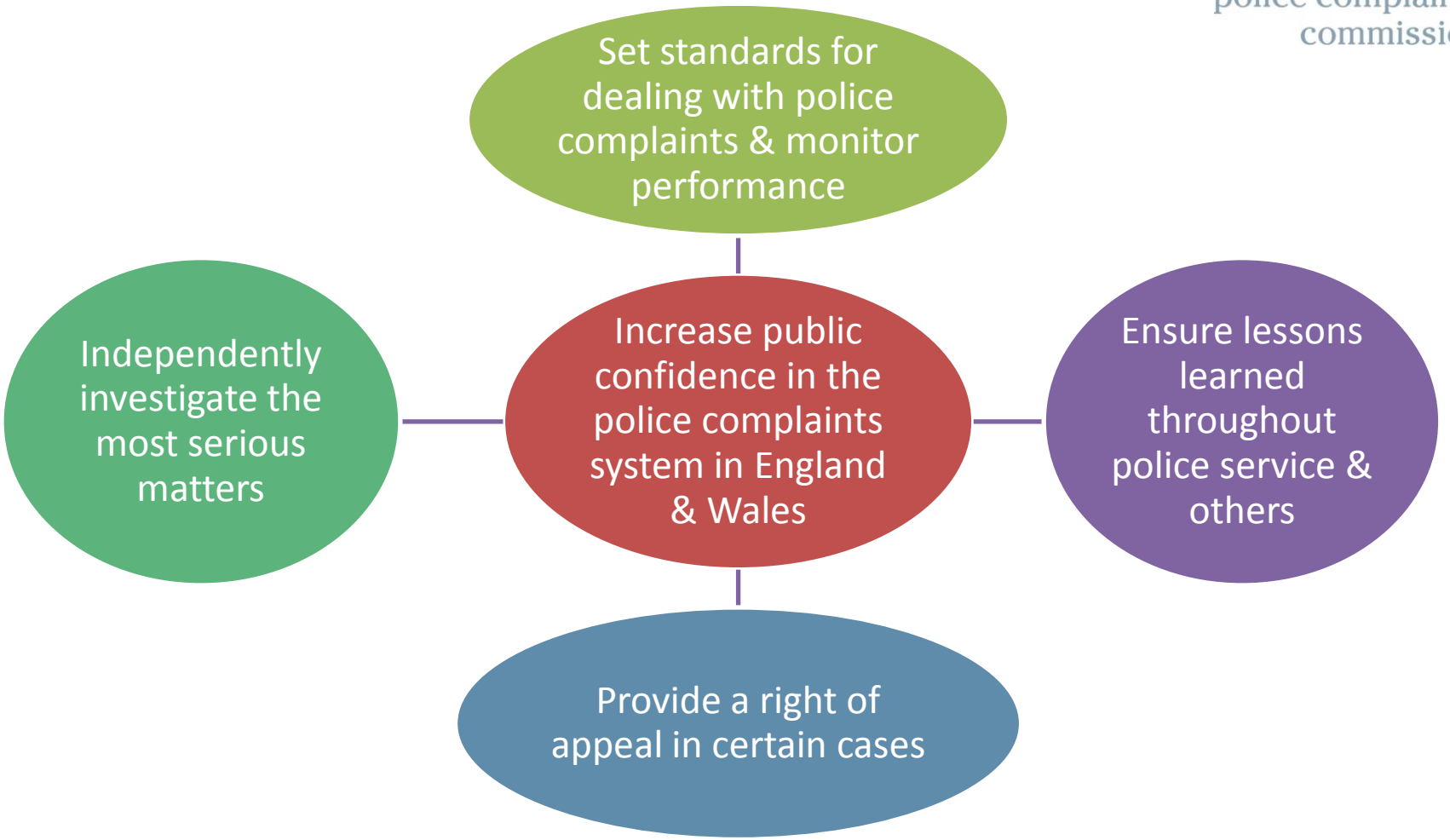
Preventing Deaths in Police Care

Working together to improve care in police custody

Sarah Green
IPCC Commissioner

IPCC Role


Set standards for dealing with police complaints & monitor performance
Independently investigate the most serious matters
Increase public confidence in the police complaints system in England & Wales
Ensure lessons learned throughout police service & others
Provide a right of appeal in certain cases

IPCC Role in Improving Care of Detainees

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- Conduct or oversee investigations
- Consider appeals re: complaints in some cases
- Identify learning, and ensure this is reflected in police guidance and training
- Produce annual statistics on deaths, and research
- Work with others to ensure changes are implemented

IPCC Investigations

- Police have a statutory duty to refer deaths and serious injuries to IPCC in all cases
- Cases meeting the mandatory referral criteria must also be referred
- Forces may also make voluntary referrals
- IPCC has power to call in cases

Article 2 Investigations

- Right to life
- Deaths that occur during or following police contact may breach Article 2
- IPCC will begin independent investigations into all cases which engage Article 2 – this includes all custody deaths, and some deaths following police contact
- If becomes clear Article 2 not engaged may re-determine mode of investigation

Requirements of Article 2 Investigations

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- Independent
- Subject to public scrutiny
- Prompt
- Effective
- Engaged with next of kin

Independent Investigations

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Initial actions by IPCC:

- Deploy staff to scheme to handle the initial stages of the investigation – provide guidance over the phone to the force
- Consider whether any potential criminal or conduct issues
- Gather evidence
- Attend post-incident management procedures
- Liaise with external parties e.g. Coroner, HSE
- Handle media
- Contact family and explain role

Independent Investigations

Initial actions – force

- Secure scene and exhibits (under IPCC instruction)
- Carry out PIM procedures that support officers and facilitate the giving of accounts about the incident

Investigation by IPCC

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- Set terms of reference
- Collect and analyse evidence including witness interviews
- Consider use of experts
- Engage with family and communities
- Provide updates to families and other interested parties inc Coroner
- Attend pre-inquest hearings

Final Report

At end of investigation IPCC produces a report which will set out:

- Conduct issues
- Criminal issues
- National and/or local learning recommendations

Learning from Investigations

IPCC learning has been reflected in:

- 2012 Safer Detention Guidance
- Changes to PACE

IPCC Learning & Safer Detention

- Intoxication changed to drunk and incapable
- Restraint techniques used during arrest or transportation should be explained by the arresting officer before a risk assessment is completed, and any effects caused by restraint may indicate a need for medical attention

IPCC Learning Reflected in Safer Detention Guidance

- Contract staff working in custody must be fully aware of their role and be trained
- Staff working in custody suite should receive training and refresher training in first aid
- If a detainee cannot be roused, they should be immediately treated as a medical emergency

IPCC Learning and Safer Detention

- Individuals who have consumed alcohol and drugs should be risk assessed on arrival and throughout detention, and unwillingness and inability to participate in risk assessment is a possible warning of risk. Cell visits and checks must be completed at appropriate intervals.
- Symptoms of serious illness or injury may go unnoticed in individuals who are well known or familiar to police officers
- CCTV should be available in at least one cell to be used when a detainee is identified as being at risk
- Independent custody visitors should ensure CCTV is operational

IPCC Learning Reflected in Safer Detention guidance

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- Cell buzzers, intercoms and lights must be checked
- If there is more than one custody officer, need clarity about who is designated Custody Officer
- Handovers should be done verbally within sight and sound of CCTV -written acknowledgement of handover should be made on the custody record
- Custody manager should ensure that healthcare professionals working within their force are aware of local procedures
- Health care professionals should write their directions on frequency of checks and rousing in the custody record

IPCC Learning Reflected in PACE

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PACE Codes C and H

- Intoxicated has been replaced with under the influence
- Improper treatment should be reported to the custody officer
- Any actions carried out by custody staff the outcomes should be reported to the Custody Officer
- Those who the Custody Officer delegates tasks to must be trained and competent

Implementation of Recommendations

- Continue to work with ACPO and College of Policing to ensure national recommendations are reflected in guidance
- Feed into HMIC/HMIP custody inspections
- Seeking new powers to require forces to respond to learning recommendations
- Working with PCCs to ensure recommendations are implemented

IPCC Statistics & Research

- IPCC produces an annual report on deaths following police contact
- Longer term study published 2010
- Subject to increase in funding, will conduct further research in future

Deaths Trend Data - 2004/05 to 2012/13

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Category	Fatalities								
	04/05	**05/06**	**06/07**	**07/08**	**08/09**	**09/10**	**10/11**	**11/12**	**12/13**
Deaths in or following police custody	36	28	27	22	15	17	21	15	**15**
Apparent suicides following custody	46	40	47	45	56	54	46	39	**64**

Deaths in or Following Police Custody 2012/13

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- 14 men and one woman died in police custody
- 12 White British, two “Other” White, one White & Black African ethnic origin
- Four were known to have been restrained by police officers at some point prior to their death
- Nine people had a link to alcohol and drugs
- Mental health continued to be a key factor in almost half the deaths

Deaths in or Following Police Custody: Cause of Death, 12/13

Cause of death	Number of fatalities
Heart disease / cardiac arrest	2
Asphyxiation*	2
Multiple injuries	1
Drug / alcohol overdose	1
Gun shot wound	1
Long-term illness	1
Inconclusive	2
Awaited	5
Total fatalities	**15**

Deaths During or Following Police Contact - 2012/13

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- Considerable rise in number of suicides following release from custody
- Mental health continued to be a key factor in deaths (two-thirds of cases)

Apparent Suicides Following Police Custody: Reason for Detention, 12/13

Reason for detention	Number of fatalities
Sexual offences	18
Violence related (non sexual) / threatening behaviour / harassment	17
Driving offence, including drink driving	8
Detained under the Mental Health Act	7
Theft / shoplifting	5
Breach of peace / public order / criminal damage	4
Drug / alcohol related (exc. drink driving)	2
Breach of bail / orders	2
Other	1
Total fatalities	**64**

Incidents by Type of Death and Investigation Type, 12/13

Type of investigation	Deaths in or following police custody		Apparent suicides following custody	
	N	%	N	%
Independent	**9**	**60**	**4**	**6**
Managed	0	-	0	-
Supervised	0	-	0	-
Local	6	40	15	23
Back to force	0	-	45	70
Total incidents	**15**	**100**	**64**	**100**

Current Areas of Concern/Potential Risk

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- Care of pregnant detainees
- Care young people – appropriate adult
- Places of Safety under Section 136 of the Mental Health Act
- Use of tasers within custody – not as pain compliance
- Emergency Response Belt (ERB) as a spit/bite hood.

Review of IPCC's Work in Investigating Deaths

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Aim of the Review

To identify and implement changes to ensure that our work in investigating deaths is:

- thorough, transparent and effective
- sensitive to the needs and expectations of bereaved families
- able to build and sustain public confidence

Emerging Findings

Progress Report published September 2013

Main themes:

- Independence of the IPCC
- IPCC engagement with bereaved families
- Effectiveness of IPCC investigations

Independence

Feedback

- IPCC too close to the police and police too involved in our investigations

Action

- Diversifying our work force
- Strengthening role of Commissioner
- Clear directions at the scene and will publish our expectations

Future

- Expanded IPCC – ex police will not investigate previous force
- More internal specialists
- External experts

Engaging with Families

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Feedback

- Lack of sensitivity
- Lack of involvement and information given

Action

- Training to ensure sensitivity and that we meet needs
- Meeting Commissioner and contact with manager
- Revised leaflets
- Provide opportunity to comment on terms of reference, press releases and given meaningful updates

Future

- Work with INQUEST
- Revise approach to family liaison

Effectiveness

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Feedback

- Should investigate all deaths
- Consistent, transparent and timely in decision making

Action

- Any death where there may have been a breach of Art.2 independently investigated
- Publish criteria of how make decisions
- Pilot specific MOI unit

Effectiveness

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Feedback

- Some new powers but not enough, and need to be more robust in using them

Action

- Seeking further powers
- Expect officers to be separated and to not confer
- Will continue to use our powers to arrest and interview under criminal caution on a case-by-case basis

Effectiveness

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Feedback

- Investigations take too long
- Quality variable
- Lack robust analysis of evidence and sufficient challenge of police accounts

Action

- Reviewing investigations directorate
- Further training
- Improve quality assurance

Effectiveness

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Feedback

- IPCC should have a greater role in discipline
- Enforce recommendations
- Build on learning the lessons and thematic work to share good practice

Action

- Power to require response to recommendations
- More independence and transparency in discipline system
- Share findings of work with other bodies

Learning the Lessons

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- The IPCC publishes a regular bulletin to help the police service learn lessons from investigations and other operations of the police complaints and conduct system.
- Bulletin 16 covers custody

LEARNING THE LESSONS

Any Questions ?

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