A Criminal Use of Police Cells

HMI Dru Sharpling, CBE

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- The police have powers under section 136 of the Mental Health Act (MHA)1983, in certain circumstances, to take individuals experiencing mental health problems to a ‘place of safety’ for their protection so they can be properly assessed.
- The review examined the extent to which police custody is used as a place of safety under section 136; and identified the factors which either enable or inhibit the acceptance of those detained under section 136 into a preferred place of safety, such as a hospital or other medical facility.
- The joint inspection was carried out by HMIC, Her Majesty’s Inspectorate of Prisons, the Care Quality Commission and Healthcare Inspectorate Wales
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FINDINGS:

- 2011/12, more than 9,000 people were taken into police custody under section 136 of the MHA. Some of these detainees were as young as 14 years old.

- Police officers interviewed did not use section 136 lightly, and most said they did not believe police custody was the appropriate place for these people to be.

- Reasons why police custody was used often was not given, but when it was recorded, commonly stated:
  - insufficient staff at a health-based place of safety;
  - the absence of available beds at the health-based place of safety;
  - the person had consumed alcohol;
  - or the person either was displaying violent behaviour, or had a history of doing so.
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The report made specific recommendations aimed at both service providers and government, focussing on the following:

- Commissioning of services; including meeting demand during out of office hours
- Joint training for relevant staff
- Changes to mental health codes of practice; setting limits on the time spent in police custody and introducing joint agency oversight.
- Continue monitoring through various forums, included the rolling programme of police custody inspections.