



ISLE OF MAN CONSTABULARY CORPORATE DOCUMENT

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TITLE	CUSTODY
DOCUMENT TYPE	Policy
SECURITY MARKING	Official
FREEDOM OF INFORMATION	Suitable for general disclosure to the public under the principles of the Freedom of Information Act.
DOCUMENT DESCRIPTION	The intention of this policy is to establish and maintain a consistent and common approach throughout the Isle of Man Constabulary for the management of custody suites and the security, detention and treatment of detained persons. All detained persons will be treated in accordance with the Police Powers and Procedures Act 1998 and the Human Rights Act 2001.
DEPARTMENT OWNING	Custody and Call Handling
PREPARED BY	Skelly, Lynne

VERSION NUMBER	APPROVED DATE	APPROVED BY
1	31/05/2017	Senior Management Group

1. Overview

The Authorised Professional Practice (APP) <https://www.app.college.police.uk/app-content/detention-and-custody-2/> will form the basis of working practices. This policy should be read in conjunction with those documents and legal requirements under:

- Police Powers and Procedures Act 1998 and Codes of Practice
- Human Rights Act 2001
- Anti-Terrorism and Crime Act 1993
- Mental Health Act 1998
- The Health and Safety at Work Act 1974

The policy and associated Standard Operating Procedures (SOPs) will provide guidance where ambiguity exists or where the size and scope of the Constabulary requires a different approach than might be found in a larger jurisdiction.

2. Aims and Objectives

The aim and objective of this policy and associated SOPs is to provide a clear legal framework following national guidance (APP).

3. Custody Suites

The custody facility at Police Headquarters is the 'designated police station' for the purpose of detaining arrested persons under Section 38 of the Police Powers and Procedures Act 1998.

If required the Chief Constable shall, with the approval of the Department of Home Affairs, designate other facilities as required. In the event of an emergency, contingency plans are in place for the Constabulary to utilise the Isle of Man Court House and / or the Isle of Man Prison.

4. Staff: Minimum Qualification Criteria

Custody officers will attend a custody course covering legal provisions and the principles of safer detention. Where possible not more than 3 years should pass before refresher training.

Staff will attend annual Personal Safety Training and have a current first aid certificate.

Staff designated as custody sergeants by the Chief Constable must meet the above minimum criteria.

Apart from officers on short term attachment the tenure for custody staff will be a maximum of three years. This may be extended due to operational need or at the request of the officer.

5. Minimum Staffing Levels and Staff Safety

A standard custody team will consist of one sergeant (custody officer) and one constable (gaoler). Where resilience dictates two sergeants may make up the team but one must be designated by mutual agreement as lead officer. The team will not be made up of two constables.

Officers deployed in the custody suite may make their own decisions based on the prevailing risk as to the level of personal protective equipment carried. This will include carriage systems, baton, handcuffs, PAVA and stab/ballistic vest. Footwear should be suitable for general patrol work.

The maximum ratio of detainees to police officers **must not exceed 10:2**. Where the risk profile of the detainees dictates higher supervision levels, the custody officer will make contact with the Central Neighbourhood Policing Team Sergeant to seek extra resources for custody. On these occasions the additional staff provided should ideally be custody trained but it is recognised this may not always be possible. In this case, they will be directly briefed by the custody sergeant, with clear terms of reference as to their responsibilities whilst assisting.

In the instance of any conflict at variance with the custody officer's request for extra staff, the Duty Inspector will arbitrate. If staffing is not to be provided, the custody officer must record the request and its refusal in their custody Day Book, provided for the purpose, including any increase in risk that results.

It is recognised that custody duties can be stressful in certain respects. The post carries a high level of responsibility. In order to assist with welfare a duty board will be maintained in accordance with Police Regulations. Wherever possible minimum disruption to the prevailing shift pattern will be maintained it is however recognised that in a small, dynamic organisation such as the Isle of Man Constabulary this is not always achievable.

6. Managing Risk in the Working Environment

The physical environment of each custody facility will have its own risk assessment and set of control measures. The responsibility for maintenance of these risk assessments will rest with the Custody & Call Handling (C&CH) Inspector in consultation with the Facilities Manager.

All detainees will be risk assessed on arrival at custody. All staff must be aware that the risk assessment process begins at the point of first contact and continues beyond release.

Detainees will be searched in accordance with the SOPs.

The custody officer has responsibility for the safety of all users and visitors to the custody suite. They will ensure that any prevailing risk with regard to an individual or the environment will be communicated to them along with any control measures necessary to mitigate the risk.

CCTV provides an additional level of supervision within the custody suite. Its use and management is detailed in the respective SOP.

7. Provision of Medical Care

The Constabulary will have in place contracts which ensure the provision of medical care for detainees under the requirements of the Police Powers and Procedures Act 1998, Codes of Practice and APP. These contracts will underline the standards required in terms of overarching care and response times for calls for service.

The primary concern for custody staff is the safe detention of detainees. As a consequence officers and staff are trained in the continuing need to monitor and risk-assess detainees. Where a clear medical emergency manifests itself in the custody suite an ambulance must be called without delay and first aid administered to support life. Arrangements must be made for the provision of an escort and guard should the detainee be removed to hospital.

Where medicines are to be administered this will always involve a healthcare professional as appropriate except in the case of mild analgesics.

Risk assessments will be fully documented. The results of these assessments will be recorded in the prescribed documentation. The detail of the risk assessment will remain confidential to the detainee, healthcare professionals and custody staff. Any risk will be communicated to persons having contact with the detainee.

Medical examinations and processes will be recorded on a separate document. On completion this will be retained by the police and managed in accordance with the [Management of Police information](#).

8. Adverse Events

An adverse event is defined as one where by unforeseen circumstances, error, omission or other means circumstances arise which may have:

- Caused, or have affected the safety of a detainee, staff, or a custody facility user
- Provided the opportunity for escape or the causing of harm
- Caused significant deviation from policy, guidance or the law
- Affected the outcomes of justice

Whereas every effort will be made to minimise them, it is recognised that adverse events may occur in a dynamic, high risk environment such as a custody suite. It is essential they are managed effectively, with integrity and without fear of repercussions. This will ensure that:

- The safety of all involved is a priority
- Evidence is secured and preserved to identify the practices in place at the time
- Transparency is demonstrated
- Normality can be returned to at the earliest opportunity
- Learning can be captured to minimise the likelihood of future occurrences

In cases where a death or near miss occurs, the SOP relating to [Deaths Following Police Contact](#) will be followed. A near miss can be defined as an incident that had timely intervention not been made there was a high likelihood that death would have occurred.

In cases where immediate action is required, in the absence of the C&CH Inspector, the Duty Inspector should be contacted to manage the event. An interim general report will be submitted by

the Custody Sergeant prior to ending their tour of duty. Upon review by the C&CH Inspector he/she may:

- Require a more detailed report to be completed with internal recommendations,
- Instigate an internal Significant Incident Review(SIR) led by himself/herself,
- Request an external SIR by another Inspector or higher rank in the interests of transparency.

9. Independent Monitoring

The Independent Monitoring Board (IMB) will maintain a monitoring function. The agreement between the IMB and the Constabulary should be referred to for further information as to their terms of reference and scope of role. The C&CH Inspector will maintain regular contact with the IMB in the interests of maintaining transparency and encouraging the exchange of information.

10. Custody Working Group

The Chief Inspector, Neighbourhoods will chair the Custody Working Group. The purpose of the group is to:

- Encourage partnership working in the interests of detainees
- Develop policy in the custody environment
- Review external developments in the field
- Develop best practice

The group will meet not less than every three months unless agreed otherwise and will consist of the following representatives from:

- Chair – Chief Inspector, Neighbourhoods
- Custody Inspector
- Independent Monitoring Board
- FME practitioner
- MH representative
- Social Services representative
- Facilities Manager
- Isle of Man Law Society
- ODD Learning Officer
- IOM Prison Governor
- Representative from Nobles Hospital

11. Strategic Custody Group

In order to ensure the operation of the custody unit remains compatible with the strategic requirements of the Constabulary, a strategic group will convene six monthly:

- Chair – Superintendent
- Chief Inspector, Neighbourhoods
- Custody Inspector