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**STAFFORDSHIRE AND WEST MIDLANDS POLICE
JOINT LEGAL SERVICES**

Director of Legal Services
[REDACTED]

Birmingham Coroner Court
50 Newton Street,
Birmingham
B4 6NE

BY EMAIL

Your Ref:

Our Ref: L14002183/JS

Email: [REDACTED]

Date: 11 September, 2019

Dear Sirs,

**David Jonothan Jukes - Deceased - DOD: 09/10/2018
Response to Regulation 28 Report**

We write in respect of the Regulation 28 report dated 26th July 2019 arising from the death of Dave Jukes. Please accept this as the response provided on behalf of West Midlands Police.

In your report, you set out your concerns as follows:

The psychiatric liaison and diversion practitioner employed by BCPFT who attended to review Mr. Jukes in Oldbury custody suite on the 28th September 2018 did not have sufficient information about the history of arrest to inform her decision making on assessment in custody.

She was provided with a printout of the first two pages of the custody record which included the statutory arrest reason and the circumstances of arrest but nothing that indicated that he had barricaded himself in the loft, threatened suicide and harm to others and not come out in response to police negotiators. This information was not included in a verbal handover according to the nurse's evidence and there is no record of it being handed over to her. She stated in evidence that if she had been aware of the extent of the events overnight on the 27th into the 28th she would have arranged a Mental Health Act assessment when he did not engage

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with her. There is a risk to life if assessments of mental health in custody are not informed by material information about circumstances connected with arrest.

The key issue appears to be what information is provided/available to the Liaison and Diversion team in custody. In order to assess that, it is important to consider what information is recorded on the custody record in the first place.

The arrest circumstances in this case are unusual, and fact specific. The relevant arrest circumstances related to the attendance of police officers the night before Mr. Jukes was presented at the custody suite.

The arresting officers were not the same officers as those who had attended the night before and as such did not have first-hand knowledge of the circumstances. The arresting officer in this matter no longer works for the force and as such it is not possible to ascertain the extent of their knowledge. The arrest package provided to the arresting officer which would have been provided to them prior to arrest cannot be located and may have destroyed due to the passage of time.

When Mr. Jukes was booked into custody, the arresting officer provided the information relating to the arrest that day, which is what appears on the custody record.

The officer wouldn't have told the Custody Sgt the history of the detainee, but more what he has come into custody for as this is relevant for the purposes of the authorisation of detention.

In Mr Jukes' case, the circumstances of his contact with the police on the 27th September were relevant to the circumstances of his arrest the next day. However, that will not necessarily be the case for every individual who has contact with the police shortly before they are arrested.

It is not reasonable or practicable to prescribe exactly what must be said about the circumstances of an arrest when an individual is being detained; officers are expected to use their professional judgement about what information is provided to custody sergeants about the material circumstances of an arrest. This will often be encompassed within the circumstances of the arrest itself, depending on that particular case.

It would be expected that the arresting officer prior to entering the custody suite would have considered the detainee prompt card (a copy of which is attached to this letter) and brought to the attention anything of relevance to the custody sergeant.

Whether further information should have been recorded on the custody record in this case was not explored at all in the course of the inquest, and quite properly does not feature in the Regulation 28 report.

The referral process is that the officers provide the Liaison and Diversion Team with a risk assessment form (a copy of such a form is attached) and a copy of the custody front sheet. There is nothing further required by the Liaison and Diversion team for a referral.

This process is more onerous than the original input given to custody staff which states that all that is required is a verbal referral and note in the custody record is all that is needed. A copy of this PowerPoint is attached.

Whilst there was no specific reference to the incident the night previous there was evidence on the custody record that Mr Juke presented a risk to others and made threats of self-harm.

Mr Jukes had been referred to Liaison and Diversion due to being a veteran, suffering from PTSD, and had suicidal and self-harm warning on his custody record. This can be seen at 28/9/18 at 17:43 hours.

The custody record makes it clear that the statutory reason for arrest amongst other reasons was to "Prevent the person in question suffering physical injury"

Furthermore the custody record states the following information:

28/9/18 10:44 – PNC Notes changed for Warning signal Suicidal to States has SU thoughts every day

28/9/18 10:44 – PNC notes changed for Warning Signal mental to MN – PTSD and depression

28/9/18 10:45 – Warning Signal Violent added with ONC notes threatened to kill officer prior to arrest.

At 28/9/18 at 15:02 the record states "PIC has threatened [REDACTED] has stated that if he is hurt in the process of his fingerprint being taken he will kill."

Therefore, it is submitted that some information was readily available on the custody record.

The Liaison and Diversion team can make verbal requests for further information. This would include access to the full custody record which is available in custody and would extend to call out logs and crime investigation logs that can be obtained by the custody staff. It would however be unlikely to extend to intelligence.

It is submitted that it is not for the police officers within custody to anticipate what else a liaison and Diversion practitioner might require in addition to the custody record and there is a reasonable expectation that a practitioner will engage with the custody staff and request information when it is needed, depending on the circumstances of a particular individual.

It is our position that there is an adequate system in place which ensures that the circumstances of an arrest are accurately recorded on the custody record and that a Liaison and Diversion practitioner has access to a wide range of information within the custody setting. Therefore, it is submitted that there is no risk of future death to be addressed and no action is required in this case.

Yours faithfully



[REDACTED]
Legal Assistant
Staffordshire and West Midlands Police Joint Legal Services