealed or pre-cooked items.

## Contingency planning

Forces should establish protocols with other emergency services and develop local procedures that cover responsibilities for emergency situations in custody. Forces should establish contingency plans for dealing with:

- major incidents resulting in a high volume of arrests
- activation of Operation Safeguard (use of police cells to hold Home Office prisoners), or a dramatic increase in prison lock-outs
- death or serious injury in custody
- bomb threat
- terrorist detainees
- high-profile detainees likely to attract media and public attention
- other sensitive detainees
- **fires**
- chemical, biological, radiological or nuclear incidents

## Evacuation

Contingency plans for evacuating a custody suite must include details of alternative accommodation for detainees if an immediate return to the evacuated premises is not possible. A copy of the plans must be available at an agreed location outside the facility, for other emergency services to use.

All staff engaged in custody duties must be briefed and trained in the procedures to be followed in the event of a fire or other emergency requiring the custody suite to be evacuated. A nominated senior officer should ensure that evacuation plans are tested on a regular basis and that, where possible, this is a joint exercise with local fire and rescue services.

## Fire safety

In a secure facility, the occupants are not all free to leave in the event of a fire. Compliance with fire safety legislation requirements is critical, and a competent person should assess this. Custody officers and staff must pay special attention to ensuring everyone's safety should a fire occur.

See the Police Custody Design Guide (PCDG), which can be obtained from the Ministry of Justice Estates Directorate, Technical Standards, 102 Petty France, London SW1H 9AJ ([moj\\_ed\\_technicalstandards@justice.gov.uk](mailto:moj_ed_technicalstandards@justice.gov.uk)). Some of this advice is statutory in nature and applies equally to both old and new police custody suites.

Where a custody suite is built and maintained according to the PCDG, it is exempt from some fire safety requirements. For example, the requirement is removed for panic release bars on external doors to secure areas, break glass fire alarm points and the provision of fire extinguishers in corridors.

Fires within police custody suites are relatively infrequent but potentially very serious events, with risks to both detainees and custody staff. In most instances, smoke and smoke control are the principal issues for detainees and staff rather than fire itself.

It is a legal requirement that an adequate, custody-specific fire risk assessment (FRA) is in place and available on site. Fire emergency plans based on this FRA must describe appropriate fire safety responses for potential fire scenarios that are reasonably foreseeable. These include a cell fire, a fire in the vehicle dock and fires elsewhere within the suite. Fire emergency plans should include partial horizontal evacuation (in the event of a cell fire) and complete evacuation scenarios. Fire safety measures should assess risks to detainees and staff, and should include consideration

of an aspirated fire detection system, fire-fighting and safety equipment (for example, water misting, smoke hoods).

## Further fire safety advice

Police forces must ensure that:

- a competent person is responsible for fire safety issues within each force and reads, understands and ensures compliance with PCDG Section 17, custody fire safety in all operational custody suites
- smoke detection equipment which automatically and rapidly detects smoke within a cell is regularly tested and recorded
- an appropriate plan is in place that allows staff to safely evacuate the cell in which the fire has occurred without placing the life of that detainee, other detainees or their own lives at serious risk

## Inadequate ventilation systems

Smoke modelling shows that a ventilation and fire detection system which meets PCDG provides the best protection for detainees and staff.

Waiting for the fire and rescue service is not an appropriate or adequate response.

In the event of a cell fire, smoke is released into the corridor, so it is essential that custody staff are trained to use cell fire rescue methods and know that it is **critical** that the cell door is closed after rescue.

Ventilation systems meeting PCDG guidance help to ensure that other cells are kept clear of smoke and that smoke is cleared from the cell corridor.

Inappropriate and inadequate ventilation systems in older suites that do not achieve negative air pressure within the cell place staff and other detainees at risk when the cell door is opened.

Custody staff should be made aware of the individual fire and ventilation hazards in their custody suite so they can immediately attend to the welfare of detainees in locked cells, as well as their own safety.

## Tags

Detention and custody