



Staffordshire Police Equality Impact Assessment



The purpose of this EIA is to ensure you consider any equality issues as part of your decision making when developing / reviewing your policy / procedure.

Please complete the sections below and send to the Equality and Diversity unit to be quality assured. New / revised policies cannot be published on the policy database until the EIA has passed the quality assurance process.

Title of policy/procedure:	Custody
Department:	Operational Services
Date:	25 th January 2012

1. Identify the aims and purpose of the policy

The purpose of this policy and the associated procedures is to provide a corporate approach to processes within Staffordshire Police Custody facilities. The emphasis is on the fair and equitable treatment and care of all detained persons according to their individual needs within a functional and safe environment and to reassure the public that all staff operating in custody are exercising their powers fairly, ethically, consistently and in line with relevant legislation.

The projected outcomes are that there will be an increase in the confidence of detained persons and the public in the way in which Staffordshire Police demonstrate fairness in the treatment and the upholding of the rights of those detained persons and a better managed and safer custody environment for all.

2. Identify the individuals and organisations who are likely to have an interest in, or be affected by the policy.

Staffordshire Police, Staffordshire Police Authority, Prisoner Escort Management Services, Custody Contractors operating for Staffordshire Police, HM Prison Services, Support Agencies (e.g. drug or alcohol abuse) operating within the wider Criminal Justice System, Independent Custody Visitors, UK Border Agency, Police Surgeons and other medical services, Members of the Public, The Courts, The Judiciary & The Legal Profession.

3. Data

Summarise the findings of any monitoring data / information which you have considered regarding the impact of this policy on people from all or any of the protected groups. This could include national or local data.

3.1 Age

Custody data from the National Strategy for Police Information Systems (NSPIS) custody system January 2011 to December 2011 shows 11% (3161) of detainees were young people (aged 16 years and under)

In the period January 2011 to December 2011 there have been 354 inspections of Staffordshire Custody Suites by Independent Custody Visitors and there have been no reports of any issues concerning diversity and the protected characteristics.

During 2011 no complaints were made about custody that relate to the protected groups.

3.2 Disability

Custody data from the NSPIS custody system January 2011 to December 2011 shows:

- 87 people were detained under Section 136 of the Mental Health Act
- 14 people (not detained under the Mental Health Act) also had mental health issues
- 1 person was deaf/hard of hearing
- 3 people had learning disabilities
- 4 people had dyslexia
- 3 people had ADHD/Autism
- 2 people had a visual impairment

In the period January 2011 to December 2011 there have been 354 inspections of Staffordshire Custody Suites by Independent Custody Visitors and there have been no reports of any issues concerning diversity and the protected characteristics.

During 2011 no complaints were made about custody that relate to the protected groups.

3.3 Race

Custody data from the NSPIS custody system January 2011 to December 2011 shows 89% (27627) of detainees were White, 11% (3220) of detainees were BME (Black and Minority Ethnic).

Using population data against the custody data this gives a disproportionality rate of 2.1 which means BME individuals are 2.1 times more likely to be arrested and detained in custody than White individuals. This disproportionality rate has remained stable at around 2.1 for the last three years.

In the period January 2011 to December 2011 there have been 354 inspections of Staffordshire Custody Suites by Independent Custody Visitors and there have been

no reports of any issues concerning diversity and the protected characteristics.

During 2011 no complaints were made about custody that relate to the protected groups.

3.4 Religion or Belief

This data is not recorded by the NSPIS custody system.

In the period January 2011 to December 2011 there have been 354 inspections of Staffordshire Custody Suites by Independent Custody Visitors and there have been no reports of any issues concerning diversity and the protected characteristics.

During 2011 no complaints were made about custody that relate to the protected groups.

3.5 Sex

Custody data from the NSPIS custody system January 2011 to December 2011 shows 15% (4504) of detainees were female and 85% (24892) of detainees were male.

In the period January 2011 to December 2011 there have been 354 inspections of Staffordshire Custody Suites by Independent Custody Visitors and there have been no reports of any issues concerning diversity and the protected characteristics.

During 2011 no complaints were made about custody that relate to the protected groups.

3.6 Sexual Orientation

This data is not recorded by the NSPIS custody system.

In the period January 2011 to December 2011 there have been 354 inspections of Staffordshire Custody Suites by Independent Custody Visitors and there have been no reports of any issues concerning diversity and the protected characteristics.

During 2011 no complaints were made about custody that relate to the protected groups.

3.7 Transgender

This data is not recorded by the NSPIS custody system.

During 2011 no complaints were made about custody that relate to the protected groups.

4. Research

Summarise the findings of any research you have considered regarding this policy for all or any of the protected groups. This could include information you have obtained from other sources e.g. ACPO, Home Office.

4.1 Age

The HMIC joint inspections with Her Majesty's Inspectors of Prisons of custody facilities across police forces in 2011 did not identify any issues in relation to age. HMIC inspection reports are available at www.hmic.gov.uk/inspections/joint-inspections/

4.2 Disability

The HMIC joint inspections with Her Majesty's Inspectors of Prisons of custody facilities across police forces in 2011 did not identify any issues in relation to disability. HMIC inspection reports are available at www.hmic.gov.uk/inspections/joint-inspections/

4.3 Race

The HMIC joint inspections with Her Majesty's Inspectors of Prisons of custody facilities across police forces in 2011 did not identify any issues in relation to race. HMIC inspection reports are available at www.hmic.gov.uk/inspections/joint-inspections/

4.4 Religion or Belief

The HMIC joint inspections with Her Majesty's Inspectors of Prisons of custody facilities across police forces in 2011 did not identify any issues in relation to religion and belief. HMIC inspection reports are available at www.hmic.gov.uk/inspections/joint-inspections/

4.5 Sex

The HMIC joint inspections with Her Majesty's Inspectors of Prisons of custody facilities across police forces in 2011 did not identify any issues in relation to sex. HMIC inspection reports are available at www.hmic.gov.uk/inspections/joint-inspections/

4.6 Sexual Orientation

The HMIC joint inspections with Her Majesty's Inspectors of Prisons of custody facilities across police forces in 2011 did not identify any issues in relation to sexual orientation. HMIC inspection reports are available at www.hmic.gov.uk/inspections/joint-inspections/

4.7 Transgender

The HMIC joint inspections with Her Majesty's Inspectors of Prisons of custody facilities across police forces in 2011 did not identify any issues in relation to individuals who are transgender. HMIC inspection reports are available at www.hmic.gov.uk/inspections/joint-inspections/

5. Consultation

Summarise the opinions of any consultation for all or any of the protected groups.

Who was consulted and how e.g. survey, discussion, forum.

If there was no consultation please justify why.

Focus groups for the protected groups below were invited in during 2011 to view all custody processes in an actual custody suite. From the initial arrival and explanation of the reasons for arrest by an arresting officer to the custody sergeant, searching, through fingerprinting/DNA/photographing onto being placed in a cell. The interview facilities were viewed and explained as was the catering facilities and general welfare needs of detained people. The information below includes the issues raised.

5.1 Age

The PACE codes and the notice of rights & entitlements were commented on as being too complicated for young people to readily understand. The PACE codes are a national legal document and cannot be readily re-worded to deal with this issue. The 'Rights & Entitlement' sheet is available in a simplified version and consideration is being given to using this as the standard version for handing to detained persons. The safeguard as regards young people is that they have an Appropriate Adult to help them understand what is going on.

The Home Office dictate the booklets which explain the rights and entitlements and a simplified version is not available.

5.2 Disability

What facilities are available for people who are deaf/hard of hearing?

If a person is deaf or hard of hearing and needs a sign language interpreter then one will be arranged.

Portable induction loops are available at the custody suites. Guidance was sent to custody managers to remind them they must be left on charge so that they are ready for immediate use. Guidance on their use is with each device.

How are individuals with learning disabilities who are waiting for an appropriate adult or a person who is deaf / hard of hearing and waiting for an interpreter kept informed of what is happening?

.A DVD was obtained and is on the force Intranet which can be shown to people in custody who are deaf or hard of hearing. The DVD explains their rights and

entitlements using British Sign Language and subtitles.

Alternative methods of communication are used to try and keep people informed such as writing information down.

The standard Home Office approved design of a cell includes a low bench/bed to ensure persons who fall off are not injured. This can cause difficulty for people with mobility problems in getting up and /or down what can be done?

The cell design cannot be changed so the force considered buying deeper mattresses. These are not made and so would need to be produced as a special order. This would make the cost very expensive and so we will not be buying deeper mattresses.

Can a wheelchair user stay in their wheelchair in a cell?

Dependent upon the risk assessment of an individual it may be appropriate to let them keep their wheelchair similarly with people with walking sticks or other mobility aids.

5.3 Race

Are people whose first language is not English given any assistance?

People with language difficulties because English is not their first language must have an interpreter which can be either in person or via the telephone.

Individual rights and entitlements that detained persons have to be given whilst in custody are available in large print and audio in up to 44 different languages and also can be facilitated in almost all spoken languages via a telephone service.

5.4 Religion or Belief

What is the availability of religious texts?

The top religions in Staffordshire using the census data are: Christian 80%, Muslim 0.8%, Hindu 0.2%, Sikh 0.2%, Buddhist 0.1% and Jewish 0.1% Religious texts are now held in custody for all of those faiths including instructions as to how they should be stored and handled except Buddhist.

Is the sex of the officer considered during the custody process?

Officers receive training for dealing with people of the opposite sex to themselves in particular where there are cultural sensitivities and they know they must be mindful of those sensitivities but it is not practicable to only have officers of the same sex dealing with persons at all stages from arrest through the custody process. Searching in custody is specifically catered for.

Would a Burkha or Hijab as worn by some Muslim women be removed especially for photographing?

The person would be asked to remove the Burkha or Hijab and if practicable this would be by a female officer.

If a turban is removed for searching purposes or to prevent self harm is alternative headwear provided?

Alternative headwear is provided if a turban is removed.

5.5 Sex

No issues raised.

5.6 Sexual Orientation

No issues raised.

5.7 Transgender

How do the custody staff ensure the appropriate sex of the searching officer?

Any searches of the person whilst in custody should be by an officer of the same sex as the person appears. However in some circumstances the search may have to be made by an officer of the sex the person was born.

What trans awareness training do custody staff receive?

Trans awareness training is included in the custody officers course and is part of the training given to the contracted Custody Detention Officers.

6. Conclusions

Taking into account the results of the monitoring, research and consultation, set out how the policy impacts or could impact on people from the following protected groups? (Include positive and/or negative impacts)

The Police And Criminal Evidence Act 1984 (PACE) and the Codes of Practice (as approved by Parliament) in particular Code C explain in some detail how the police should deal with and care for people who have been arrested and brought into custody. This includes ensuring that they have been informed of their rights and entitlements and to ensure any specific needs are catered for such as interpreters, dietary requirements etc.

The codes are available at a Police Station and from TSO (The Stationary Office) at www.tso.co.uk/bookshop

The information below outlines some of the provisions that are made to care for people in custody which reduce / remove any adverse impact.

6.1 Age

Young persons in custody (16 years & under) must have an Appropriate Adult present to assist, support and advice them. An Appropriate Adult for young persons is:

- (i) the parent, guardian or, if the young person is in local authority or voluntary organisation care, or is otherwise being looked after under the Children Act 1989, a person representing that authority or organisation;

- (ii) a social worker of a local authority;
- (iii) failing these, some other responsible adult aged 18 or over who is not a police officer or employed by the police.

6.2 Disability

People with communication difficulties who are deaf/hard of hearing must have an interpreter.

Those adults who are considered vulnerable due to mental ill health or learning disabilities should have an Appropriate Adult present to assist, support and advice them. An Appropriate Adult is:

- (iv) a relative, guardian or other person responsible for their care or custody;
- (v) someone experienced in dealing with people with mental ill health or learning disabilities but who is not a police officer or employed by the police;
- (vi) failing these, some other responsible adult aged 18 or over who is not a police officer or employed by the police.

Specific dietary needs are catered for as required.

Individual rights and entitlements that detained persons have to be given whilst in custody are available in large print, audio and British Sign language.

People who require medication will be allowed to speak privately with a police surgeon and their needs addressed as directed by the doctor.

6.3 Race

People with communication difficulties because English is not their first language must have an interpreter. Either in person or via the telephone.

Individual rights and entitlements that detained persons have to be given whilst in custody are available in large print and audio in up to 44 different languages and also can be facilitated in almost all spoken languages via a telephone service.

6.4 Religion or Belief

Religious texts are held in custody for all of the main religions/beliefs in Staffordshire except Buddhist including instructions as to how they should be stored and handled.

Officers receive training for dealing with people of the opposite sex to themselves in particular where there are cultural sensitivities and they know they must be mindful of those sensitivities but it is not practicable to only have officers of the same sex dealing with persons at all stages from arrest through the custody process.

Searching in custody is specifically catered for.

If a person is asked to remove a Burkha or Hijab especially for photographing if practicable this would be by a female officer.

If a turban is removed for searching purposes or to prevent self harm alternative headwear is provided.

Specific dietary needs are catered for as required.

6.5 Sex

Any searches of the person whilst in custody should be by an officer of the same sex likewise if the detained person requires a shower then they are supervised by an officer of the same sex. Hygiene packs (sanitary items) are readily available for females.

If a person has caring responsibilities they are allowed to make contact (or contact will be made on their behalf) to arrange for appropriate assistance to cater for the needs of the individuals involved.

6.6 Sexual Orientation

None.

6.7 Transgender

Any searches of the person whilst in custody should be by an officer of the same sex as the person appears. However in some circumstances the search may have to be made by an officer of the sex the person was born.

Trans awareness training is included in the custody officers course and is part of the training given to the contracted Custody Detention Officers.

7. Decisions

If the policy will have a negative impact on members of one or more of the protected groups, explain how the policy will change or why it is to continue in the same way.

If no changes are proposed, the policy needs to be objectively justified.

The policy and the associated procedures will be adopted in order to provide a corporate approach to processes within Staffordshire Police Custody facilities. The emphasis being the fair and equitable treatment and care of all detained persons according to their individual needs within a functional and safe environment and to reassure the public that all staff operating in custody are exercising their powers fairly, ethically, consistently and in line with relevant legislation.

8. Monitoring arrangements

If the policy is new what consideration has been given to piloting the policy?

If monitoring is not already in place what arrangements have been made to monitor the effects of the policy on equality and diversity?

Custody management carry out local inspections of both the estate and of custody records by way of dip-sampling. More formal inspections of how detained people are treated are carried out by the regular but unannounced local inspections by Independent Custody Visitors. These are volunteers (appointed by the Police Authority) who inspect the facilities and speak with the people who are detained to ask about, and check on how they are being treated.

Regular Health & Safety inspections are carried out by the Force. There are also detailed unannounced inspections by joint panels from Her majesty's Inspectors of Constabulary and Her Majesty's Inspectors of Prisons.

This equality impact assessment will be published on the force website.

EIA Form Dated
26/01/2012