

BEV HUGHES
DEPUTY MAYOR
OF GREATER
MANCHESTER

Rt Hon Priti Patel,
Secretary of State for the Home Department
2 Marsham Street
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14th June 2021

Dear Home Secretary

SUBJECT: HMICFRS Inspection: Custody services in a COVID-19 environment

I write in response to the recent HMICFRS inspection report on custody services in a COVID-19 environment. This report builds on from the HMICFRS report: Police Response to the COVID-19 Pandemic, which I have responded to separately.

The processing of detainees through police custody is a constant process and not one that can cease to operate. I would like to start by expressing my thanks to the police service and the police officers and staff who continued to work and attend to their duties throughout the pandemic to maintain the safety and wellbeing of our communities.

The scale and impact of the COVID-19 pandemic has challenged many public sector leaders to consider how critical services can continue to be delivered effectively. In my response to the previous HMICFRS report on the Impact of the Pandemic on the Criminal Justice System I acknowledged the difficulties faced as agencies switched from delivering services in person to a digital, online environment. I was therefore interested to review the findings of this report regarding police custody processes.

I was pleased to learn that the police service is broadly cognisant of the challenges faced and anticipated potential staffing shortages early on. Along with the rearrangement of custody facilities ensured that people could continue to access custody safely.

The report identifies two recommendations for the police service. I can respond to these as follows:

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; and***

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- **record the use of bail and released under investigation, and assess any increases in pre-charge bail.**

I can confirm that GMP currently tracks, records and monitors the numbers of detainees with, or suspected of having COVID-19.

From 1st May 2021, a new process was implemented which records and monitors the length of time detainees remain in police custody and any detention times due to waits for Virtual Remand Hearings (VRH). This process also records the way in which detainees receive their legal rights and how many receive them by virtual means rather than a solicitor attending in person.

GMP also records the use of bail and release under investigation, and assesses any increases in pre-charge bail. This information is discussed as part of the monthly performance meetings.

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.

I understand that a national evaluation of the use of VHRs is being conducted by the NPCC and GMP will be providing local findings into that review.

I am aware that GMP has been conducting VRHs for symptomatic and positive COVID-19 cases for approximately 12 months; it is also used by officers to obtain warrants from court. The use of VRHs has been advantageous in minimising the spread of the virus by reducing the transportation and movement of detainees with suspected Covid symptoms or who are confirmed as Covid positive. This can help protect the wellbeing of police officers and staff and of the detainees themselves.

In addition, the use of VRHs can be seen as is more efficient and environmentally friendly as it removes the need to physically transport detainees to court or travel to court to obtain warrants.

However, the process of using VHRs from the police estate, rather than utilising escorting companies, is the resource implications placed upon custody staff. At the present time it is not viable to conduct VRHs for all remand hearings given the staffing levels, and increased cell capacity, that would be required. If cell occupancy levels increase, so does the risk to the police service to maintain a safe custody suite, not just in respect of COVID-19 but also the wider requirements and needs of the detainees from custody healthcare providers. Additionally, the employment of external staff for this purpose would also lead to considerable difficulties given the limited space within the custody facilities, which is required to ensure a safe working environment. I understand also that there can be difficulties in identifying and allocating such time for hearings within the courts which again can present delays to the process.

As COVID-19 social distancing requirements ease, there may indeed be scope to have additional staff in custody suites to conduct the functions associated with VRHs. However, without the necessary investment in staffing, healthcare and infrastructure, and without a change in legislation, the move to VRHs for all cases seems distant. As a consideration, expanding virtual facilities to premises outside of police custody, for example to every police station, may be an opportunity to minimise the amount of time officers spend travelling to and from court and would reduce time spent waiting at court to give evidence. This is a relatively small investment for what could be significant savings

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Whilst I can see benefit in the use of VRHs, there are a number of factors that require further review at this time and I look forward to receiving the outcome of the NPCC assessment into this matter.

Yours sincerely



Rt. Hon Baroness Beverley Hughes
Deputy Mayor for Police and Crime

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