

Surrey PCC Response to HMICFRS Report: “Policing in the pandemic - The police response to the coronavirus pandemic during 2020” and the supplementary report “Custody Services in a Covid-19 Environment”

I welcome the HMICFRS report on policing in the pandemic and custody services in a Covid-19 Environment. This has been an extraordinary year for policing and these inspections and recommendations will help ensure the safety of the public and detainees.

I have asked the Chief Constable for his response, particular in relation to the recommendations made in the report. His response is as follows:

Surrey Chief Constable Response to Policing The Pandemic

I welcome the HMICFRS report regarding “Policing in the pandemic – the police response to the coronavirus pandemic during 2020” which was published in March 2021. The report reflects on the positive work carried out under extreme circumstances by officers and staff policing in the Pandemic. The report took a snapshot of policing and assessed what happened from March to November 2020. Areas for improvements will be recorded and monitored through our existing governance structures and strategic leads will oversee their implementation. Surrey Police has processes in place and will monitor and make the relevant changes to ensure compliance with the recommendations. In terms of the recommendations made, progress has been made, as outlined below:

Recommendation 1: Forces must immediately make sure that officers understand and correctly implement the guidance for managing registered sex offenders during the pandemic

Surrey have continued to manage registered sex offenders (RSO) taking account of national guidance throughout the pandemic. Surrey currently manage 1155 MAPP (Multi-agency Public Protection) offenders of which 872 are in the community. The numbers are rising, and we expect this to continue. On average they rise between 2 and 7 per month. There are 4 Very High; 141 High, 400 Medium and 298 Low Risk offenders (29 are to be assessed). The correct processes continue to be followed including:

- Regular in person, without notice visits to high risk offenders with follow ups if the offender is not at home*
- For medium risk offenders, taking into account National pandemic restrictions, Surrey has made good use of technology to facilitate virtual visits via phone and video with some visits in person if there are heightened concerns.*
- Regular and visits to RSOs residing in the approved premise (AP) in Surrey. There are currently 11 RSO residing at the AP.*
- Despite some staff absences and shortages, experienced staff have been able to ensure that visits and assessments have continued throughout the pandemic, and where determined necessary and proportionate, have done so in person regardless of the risk level assigned to the RSO. They have worked in ‘bubbles’ and collaboratively with each other to ensure that the highest risk*

RSOs are prioritised, and continue to be effectively managed across the County.

Recommendation 2: Forces must immediately make sure they can manage their responses to changes in coronavirus-related legislation. They must ensure frontline officers and staff are clear about the difference between legislation and guidance.

Surrey Police through the collaborated operation Apollo have managed any legislative and guidance changes since March 2020. On occasions this has been challenging when legislation has been enacted very quickly and where there can be public confusion between the law and guidance. All legislation and guidance has been in line with national Government directives and in line with national policing stance. Operation Apollo act as the central conduit for any changes in information or direction. These are disseminated to staff via a line managers briefing, updated intranet pages providing a library of information and where necessary fast time force wide messaging followed up by line manager briefings. It is made very clear what is legislation and what is guidance. On occasions we have had to remind external partners of the difference – social distancing being the most common misunderstanding. Surrey officers and staff are well used to the legislation and have been able to react quickly and proportionately to any changes.

All policy, guidance and instruction on how to implement Covid legislation has been recorded and updated by the dedicated Gold Commander throughout and provides an audit trail if required. A dedicated bi-Force Gold Group meets regularly and two debriefs have taken place to ensure any learning is captured and implemented.

Recommendation 3: Forces must immediately put in place a policy to make sure that they follow the guidance and self-isolation directions when members of the workforce come into contact with someone with coronavirus symptoms.

The test, track and trace policy has been in place since its inception and is closely monitored and adhered to. The policy is owned by Operation Apollo and there has been extensive guidance and monitoring completed to individuals, line managers and departments. Absence has been monitored on a daily basis to allow trends and spikes to be identified. The work continues now with the dissemination of lateral flow tests and a bespoke APP that has been created for staff to self-report and positive tests and which links directly to internal business systems and the Op Apollo team to identify any new spikes in infection or impact on the workforce. This is in its early stages.

Recommendation 4: Forces must immediately make sure that they clearly and consistently record on custody records information about how/when/if detainees are informed of the temporary changes to how they can exercise their rights to legal advice and representation. The record must make clear how any consents are obtained about the way in which legal advice and representation are provided.

The changes made to the way in which detainees receive their legal rights was a fast time action as a direct response to the pandemic. Surrey Custody responded rapidly and introduced requirements for detainees to have the changes explained to them by a member of custody staff and for the detainees to then sign the custody record consenting to receive legal representation virtually. To aid this process and for uniformity of information passed and consent across all custody records a Niche Pickwording entry was developed and introduced to Surrey Niche and this has been used in all circumstances since. This is again a searchable entry within Niche Custody.

Recommendation 5: Within six months, forces must assess the sustainability of any temporary measures introduced during the pandemic that change the way they work. They must understand positive, negative and unintended consequences of the scale and impact of the changes before determining if any of these new ways of working should continue.

Work has been carried out since the middle of 2020 entitled 'looking forward' to address the issues mentioned within this recommendation. This work is now quite mature and has been plotting impacts and where there may be opportunities for a future way of working post Covid. In addition debriefs have been held on a regular basis to capture what works and what doesn't. This will be fed into the looking forward work stream. All of these recommendations and changes are actively considered and tracked through the overarching Operation Titan Gold Group and will be reported back to HMICFRS.

In terms of the recommendations made within the report on Custody Services in a Covid-19 Environment, all have been progressed and are updated below.

Recommendation: To help clarify the custody information that forces collect and use, we recommend that forces:

- track the numbers of detainees with, or suspected of having, COVID-19;***
- record and monitor the length of time detainees remain in police custody, and any additional detention times due to waits for virtual remand hearings;***
- record and monitor the way in which detainees receive their legal rights, and how many receive them by virtual means rather than a solicitor attending in person;***
- record the use of bail and released under investigation, and assess any increases in pre-charge bail.***

All of these recommendations have been implemented in Surrey. The current Surrey custody system allows us to record and track detainees who have or are suspected of having Covid-19, we have worked with our healthcare provider and amended our triage of detainees and documentation to ensure this information is recorded and auditable. Police detention lengths can be accurately monitored and in addition any detainee who is held longer to allow for video remand hearings to take place can also be recorded and analysed as required. Surrey has responded to the introduction of the joint interview protocol and amended entries which are placed on a detainees custody record, this amendment accurately records whether the solicitor attends custody in person or remotely and that the detainee understands and consents to this approach.

Each detainee (and appropriate adult as required) is asked to sign to confirm their consent if a solicitor is not attending in person. This information is clearly auditable. Bail and RUI is closely managed and fully auditable, we are able to use this data and make required comparisons.

Recommendation: The police service should evaluate the advantages and disadvantages of using virtual remand hearings. It should use this information to help the wider Criminal Justice System learn from its experience and develop better working arrangements that meet the needs of justice and make best use of public money.

There are advantages to the Criminal Justice System in VRHs especially the efficiency of processes and Health and safety benefits in respect of reduced transmission opportunities. There are also clear disadvantages; an increase in the time detainees remain in police custody, the requirement for additional staffing to manage the ongoing care of detainees. Both of these come at a significant cost to Policing.

This is a court process and not one that should be passed onto the police service due to additional cost and ongoing risk. Since reintroduction of VRH for detainees who are Covid positive or suspected to be Covid positive, Surrey have only had two cases so the impact at this time is negligible, however a full reintroduction of VRH is not something that we would support at this time.

The Chief Constable has provided a full response to the recommendations made and I am confident that Surrey Police has either already addressed the recommendations made or is well positioned to complete the required actions.

**Lisa Townsend, Police and Crime Commissioner for Surrey
June 2021**