

The Rt Hon Dame Diana Johnson DBE MP
Minister for Crime, Policing and Fire
Home Office
2 Marsham Street,
London, SW1P 4DF

24 July 2024

Dear Minister Johnson,

I am writing on behalf of the Independent Advisory Panel on Deaths in Custody (IAPDC) to congratulate you on your appointment. As you know, the IAPDC is an advisory non-departmental public body co-sponsored by the Ministry of Justice (MoJ), Home Office, and Department of Health and Social Care (DHSC) with the central aim of preventing deaths – both natural and self-inflicted – in custody. We look forward to working with you and your officials as your primary source of independent advice and expertise on reducing deaths in police custody.

As you will understand, your appointment to the Home Office comes at a time of renewed focus on policing priorities, accountability, and public trust. The Government has a duty to safeguard the lives of those in custody who often have complex, unmet needs. The latest data for 2022/23 shows that of the 23 people who died in or following police custody – an increase of more than double compared to the previous 12-month period – 13 had mental health concerns with four having been detained under the Mental Health Act, and 21 had links to drugs and/or alcohol.¹

Ministerial leadership plays a critical role in galvanising and sustaining action to prevent deaths in custody. We invite you to reaffirm the Ministerial commitment to a ‘zero-tolerance’ approach to deaths in police custody made following Dame Elish Angiolini KC’s landmark review of deaths in police custody at the earliest possible opportunity.²

An area of particular concern is the consistently high number of apparent suicides following police custody, with the latest figures showing 52 deaths within 48 hours of release from custody in 2022/23. We are working closely with the National Police Chiefs’ Council and College of Policing to reduce these deaths by sharing best practice and innovations to identify and support vulnerable people leaving police custody. Further, we have welcomed the opportunity to feed into the Association of Police and Crime Commissioners’ (APCC) guidance on preventing deaths

¹ Independent Office for Police Conduct, ‘Deaths during or following police contact: Statistics for England and Wales 2022/23’, July 2023, available [here](#).

² Home Office, ‘Government update on action taken to prevent deaths in custody’, July 2021, available [here](#).

in custody³ which drew on and acted to fulfil recommendations from our report on avoidable police deaths.⁴

We welcome the on-going efforts of policing and health services to ensure people experiencing a mental health crisis receive timely and appropriate care, including pursuant to the Right Care, Right Person (RCRP) approach and the National Partnership Agreement, as well as previous important initiatives such as the Mental Health Crisis Care Concordat. The IAPDC has however warned that if rollout of RCRP is not implemented in a carefully planned and staged way with strong safeguards, it risks leaving vulnerable persons without appropriate care contrary to its intent. We note that concerns about the efficacy of partnership working under the scheme have already been raised in coroners' Prevention of Future Death reports.⁵ We continue to offer our support as part of ongoing monitoring and evaluation of the rollout.

Our report on avoidable deaths in police custody found pockets of good practice to safeguard lives in and following police custody. However, this was not uniform across England and Wales, for example in terms of the availability and operation of Liaison and Diversion (L&D) services.⁶ L&D services are vital to identifying and addressing detainees' vulnerabilities, with research commissioned by NHS England (NHSE) showing that the services appear to increase diversion away from custody and contribute to significant savings in the criminal justice system.⁷ However, L&D services are often not available on a 24/7 basis leaving significant gaps in this vital provision. We urge the Home Office – in partnership with DHSC and NHSE – to prioritise working to improve scale and ensure comprehensive coverage across police force areas.

Diversion away from the criminal justice system is particularly important at a time of unprecedented pressures in the prison estate, and we welcome plans to intervene earlier to stop young people being drawn into crime and therefore youth detention. The prison capacity crisis continues to have a spill over effect on the wider criminal justice system, with police forces being asked to keep individuals for longer until prison places become available. These measures jeopardise the safety and continuity of healthcare of vulnerable prisoners. With the prison population projected to increase to 105,800 by 2028,⁸ close working between the Home Office and MoJ is vital to identifying and addressing unintended adverse consequences of the various steps currently being taken to mitigate prison capacity pressures.

We would welcome a meeting with you in the next few weeks to discuss how the IAPDC can support you and your officials to address these challenges and drive improvements.

Yours sincerely,



Lynn Emslie, Chair of the Independent Advisory Panel on Deaths in Custody

e: lynn.emslie@justice.gov.uk

³ APCC, 'APCC Guidance: Preventing Deaths in Police Custody and Apparent Suicides Following Release from Custody', June 2024, available [here](#).

⁴ IAPDC, 'Preventing deaths at point of arrest, during and after police custody: a review of police practice submitted to the Independent Advisory Panel on Deaths in Custody by Police and Crime Commissioners and associated bodies', December 2022, available [here](#).

⁵ Courts and Tribunal Judiciary, 'Heather Findlay: Prevention of future deaths report', June 2023, available [here](#).

⁶ IAPDC, 'Preventing deaths at point of arrest, during and after police custody: a review of police practice submitted to the Independent Advisory Panel on Deaths in Custody by Police and Crime Commissioners and associated bodies', December 2022, available [here](#).

⁷ RAND Europe, 'Findings from the national evaluation of Liaison and Diversion services in England', April 2021, available [here](#).

⁸ MoJ, 'Prison Population Projections: 2023 to 2028', February 2024, available [here](#).