**TAFLEN CRYNHOI PENDERFYNIAD**

**Diben:** Penderfyniad y Comisiynydd - Cyfeirnod. DL 223

**Amseru:**

**Teitl: Cynllun Peilot Dillad Gwrth-rwyg – Cynllun Ymweliadau Annibynnol â Dalfeydd**

**Categori Penderfyniad / Effaith Maes Busnes:**

**Crynodeb Gweithredol:**

Mae ymwelwyr annibynnol â dalfeydd wedi ymgymryd ag adolygiad thematig o’r defnydd o ddillad gwrth-rwyg yn nalfa’r heddlu. Mae adroddiadau arolygiaeth yn datgelu pryder cyson â’r defnydd o ddillad gwrth-rwyg yn y ddalfa. Mae trosolwg cryno o faterion a gofnodwyd fel a ganlyn:

* Cofnodi ac arfer gwael o ran cymesuredd a chyfiawnhad dros y defnydd o’r dillad.
* Cofnodir bod y gwisgoedd yn cael eu defnyddio yn absenoldeb gwybodaeth risg, yn aml gyda charcharorion anodd, gan yr heddlu, a nodwyd eu bod o bosibl yn gosbol.
* Pryderon ynghylch cynnal urddas carcharorion yn effeithiol wrth ddefnyddio grym i ddiosg dillad.
* Mae carcharorion wedi’u gadael yn noeth mewn ymgais i reoli ymddygiadau niweidiol mewn dalfeydd lle y defnyddir y dillad a dalfeydd lle na ddefnyddir y dillad.

Mae’r Gymdeithas Ymwelwyr Annibynnol â Dalfeydd wedi cynnig bod Heddlu Dyfed-Powys yn cymryd rhan mewn cynllun peilot (Awst 2021 – Mawrth 2022) er mwyn monitro’r defnydd o ddillad gwrth-rwyg yn y ddalfa, â’r nod o leihau’r defnydd o’r gwisgoedd yn sylweddol, neu hyd yn oed atal y defnydd ohonynt. Mae’r Gymdeithas Ymwelwyr Annibynnol â Dalfeydd wedi bod yn gweithio gyda Chyngor Cenedlaethol Comisiynwyr yr Heddlu a Throseddu a’r Prif Arolygydd Steve Thomas o Heddlu Dyfed-Powys, Cadeirydd Is-grŵp risg Cymdeithas Comisiynwyr yr Heddlu a Throseddu. Cynigwyd bod ardal Heddlu Dyfed-Powys yn cymryd rhan yn y cynllun peilot cychwynnol i weld pa un ai a yw’r Heddlu’n medru lleihau nifer y gwisgoedd gwrth-rwyg a ddefnyddir.

Cynigir bod y Cynllun Ymwelwyr Annibynnol â Dalfeydd yn cefnogi’r cynllun peilot drwy fonitro’r defnydd o’r gwisgoedd drwy eu hymarferion adolygu cofnodion dalfa rheolaidd i archwilio cofnodi’r defnydd, pa un ai a yw’r defnydd o’r wisg yn ymddangos yn gymesur â’r peryglon o hunan-niweidio a gyflwynir, a’r cyfiawnhad a gofnodwyd dros ddefnyddio’r gwisgoedd.

Ers y pandemig COVID-19, mae Swyddog Cymorth Sicrwydd SCHTh wedi bod yn adolygu cofnodion dalfa, fodd bynnag, er mwyn cael barn ymwelwyr lleyg gwirioneddol annibynnol ynglŷn â’r defnydd o’r gwisgoedd, cynigir bod yr adolygu’n cael ei gynnal o bell gan Ymwelwyr Annibynnol â Dalfeydd. Bydd angen i’r CHTh a’r PG gytuno pa un ai a oes angen golygu gwybodaeth bersonol yn y cofnodion hyn cyn gweithredu.

**Argymhelliad:**

Bod Swyddfa Comisiynydd yr Heddlu a Throseddu’n cymeradwyo bod ei Gynllun Ymwelwyr Annibynnol â Dalfeydd yn cefnogi’r cynllun peilot dillad gwrth-rwyg.

**Comisiynydd Heddlu a Throseddu Dyfed-Powys**

Cadarnhaf fy mod wedi ystyried a oes gennyf unrhyw ddiddordeb personol neu sy'n rhagfarnu yn y mater hwn a fy mod wedi gwneud y penderfyniad arfaethedig yn unol ag Egwyddorion Nolan ar gyfer Ymddygiad mewn Bywyd Cyhoeddus.

Rwy’n cymeradwyo’r cais uchod.

**Llofnod: Dyddiad: 27.07.201**

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**SUMMARY DECISION SHEET**

**Purpose:** Commissioner Decision – Ref. DL 223

**Timing: Routine**

**Title: Anti-Rip Clothing Pilot – Independent Custody Visiting Scheme**

**Category of Decision / Business Area Impact: Assurance**

**Executive Summary:**

 ICVA has undertaken a thematic review of the use of anti-rip clothing in police custody. Inspectorate reports reveal consistent concerns with the use of anti-rip clothing in custody, a brief overview of recorded issues being:

* Poor recording and practice in terms of proportionality and justification of the use of the suits.
* The suits are recorded as being used in the absence of risk information, often with difficult detainees, by force, and have been noted as being potentially punitive.
* Concerns regarding detainee dignity being effectively maintained during clothing removal by force.
* Detainees have been left naked in an endeavour to manage harming behaviours, in suites both where the clothing is used, and those where it is not.

ICVA have proposed that Dyfed-Powys Police take part in a pilot (Aug 2021 –Mar 2022) to monitor the use of anti-rip suits in custody, with the aim of dramatically reducing and potentially removing the suits. ICVA has been working with the NPCC and Chief Inspector Steve Thomas of Dyfed-Powys the Chair of the NPCC risk subgroup and it has been proposed that Dyfed-Powys Police area take part in the initial pilot to see if the Force can decrease the number of anti-rip clothing being used.

It is proposed that the ICV scheme supports the pilot by monitoring the use of the suits through their regular custody record reviewing exercises to examine the recording of the use, whether the use of the suit appears proportionate to risks of self-harm posed and consider the recorded justification of the use of the suits.

Since the Covid-19 pandemic, custody record reviews have been undertaken by the OPCC Assurance Support Officer, however in order to obtain truly independent lay visitor’s views on the use of the suits, it is proposed that the reviewing be undertaken remotely by ICVs. The issue of whether these records require personal information to be redacted will need to be agreed upon by the PCC and CC prior to implementation.

**Recommendation:**

That the Police and Crime Commissioner approves that his Independent Custody Visiting Scheme supports the anti-rip suit pilot.

**Police and Crime Commissioner for Dyfed-Powys**

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Nolan Principles for Conduct in Public Life.

The above request has my approval.

**Signature: Date: 27.07.2021**

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**Anti-Rip Clothing Pilot**

**Project Overview**

**July 2021**

**Background**

ICVA has undertaken a thematic review of the use of anti-rip clothing in police custody. Inspectorate reports reveal consistent concerns with the use of anti-rip clothing in custody, a brief overview of recorded issues being:

* Poor recording and practice in terms of proportionality and justification of the use of the suits.
* The suits are recorded as being used in the absence of risk information, often with difficult detainees, by force, and have been noted as being potentially punitive.
* Concerns regarding detainee dignity being effectively maintained during clothing removal by force.
* Detainees have been left naked in an endeavour to manage harming behaviours, in suites both where the clothing is used, and those where it is not.

ICVA produced a report covering the review and collating feedback received from experts in custody. Feedback varied, in that some report a place in custody for the suits for high-risk detainees, others expressing concerns regarding the use of the suits, recommending their removal from custody, and favouring observations as an approach to risk management.

ICVA has received a pro-bono legal report, which focusses in particular on the use of the clothing, by force, in the absence of risk information. The legal opinion makes it clear that where the clothing is used in these circumstances, that it is ‘strongly arguable’ that the use of the suits is not lawful.

A point to note is that the Metropolitan Police Service (MPS) and Thames Valley Police (TVP) do not use anti-rip clothing in any of their custody suites, managing risk of deliberate self-harm (DSH) effectively via observations. Projects have been undertaken in Derbyshire and Norfolk to reduce the use of the suits in recent years.

ICVA has been working with the NPCC and is delighted to be working with Chief Inspector Steve Thomas of Dyfed-Powys and the NPCC risk subgroup. At a recent meeting, ICVA presented a brief overview of work to date and all forces present at the subgroup fed back that they felt the suits were overused in their area. There were a range of opinions on removing the use of the suits completely.

The scheme manager from the Dyfed-Powys independent custody visiting scheme has very kindly given an undertaking that the scheme will assist with the monitoring aspect of the pilot.

**Project Aim**

ICVA and Dyfed Powys police and OPCC have agreed to work together to monitor the use of anti-rip suits in custody, with the aim of dramatically reducing and potentially removing the suits.

**Stakeholders**

The primary stakeholders for this project will be:

* ICVA
* Dyfed Powys Police
* Dyfed Powys Office of the Police and Crime Commissioner
* NPCC

**Phase One**

**Anticipated timeframe: 3 months (Aug – Oct 2021).**

There is currently no way of easily extrapolating custody records where anti-rip clothing has been used in Dyfed Powys. There is no specific field for recording if a suit has been used and the relevant details pertaining to justification although it is to be noted that this is likely be included in the custody record notes.

To effectively monitor the use and current justification for use of the clothing police systems must be amended to include a specific field for custody staff to complete. Chief Inspector Steve Thomas will work on this with force IT representatives with the aim of having a recordable field in place by the end of Phase 1.

This field should have the functionality to record whether the clothing was used, the justification for the use of the clothing and as to whether use of force featured. ICVA and the OPCC are happy to support the force in developing any training for custody staff if necessary. Custody staff should record the date of DSH markers if these form part of the justification for use of anti-rip clothing.

Dyfed Powys independent custody visiting scheme already undertake in depth reviews of custody records as part of their statutory visiting function and a previous pilot alongside ICVA. The scheme has very kindly agreed with assisting the pilot in terms of monitoring the use of the suits. Phase 1 will include development of guidance for ICVs to effectively monitor and report back to the pilot team on this specific area. ICVA, the OPCC and Dyfed Powys police will work together to establish the parameters of the monitoring.

Phase 1 should also focus on not only the suits and their use, but also monitor levels of staff sickness post use of force. Anecdotally, reductions in use of the suits in other areas have led to improved levels of staff sickness due to less force being used in applying the suits and therefore this is a potential benefit of interest. Chief Inspector Thomas will work on attaining and monitoring this data.

**Phase Two**

**Anticipated timeframe: 5 months (Nov – March 2022).**

This phase will be where staff need to record each use of anti-rip clothing in custody. Chief Inspector Steve Thomas will ensure the provision of custody records to the independent custody visiting scheme manager, Caryl Bond for review.

The scheme will monitor approximately 18 records per month. These reviews will examine the recording of the use, whether the use of the suit appears proportionate to risks of self-harm posed and consider the recorded justification of the use of the suits. Considerations of proportionality should include dates of previous DSH markers on police systems.

The project group will meet monthly from month two onwards of Phase Two to discuss progress and findings from custody records.

**Evaluation**

ICVA is committed to drafting an in-house evaluation of the pilot work in conjunction with Dyfed Powys Police and Dyfed Powys OPCC. An evaluation should seek to include (but not be limited to):

* Project rationale/context.
* Project set up.
* Desktop review of near miss incident from the suite to see if anti-rip clothing would have impacted on the incident.
* Cost/benefit analysis of reduction/removal of anti-rip clothing.
* Recommendations.

**Communications**

Communications should be made at the start of the project from the NPCC/local force, ICVA and the OPCC to share the pilot. A simplified version of this overview can be made into a blog/briefing and used for local press or similar. ICVA is happy to help with drafts etc. as needed.

Audience

* ICVA newsletter.
* NPCC groups.
* OPCC website.
* Local news.