

Case 4 Issue 37 – Young people		LEARNING THE LESSONS
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Self-harming incident in detention

A young man self-harms in custody raising issues about:

- *Level and manner of observational checks*
- *Strip searching without an appropriate adult*
- *Provision of medical care*

This case is relevant if you work in:

Custody and detention		Mental health	
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Overview of incident

Around 12.10pm, Police Constable (PC) A was informed by the control room that a 16-year-old man, Child B, had committed criminal damage at his care home and had been recorded as a missing person.

PC A and PC C were informed a possible location for Child B had been discovered. Although there was initially no response at the address, at around 12.40pm, Child B was arrested at the home of his girlfriend's mother, Ms D. He was cautioned for criminal damage and taken to the police station.

Police Sergeant (PS) E booked him in at the station and conducted a risk assessment. Child B told PS E he had been drinking and taking drugs the night before, and social services had parental responsibility for him. In answer to prompts on the risk assessment, PS E recorded the young man looked unwell and needed first aid or medical treatment. PS E also noted Child B appeared fully coherent but needed an appropriate adult, juvenile safeguarding, and had warning markers for anxiety and self-harm.

A Police National Computer (PNC) search showed markers for violence, weapons, drugs, and mental health. PS E recorded on the custody log, Child B was a juvenile, had anxiety, had a history of self-harm by cutting, and was a recreational drug user. PS E set the observation level to 1, with visits required every 30 minutes (without rousing).

Child B was taken to a juvenile cell equipped with CCTV and was cooperative.

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PS E recorded in his log Child B stated he was feeling unwell and “on a come down”. Half-hourly checks commenced and a Health Care Professional (HCP) was called. Ms D was identified as his appropriate adult, and while Child B was offered the services of a mental health team, he declined.

The HCP visited the young man and confirmed level 1 checks were the most appropriate level of observation.

College of Policing Authorised Professional Practice (APP) – Levels of observation

Level 1 observation

Following full risk assessment, this is the minimum acceptable level of observation required for any detainee. It includes the following actions:

- The detainee is checked at least every hour (the risk assessment is updated where necessary)
- Checks are carried out sensitively in order to cause as little intrusion as possible
- If no reasonable foreseeable risk is identified, staff need not wake a sleeping detainee (checks of the sleeping detainee must, however, continue and if any change in the detainee’s condition presents a new risk, the detainee should be roused)
- If the detainee is awake, staff should communicate with them.

Read more online:

<https://www.app.college.police.uk/app-content/detention-and-custody-2/detainee-care/#levels-of-observation>

At around 2.55pm, PS E handed over to PS F and recorded in the custody log PS F was informed Child B was a juvenile in care with historic self-harm and anxiety issues. It was also recorded they were awaiting notification of who would be the appropriate adult.

Detention Officer (DO) G observed the young man asleep in his cell at 3.30pm. He made a bloc record in the custody log for a number of cell checks. When asked about the practice of writing bloc entries, DO G stated although he was informed by the custody inspector that staff should not write multiple entries, he also said he did it due to the difficulty of visiting 14 cells and making 14 different entries. DO G said it could take up to five minutes to write one entry on the system the force used to record information. PS F said this told the IOPC that this practice was later discontinued following an inspection by Her Majesty’s Inspectorate of Constabulary (HMICFRS).

At around 3.55pm, the custody log shows Child B spoke to a duty solicitor and then Detention Officer (DO) H to ask how long it would be before he was interviewed. When DO H told him no time had been set, Child B said if it took too long, he would end his life.

This comment was recorded in the custody log and the custody sergeant, PS F, was notified. When later interviewed by the IOPC, PS F stated the comment did not make him change the risk assessment for Child B, nor did he consider changing the level of observation for Child B. He said there was nothing to substantiate any claims, no additional information that would change the level of risk, and he considered it to be a conditional threat contingent upon the timeframe for the interview.

Police and Criminal Evidence Act (PACE) Code C

Risk assessments must follow a structured process which clearly defines the categories of risk to be considered and the results must be incorporated in the detainee's custody record. The custody officer is responsible for making sure those responsible for the detainee's custody are appropriately briefed about the risks. If no specific risks are identified by the assessment, that should be noted in the custody record.

Read more online:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/826813/PACE-Code-C_2019.pdf

At 4.34pm, DO H checked on the young man. According to CCTV, the visit lasted two seconds. A few minutes later, DO G took the young man to the toilet. Child B was left alone for 52 seconds and then went back to his cell. DO G closed the door behind him.

Between 4.40pm and 5.25pm, in-cell CCTV showed Child B removed his t-shirt and ripped it to make a number of strips that he tied around his neck and hands. Child B was seen punching the mattress placed against the wall.

During that time, at around 5pm, DO G made a three second cell visit. He went to the cell door and moved the metal hatch covering the window and looked in. At the time he looked in, CCTV shows Child B sitting directly opposite the cell door, leaning forward, and tearing his shirt into strips.

College of Policing Authorised Professional Practice (APP) – Cell checks

Where practicable, the person who carried out the last visit should conduct the next check. Continuity in checking allows evaluation of any changes in the detainee's condition and potential risks involved.

Officers and staff undertaking visits or observations must:

- be appropriately briefed about the detainee's situation, risk assessment and particular needs
- take an active role in communicating with the detainee and establishing a rapport
- be familiar with the custody suite emergency procedure and aware of equipment available
- ensure that each check is recorded in the custody record and that relevant information is captured and applied as part of the ongoing risk assessment process
- be in possession of a cell key and ligature cutter.

When cell checks and visits are carried out, it is not sufficient to record 'visit correct' or 'checked in order' in the custody record. More detail is required. A check through the cell spyhole does not constitute an acceptable welfare check under any circumstances. Checks are required even where the detainee is awake and has been engaging in conversation.

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If custody staff are unable to clearly see the face of a sleeping detainee because their view is obscured by a blanket, the blanket should be adjusted so as to allow an adequate welfare check.

Where a decision has been made to monitor the detainee's welfare using continual CCTV cell observation, officers should record the reasons for taking this measure in the custody record along with the name of the person(s) responsible for the monitoring. CCTV monitoring does not negate the need to make regular physical checks of the detainee and update the custody record accordingly.

If it is decided that the detainee needs to be roused on each visit, officers must do so and record the detainee's responses in the custody record.

Accurate entries in the custody record are essential, including a record of who has conducted each check.

Find out more online:

<https://www.app.college.police.uk/app-content/detention-and-custody-2/detainee-care/#cell-checks>

DO G again recorded a single entry for a number of cell visits, stating the young man was awake and appeared okay.

Thereafter, Child B was seen on CCTV placing a ligature around his neck and gesturing as though he were tying it in a knot before removing it again.

At around 5.25pm, Child B was seen tying another strip of torn t-shirt around his neck. The ends of the ligature were resting to his front when DO G re-entered the cell. During that cell visit, they had a conversation, the audio of which is not recorded, and the young man handed over some ligatures. No part of this cell visit was recorded in the custody log.

When later interviewed by the IOPC, DO G said it was not uncommon for him not to write anything up. He said the torn cloth was not a ligature because it was hanging like a scarf. He further stated he made no note of changes in the young man's behaviour because the young man was polite and they got on well.

DO G did speak to the custody sergeant, which was recorded on CCTV. He mentioned to PS F he had taken a neck scarf off the detainee and that he was suicidal. In a later interview with the IOPC, PS F said he considered DO G had removed the threat by removing the scarf. He did admit if DO G had told him the ligature was a ripped t-shirt, it might have caused more concern.

In his cell, Child B removed a further ligature from under the blankets of his bed and tied it around his neck. He tied several knots in the ligature and hid it under his jacket.

At around 6.05pm, the young man was taken to an interview room with his solicitor and Ms D, who had been identified as his appropriate adult. The interviewing officer, PC I, stated the young man became so agitated that he suspended the interview to allow him to consult with Ms D and his solicitor. The interview continued but Child B grew increasingly more agitated and tried to leave. PC I grabbed the young man but he flailed his arms and ran out into the corridor. PC I was worried he might try to hurt himself, so he tried to bear hug Child B. However, he was able to use his legs as leverage in the hall and head-butted the wall.

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PC I hit the panic alarm. A number of officers helped to restrain the young man. During the struggle one of the officers noted he saw the young man head-butt the floor. Child B was restrained and at around 6.40pm, he returned to his cell followed by PC J. PC J later stated Child B mentioned he was annoyed.

When he was alone in his cell, Child B tied a ligature around his neck and pulled the ends tight. PC J entered the cell to try to remove the ligature. She later stated she could see him tying something around his neck and he was silently going red in the face. She hit the panic alarm and PC I and another officer, PS K, ran to help. PS K later stated Child B was pulling the ligature tight, as though to strangle himself. PS K tried to put two fingers under the ligature but that was ineffective.

Together with PC L, the officers restrained Child B on the bench in his cell. Another detention officer entered the cell and provided PC J with a safety knife to cut the ligature from his neck. Although he was verbally aggressive towards PC I, and threatening to stab him, PS F was able to calm down Child B by telling him they were dealing with the criminal damage charge. The young man calmed down and some of the officers left his cell.

PS F authorised a strip search of the young man. His reasoning was recorded in the custody log as being to remove an article which the detainee was not allowed to keep, and to place him in an anti-harm suit.

The search was started by PS K, while a female officer, PC M, stood near the door. She remained in the cell for five seconds but was replaced by PC L, who assisted with the strip search.

The removal of Child B's clothing was conducted in the absence of his appropriate adult. When questioned about his reasons for not asking Child B whether he wanted his appropriate adult to be present while he was searched, PS F said if there is an immediate risk of harm to a detained person you can strip search them without an appropriate adult, and he felt there was an immediate risk of harm in this incident. PS L complied with the order given by PS F because PS F was the custody sergeant and therefore responsible for justifying the actions taken. The strip search was carried out in a cell with CCTV and with the door open. PS K stated he did not believe there was anything wrong with Child B being searched on camera.

Police and Criminal Evidence Act (Code C) – Annex A – Intimate and strip searches

When strip searches are conducted:

- (a) a police officer carrying out a strip search must be the same sex as the detainee (see Annex L);
- (b) the search shall take place in an area where the detainee cannot be seen by anyone who does not need to be present, nor by a member of the opposite sex (see Annex L) except an appropriate adult who has been specifically requested by the detainee;
- (c) except in cases of urgency, where there is a risk of serious harm to the detainee or to others, whenever a strip search involves exposure of intimate body parts, there must be at least two people present other than the detainee, and if the search is of a juvenile or vulnerable person, one of the people must be the appropriate adult. Except in urgent cases as above, a search of a

juvenile may take place in the absence of an appropriate adult only if the juvenile signifies in the presence of the appropriate adult that they do not want the appropriate adult to be present during the search and the appropriate adult agrees. A record shall be made of the juvenile's decision and signed by the appropriate adult. The presence of more than two people, other than an appropriate adult, shall be permitted only in the most exceptional circumstances.

Find out more online:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/826813/PACE-Code-C_2019.pdf

Child B removed his upper body clothing first. PC L gave Child B some anti-harm clothing. Child B put the replacement top on before beginning to remove his bottom half clothing, including his trousers and boxer shorts. Child B could be seen on the CCTV footage trying to hide his body behind the anti-harm shorts. Child B also grabbed a blanket and held it so he could hide behind it while trying to put the shorts on.

PS K told the IOPC he was not searching for anything at this point, and was simply providing Child B with replacement clothing to prevent him harming himself. Therefore, he had no reason to monitor Child B or search him more thoroughly while he was changing. For this reason, PS K allowed Child B to cover himself while he changed.

Around 10 minutes later, PS F reviewed his risk assessment and recorded Child B had smacked his head against the wall during interview. PS F requested a Health Care Professional (HCP) see Child B because he hit his head during the struggle with PC I and tied a ligature around his neck. According to the organisation supplying the HCP, it was communicated to PS F that a HCP would attend within approximately an hour.

Soon after, Child B was taken back to his cell with Ms D. PS F placed Child B on level 4 observations – close proximity with rousal.

A HCP arrived in custody within an hour of being called by PS F, but prioritised other detainees before Child B.

Approximately three hours later, Child B was released from custody, without being seen by a HCP.

PS F recorded on the online risk assessment before releasing Child B that he appeared to have suicidal or self-harm tendencies, and noted he had tied a ligature around his neck during his time in custody. He also noted social services had been informed and Child B would remain in the care of Ms D.

Type of investigation

IOPC independent investigation

Questions to consider

Questions for policy makers and managers

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1. How does your force make sure strip searches are carried out so no one (except an appropriate adult) can see?
2. How does your force make sure strip searches involving juveniles or vulnerable adults always take place with an appropriate adult, except where the person gives permission and the appropriate adult agrees?
3. How does your force make sure risk assessments about people kept in custody are regularly reviewed?
4. What guidance do you give to officers on assessing the risk to children and young people brought into custody, and does this differ to guidance given to officers on assessing risk in relation to adults?
5. How does your force make sure officers of a different sex are not present when someone is strip searched?

Questions for police officers and police staff

6. Would you have considered placing the young person on constant observation?
7. Would you have done anything differently after the young man threatened to take his own life?
8. Would you have done anything differently when the young man was first booked into custody, specifically the risk assessment?