

A Criminal Use of Police Cells? The Use of Police Custody as a Place of Safety for People with Mental Health Needs.

Response from the Police and Crime Commissioner for Surrey

The PCC welcomes the joint inspection report into the use of custody as a place of safety for people with mental health needs. The PCC recognises the difficulties faced in finding appropriate help for people who are suffering from mental health issues and are clearly in need of some immediate care. He supports the recommendations made in the report.

We have also recently seen the IPCC (Independent Police Complaints Commission) report highlighting instances of suicides stating that “almost two-thirds were known to have mental health concerns”. Providing appropriate care for people with mental health needs requires a partnership approach and undoubtedly police custody is not the most appropriate place for people being detained under section 136 of the Mental Health Act 1983, unless they are suspected of involvement in a serious criminal offence.

Much work has been done in Surrey between Surrey Police and Surrey and Borders Partnership NHS Foundation Trust to find appropriate care for those with mental health needs. However, we still have a shortage of S136 beds in the county which sometimes impacts on the speed at which those held under S136 can be diverted into more appropriate health-based care more suitable to their needs. The PCC hopes that the recommendations will be put into action so that we can see better, more joined up mental health services resulting in more effective and appropriate handling of S136 detainees diverting them away from police custody in the first instance unless the circumstances truly are ‘exceptional’.

We are already making changes in Surrey and now have three mental health nurses available in Surrey custody suites from 8.30am-4.30pm as part of a £300k criminal justice liaison and diversion service. The eventual aim of this initiative is that the medical contract and mental health service will become more joined up and cost effective via NHS commissioning resulting in a reduction in the number of mental health and S136 detained people in police custody suites.

The PCC also runs an Independent Custody Visiting Scheme which sees around 50 Surrey residents visiting custody facilities to check on the welfare of detainees which helps monitor how all detainees are being treated according to their welfare needs.

The PCC has asked Surrey Police to update him in respect of the specific recommendations made with the following response:

Recommendation 1)

Surrey Police will comply with the recommendation to record on custody records why a person was not detained at a health based place of safety

Recommendation 2)

Joint training between Surrey Police and Surrey & Borders Partnership NHS Trust has taken place previously. We will now seek to make this a more formal and regular arrangement.

Recommendation 3, 4 and 5)

There is insufficient commissioning of S136 assessment places in Surrey. In the financial year 2012/13 22% of those detained were kept in police custody. Commissioning should also consider secure placement with adequately trained staff to cope with those who may be disruptive. The provision of AMHP's out of hours is also insufficient in Surrey which causes delay for those who are detained in custody. These recommendations are key to improving the situation and need full engagement and consideration by those agencies responsible for provision of services. If this is not addressed we will remain in the same state as we are now.

Recommendation 6 and 7)

Surrey Police agrees with these recommendations.

Recommendation 8)

Surrey Police will adopt this recommendation. We have already put in place appropriate review periods for those kept in custody. Our custody staff work tirelessly to ensure that those detained under S136 spend as little time as possible in police cells but this is often frustrated by the lack of response from partners. We monitor this closely. The average length of time those detained under S136 spent in custody for the year 2012/13 was 8.3 hours. The maximum time was 37.8 hours. These are unacceptable time periods for someone with mental ill health to spend in a police cell environment where they cannot receive the care and support which is needed.

The PCC will ask Surrey Police to report on progress being made on supporting the welfare of detainees with mental health issues as part of his regular governance meetings with the Chief Constable.