

OPERATION TALLA – CUSTODY

1. Purpose

- 1.1. The purpose of this document is to provide a strategic overview and high level guidance for forces concerning custody function during the COVID 19 pandemic.
- 1.2. This national situation remains dynamic and caution should be taken when referring to printed or stored documents which are uncontrolled. This document was published on **18th March 2020**.
- 1.3. Due to the diverse nature of custody estates and management, Forces should develop local policies to deliver tactical options.

2. Position

- 2.1. Forces are encouraged to adopt a pragmatic approach in the custody environment concerning those suspected or diagnosed as having contracted COVID 19, giving due regard to Government advice and guidance regarding reducing the risk of infection.
- 2.2. The provision and use of police custody remain a legitimate and available option as part of the criminal justice process and keeping people safe including those who have been diagnosed or are suspected of having contracted the virus.
- 2.3. Notwithstanding the above, consideration should be given to minimising human traffic in the custody environment in order to reduce, as far as possible, the risk of COVID 19 transmission.
- 2.4. The national advice produced by Public Health England (PHE) should inform any practice or policy implemented by forces.
- 2.5. Forces are strongly encouraged to monitor changes in the advice issued by Public Health England (PHE), as well as potential changes in legislation made by HM Government concerning the national response to the virus.

3. Arrest and Detention

- 3.1. The use of police custody as a place of detention should still be in accordance with Police and Criminal Evidence Act 1984 (PACE) Code G.
- 3.2. There will always be occasions where arrest and detention will be necessary particularly when considering factors such as threat, harm and risk.
- 3.3. During the current COVID 19 pandemic, additional consideration regarding out-of-custody options, such as voluntary attendance, are encouraged.
- 3.4. This approach particularly applies to those who are diagnosed or suspected of having contracted COVID 19 and where an alternative to detention in custody may reduce unnecessary exposure to the virus.
- 3.5. The health and wellbeing of the public and detainees remains the primary consideration for police officers and staff. This should be managed according to legislation and Authorised Professional Practice (APP).
- 3.6. It is therefore advisable that those responsible are familiar with the signs and symptoms of COVID 19 and the recommended protective and sanitation procedures, where it is identified or suspected.
- 3.7. Where possible, if a detainee is identified or suspected of having COVID 19, prior to arrival at custody arresting officers should inform and discuss options with the custody officer.
- 3.8. Additional consideration should also be given concerning the use of bail as the pandemic is predicted to last for several months.
- 3.9. Forces should consider including health screening questions concerning COVID 19 as part of their risk assessment processes for detainees.
- 3.10. Where the presence in custody of a detainee suspected or identified as having contracted COVID 19 is necessary, they should be isolated from others where practicable. Any police officers or staff required to interact with such detainees should be provided with the appropriate Personal Protective Equipment (PPE). Proportionate decontamination of areas where the detainee has been present or items/areas they have been in contact with should be implemented.
- 3.11. Additional guidance and recommendations should be sought from local healthcare professionals, PHE and NHS 111 (preferably online due to high demand) as appropriate.

- 3.12. In particular, consideration should be given to the introduction of routine enhanced hygiene regimes, especially in communal areas such as the custody bridge and interview rooms. It is recommended that these areas are sanitised as far as practicable after each use. This includes equipment such as telephones. Further guidance can be found through PHE.
- 3.13. Consideration should be given to informing those who have come into contact with a detainee suspected of having been infected with the virus. This includes staff members, visitors and other detainees. They should be directed towards national advice produced by PHE.
- 3.14. Additionally, appropriate hygiene facilities such as hand washing with soap/sanitiser should be made available to all detainees. Their regular use should be encouraged, particularly before and after significant events such as legal visits and interviews.
- 3.15. Subject to appropriate risk assessment, consideration should be given to providing face masks to detainees who are symptomatic or suspected of having contracted COVID 19, particularly when they are required to interact with staff or visitors.

4. External Visitors

- 4.1. It is recognised that other professionals and visitors will be required to attend police custody during the COVID 19 pandemic.
- 4.2. Forces are urged to consider the health and wellbeing of all custody users, including external visitors, when implementing local policy.
- 4.3. Forces are encouraged to implement local screening practices which may include health questions, before visitors are admitted.
- 4.4. Where access is essential for the effective running of the custody centre, the criminal justice process or the welfare of those in custody, this should be facilitated, but with consideration to minimising the risk of transmission of the virus either into the custody facility or to the visitor themselves.
- 4.5. Particular consideration should be given to those persons who are considered most at risk in line with the advice issued by Public Health England (PHE), such as those over a 70 years of age or with pre-existing medical conditions.
- 4.6. In addition, those who are suspected of, or identified as having contracted COVID 19 should be excluded wherever possible.
- 4.7. Appropriate hygiene facilities, such as soap/sanitiser should be made available to all visitors including access to appropriate PPE where applicable.

- 4.8. The NPCC is working with the Home Office, the Chief Executive of the Independent Custody Visiting Association (ICVA) and Chief Executive of National Appropriate Adult Network (NAAN) to develop safe and appropriate guidance for their members.
- 4.9. Forces are encouraged however to consider and implement local procedures for Independent Custody Visitors (ICV) in accordance with the guidance already contained within this document. They should be developed in consultation with the ICV scheme manager/Office of the Police and Crime Commissioner.
- 4.10. When considering ICV attendance, it is important to recognise their responsibilities under their United Nations mandate and their role within the National Preventative Mechanism, as well as the Code of Practice for ICV which is a Statutory Instrument.
- 4.11. Appropriate Adults are essential visitors for all children and vulnerable suspects, as defined by PACE. Therefore local procedures for admitting those provided through organised schemes should be developed in consultation with the local AA provider.
- 4.12. Access by Appropriate Adults known to the detainee (e.g. parents) should be facilitated unless a risk assessment indicates that this would present a significant risk to the visitor or others present in custody.
- 4.13. Enabling detainees to exercise their right to legal advice is essential. Custody staff should work in conjunction with legal representatives to ensure this process is effectively managed. Consideration should be given to telephone advice in appropriate circumstances.
- 4.14. Non-essential visitors, including internal staff members should only attend custody in exceptional circumstances.
- 4.15. Advice should be sought from Public Health England or NHS 111 where there are any concerns or further clarification is required.

Sources of Information:

The Knowledge Hub: <https://knowledgehub.group/>

Public Health England : <https://www.gov.uk/government/organisations/public-health-england>

NHS 111: <https://111.nhs.uk/covid-19>

Faculty of Forensic Medicine: <https://fflm.ac.uk/>

The Law Society: <https://www.lawsociety.org.uk/support-services/advice/articles/coronavirus-advice-and-updates/>

Independent Custody Visiting Association: <https://icva.org.uk/>

National Appropriate Adult Network: <https://www.appropriateadult.org.uk/>

