



LEICESTERSHIRE POLICE AUTHORITY

INDEPENDENT CUSTODY VISITORS' HANDBOOK

September 2004

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PART I

How the Scheme Operates in Leicester, Leicestershire and Rutland

1. Custody Visiting: How it began and why

- 1.1 The origins of independent custody visiting, originally known as lay visiting, are to be found in the Scarman report into the Brixton disorders in 1981. One of the recommendations of the report was that a system be introduced whereby local community members could make independent, unannounced visits to police stations for the purpose of inspecting procedures relating to the detention of persons in police custody. The purpose of this recommendation was to counter growing mistrust of the police and to increase their accountability to the general public. Whilst Scarman advocated a statutory arrangement, Home Office ministers at this time approved a custody visiting system which was non-statutory.

Development

- 1.2 In 1983 the Home Office produced provisional guidance and pilot schemes were set up in Lambeth and six provincial police authority areas: Cheshire, Greater Manchester, Humberside, Leicestershire, South Yorkshire and West Midlands. Custody visitors in Lambeth and Cheshire were recruited from members of the public, but in the other five areas they were appointed from the elected members of the respective police authorities. These pilot schemes were reviewed during 1984. More London groups, called 'panels', were set up during 1985 in North Westminster, Hammersmith and Fulham, based on the Lambeth model.

Research

- 1.3 In 1987 the Home Office commissioned research from the Bristol and Bath Centre for Criminal Justice to study the extent to which custody visiting schemes had been introduced and the effectiveness of their arrangements.

Revised guidance: Home Office Circulars

- 1.4 In July 1991, following the results of the research, and after extensive consultation with the Metropolitan Police, Association of Chief Police Officers, local authority associations and custody visitors, the Home Office issued detailed revised guidance to London custody visitors. Subsequently Home Office Circular 4/92 was issued to provincial police authorities in January 1992 advising of scheme revisions.
- 1.5 The recommendation of a national agency resulted in the formation of the National Association for Lay Visiting (NALV), whose inaugural conference was held in May 1993. Subsequently the Association changed its name to the Independent Custody Visiting Association (ICVA). Leicestershire is currently a subscribing member to ICVA who provide training sessions, promotional material and guidance on the administration of local schemes.
- 1.6 Home Office Circular 4/92 was subsequently replaced by Home Office Circular 15/2001 which provided guidance based on research into custody visiting undertaken by the Police Foundation. At the time the Scheme still remained non-statutory. This Home Office guidance changed the name of the Scheme from Lay Visiting to Independent Custody Visiting.
- 1.7 Section 51 of the Police Reform Act 2002 finally placed independent custody visiting on a statutory basis. The Act came into force on 1 April 2003 and part of the requirement contained in the Act was for the Home Secretary to issue a relevant Code of Practice to which police authorities and independent custody visitors

should have regard in carrying out their relevant functions. A copy of the Code of Practice is included in Part II of the Handbook.

- 1.8 To accompany the Code of Practice the Home Office also produced National Standards which form the third and final part of the framework of rules and guidance to support effective custody visiting. A copy of the National Standards is contained in Part III of this Handbook.

Home Office role

- 1.9 Currently, responsibility for national policy rests with the Police Leadership and Powers Unit of the Home Office, located in Queen Anne's Gate, London.

Provincial arrangements

- 1.10 The responsibility for custody visiting arrangements outside London lies with each police authority in consultation with its chief constable. Each police authority operates its own scheme according to local arrangements.

Principles

- 1.11 The principles of custody visiting are indivisible from its purpose: to provide independent oversight of the detention of people in police custody. The purpose of visiting arrangements is to enable members of the local community to observe, comment and report on the conditions under which persons are detained at police stations and the operation in practice of the statutory and other rules governing their welfare, with a view to securing greater public understanding and confidence in these matters. Custody visiting arrangements also provide an independent check on the way police officers carry out their duties with regard to detained persons. Crucial to the Scheme is the independence and impartiality of custody visitors. They may not champion the cause of either the police or the detainee. Their function is to look, listen and report.

Mutual consent

- 1.12 Custody visiting is carried out **by consent**: the consent of the community from which the visitor has been appointed; the police authority which makes the appointment; the police; and the detainee. Consent may be implied or expressed, but without its presence a scheme would lose its integrity.
- 1.13 Custody visitors need to be aware of the law as it applies to the detention of people in police custody and so have a knowledge of detainees' rights and the limits of police powers. From that, custody visitors know what they may ask, (and of whom), what to see and what may be done. A custody visiting scheme's credibility depends on the way in which it operates. Custody visits to police stations must be random, unannounced, and carried out with a frequency which is appropriate to the area.

2. The Organisation of the Scheme in Leicestershire

- 2.1 Leicestershire Police Authority is responsible for the independent custody visiting scheme in Leicester, Leicestershire, and Rutland. The Police Authority's Complaints and Discipline Committee oversee the Authority's Custody Visiting arrangements and receives regular reports from the Assistant Clerk on the operation of the Scheme.
- 2.2 The Scheme is administered by the Assistant Clerk to the Police Authority who is assisted by the Members Services' Officer. The Members Services' Officer provides the day to day first point of contact for custody visitors.

- 2.3 Within Leicestershire Constabulary the responsibility for addressing any issues or problems that arise with the scheme lies with the Chief Inspector in the Administration of Justice Department.
- 2.4 The police area of Leicester, Leicestershire and Rutland is divided into four policing areas: North, East, West and Central. The custody visiting scheme is divided into the same areas.

Role of the Area Co-ordinator

- 2.5 Each area has a Co-ordinator, who is a custody visitor, and who is elected by the Area Team at the annual general meeting. The role of the Co-ordinator is to ensure that a suitable pattern of visiting is established, facilitating area team meetings to keep custody visitors informed of current developments and acting as the link between the individual custody visitor and those with central responsibility.
- 2.6 In undertaking their role Area Co-ordinators are supported by the Members' Services Officer.

Meetings

- 2.7 Each Area Co-ordinator will meet with their team of custody visitors on a quarterly basis to discuss developments, problems, good practice and availability for visits.
- 2.8 The Assistant Clerk will organise quarterly meetings of the four Area Co-ordinators and with the Chief Inspector, (Administration of Justice Department). The purpose of these meetings will be to address issues affecting all four areas and monitor that visits are being undertaken.
- 2.9 An annual general meeting will be held in June each year, chaired by the Chairman of the Police Authority, to which all custody visitors are invited. The purpose of this meeting is to elect Area Co-ordinators for the forthcoming year, to review the past years activities and to address any national and local issues affecting the scheme.

3. Appointment of Custody Visitors

Qualifications

- 3.1 Custody Visitors should be independent persons of good character able to make informed judgements in which the community can have confidence and which the police will accept as fair criticism when it is justified. Any adult person living in Leicester, Leicestershire and Rutland may be appointed as a custody visitor however in order to avoid any potential conflict of interest police authority members and staff, police staff, special constables, magistrates, employees of the Probation Service and serving and former police officers will be excluded.
- 3.2 Applications from others involved in the criminal justice system will be considered individually, having regard to the public service principle of being seen to be independent and impartial.

Recruitment Process

- 3.3 The Police Authority is responsible for the recruitment, selection and appointment of independent custody visitors. Throughout the recruitment process the Police Authority will strive to ensure that individuals appointed to the role are representative of the local community and provide a suitable balance in terms of age, gender, ethnicity and disability. Data on the breakdown of ethnic origin, age, gender and

disability of current custody visitors is reported to the Complaints and Discipline Committee and publicised on the Police Authority's website.

- 3.4 All reasonable steps will be taken to accommodate those with disabilities or those who do not have English as their first language where they are considered to be suitable candidates.
- 3.5 Periodically, advertisements are placed in a variety of local media outlets for new custody visitors. Interested persons will receive an application pack consisting of an application form, job description and person specification. On completion, the application form should be returned to the Police Authority office.
- 3.6 Police security checks are undertaken, however past offending is not an automatic barrier to acceptance and each case will be considered on its specific circumstances. Relevant factors will include the nature and number of any offences and how long ago they were committed. Any failure to disclose convictions will be treated very seriously and lead to exclusion.
- 3.7 Each applicant will be interviewed and all applicants will be notified in writing of the outcome of the interview. Successful candidates will be provided with an appointment letter informing them of a commencement date and details of induction training. Included with the appointment letter will be a written statement of understanding summarising the agreed responsibilities and the legitimate expectations of both parties.

Confidentiality Undertaking

- 3.8 All new custody visitors will be asked to sign a confidentiality undertaking. Visitors need to be aware that the unauthorised disclosure of facts concerning police operations or the security of police stations may constitute an offence under Section 5 of the Official Secrets Act 1989.

Identification Card

- 3.9 All custody visitors will be issued with a personal identification card and holder. The identification card will be valid for a 3-year term.

Tenure of Post

- 3.10 There is no maximum stated length of appointment for custody visitors. However all appointments will be made on the basis of a 3-year rolling appointment. At the end of every 3-year period, from the initial date of appointment, a custody visitor's record will be examined and their Area Co-ordinator will be asked to endorse a further three year term. The key factors in renewing appointments for further periods will be the continuing ability and willingness of the individual involved to do the job effectively.
- 3.11 All new custody visitors will be required to complete a six month probationary period during which initial training must be completed. Appointments will be confirmed following the successful completion of the six month probationary period.

Removal

- 3.12 There may be occasions when the Authority has to consider the removal of an independent custody visitor from its accredited list, either because of misconduct or poor performance. Misconduct covers such matters as conviction for a criminal offence or abusing the position of an independent custody visitor by failing to act in accordance with agreed guidance or expectations. There is a duty on Custody Visitors to notify the Assistant Clerk of any conviction for criminal offences following their appointment to the role. Poor performance relates to such matters as failure to

attend for visits, team meetings, training sessions or the completion of adequate reports.

- 3.13 Where removal is being considered, the Assistant Clerk will notify the custody visitor concerned, in writing, of the grounds on which removal is being considered. At this stage the custody visitor will be allowed to make oral or written representations, or both, to the Clerk.
- 3.14 Based on the evidence for removal, and the representations received, the Clerk to the Authority, in consultation with the Assistant Clerk, will determine whether or not to remove the custody visitor concerned from its accredited list.
- 3.15 If the decision is to remove the custody visitor, the custody visitor will be informed in writing. The custody visitor will also be informed that if they disagree with the decision they have a right to appeal to the Complaints and Discipline Committee of the Police Authority for reinstatement. An appeal must be lodged within one month of the decision to remove the custody visitor.
- 3.16 If an appeal against the decision is lodged, a report presenting the evidence for the decision and the representations from the custody visitor shall be presented to the next meeting of the Complaints and Discipline Committee for consideration. The decision of the Complaints and Discipline Committee will be final.

4. Training

- 4.1 Training will be provided by the Police Authority within a structured training plan identifying the objectives to be achieved. Initial training, prior to the commencement of any custody visit will be provided over two evenings and will concentrate on:-
 - the legal and procedural aspects of the role
 - the relevant aspects of Code C of the Police and Criminal Evidence Act 1984
 - health and safety issues
 - the custody sergeant's role
 - data protection issues
 - police complaints procedures
 - diversity awareness.
- 4.2 Refresher training will also be provided for all custody visitors on an annual basis.
- 4.3 Advanced training will be provided and will focus on scenarios of difficult situations arising during custody visits and to address any new legislation. Training issues raised by custody visitors themselves will also be provided at relevant times.
- 4.4 All training will be evaluated against the learning objectives outlined through the utilisation of feedback forms. Training will be reviewed annually, with Area Co-ordinators, based on comments and data received from the feedback forms.

5. Complaint Procedures

Complaints Received Against Independent Custody Visitors

- 5.1 All complaints against independent custody visitors made by detainees, police personnel, or others who may come into contact with visitors whilst in the course of their duties, should be referred, in writing, to the Assistant Clerk to the Police Authority.

- 5.2 The Assistant Clerk will consult with the Clerk to the Authority, and, if necessary the relevant ACPO officer, to ensure resolution of the complaint and provide feedback to both parties.

Complaints Made by Custody Visitors Relating to Police Personnel

- 5.3 Where a complaint is about a member of staff other than the Custody Sergeant, the Custody Sergeant should be informed immediately. Where the complaint concerns the Custody Sergeant, the Operational Support Inspector, or in their absence any Inspector, should be notified at the earliest convenience. This will allow for the opportunity for an early resolution to the complaint.
- 5.4 If early resolution has not been achieved, full details of the complaint should be forwarded to the Assistant Clerk who will liaise with the Head of Professional Standards to ensure resolution of the complaint and provide feedback to the custody visitor concerned.
- 5.5 In either situation, all complaints relating to police personnel must be notified to the Assistant Clerk, in writing, by the Custody Visitor concerned.

6. Visits

- 6.1 Establishing and maintaining a programme of frequent visits is fundamental to the effectiveness of the system. Infrequent visiting is unsatisfactory in terms of community reassurance, building appropriate relationships with police staff and developing independent custody visitors' relevant skills.
- 6.2 Custody visits should be unannounced and not made at regular or predictable times. For shared understanding, safety, and in case of the need for corroboration visits will always be undertaken in pairs. If one member of the team is not able to attend for any reason the procedure will be to postpone the visit. A 'solo' visit will not be allowed and Custody Staff have been instructed not to allow admission under these circumstances.

Number of Visits

- 6.3 Detained persons are held at four primary custody suites at police stations as follows:-

- Euston Street
- Hamilton
- Beaumont Leys
- Loughborough

- 6.4 Detainees are occasionally held at secondary sites. These are located at:-

- | | | |
|---------------------|---|------------|
| • Melton Mowbray | } | East Area |
| • Market Harborough | | |
| • Oakham | | |
| • Hinckley | - | West Area |
| • Coalville | - | North Area |

- 6.5 When it is foreseen that a secondary site will be opened for a specific period of time the Chief Inspector, Administration of Justice, will notify the Police Authority during office hours, or the Area Co-ordinator for the site outside of office hours.

- 6.6 If no notification has been received, custody visitors may enquire of the Custody Sergeant at the primary site when undertaking a visit, if the secondary site for that Area is open at that time. If this is so the custody visitors may decide whether or not to visit the secondary site.
- 6.7 Visits to secondary sites will not be allowed if there are no detainees being held there. This would place an unnecessary burden on police officers' time.
- 6.8 On occasions where large scale or sensitive planned police action is foreseen as resulting in numerous arrests, the Clerk's office will be notified and the relevant Area Co-ordinator will be informed. On such occasions custody visitors may be requested to undertake custody visits to the relevant custody suite, being mindful of the fact that too many visits may risk interfering with the efficient running of the Custody Suite at this particularly busy time.
- 6.9 The minimum number of visits for all the four primary custody sites is **FOUR** per month.

Organising the Visits

- 6.10 All visits are co-ordinated by the Area Co-ordinators who will arrange a rota for their area team.

Access at the Police Station

- 6.11 A custody visit cannot occur without police consent and co-operation. Custody sergeants are responsible for all matters relating to the detention of prisoners in police station custody suites and, as such, will be receiving and co-operating with custody visitors. Custody sergeants are required to admit custody visitors to the custody suite immediately they are informed by the person in charge of the reception desk that there are custody visitors at the police station, delay in admittance is only permitted when custody visitors may be placed in danger. If delay occurs a full explanation should be provided to the custody visitors who will record this on the visit report form.
- 6.12 It is inappropriate for access to be delayed because the custody officer is busy. In such circumstances the visitors should be admitted to the custody area but invited to wait until the custody officer, or another officer, is available to escort them on the visit.

6.12a Locally agreed practice (see page 24)

- 6.13 All parts of the custody areas are open to custody visitors, including cells, detention rooms, medical room, showers (unless they are in use) and relevant storage areas.

Security and Safety of Visitors

- 6.14 Custody visitors will be escorted during the visits by a member of the custody suite staff.
- 6.15 Police staff will advise custody visitors if there are any specific health and safety risks i.e. coming into contact with detainees or cells exposed to CS spray.

Access to Detainees

- 6.16 Independent Custody Visitors will be allowed access to any person detained at a police station. Detainees will fall into the following categories:

- PACE Prisoners

These will constitute the vast majority and are held under the provisions of the Police and Criminal Evidence Act 1984.

- Home Office Prisoners

These are remanded or sentenced prisoners who would normally be held in prison.

- Immigration Detainees

These are persons held under the Immigration Act 1971 and Immigration and Asylum Act 1999 who are subject to deportation proceedings or who are waiting to be removed from the UK as illegal entrants.

- People at Risk

These may be persons held for their own protection under the Mental Health Act 1983.

- 6.17 Detainees cannot be visited unless they have agreed. They will sign a form F46 to this effect. The Custody Sergeant or his/her nominee, will be responsible for the detained person signing the form and for establishing whether the detained person agrees or disagrees with the custody visit. Consent to a visit will be sought within the hearing of the custody visitors, but so that the detained person is out of view.
- 6.18 The escorting officer's introduction is a very important factor, bearing on the effectiveness of the whole system of independent custody visiting. He/she should introduce the visitors in a positive way which will encourage the detainee to speak to them. The escorting officers will introduce independent custody visitors to detainees by use of the introduction card kept in the custody suite.
- 6.19 The escorting officer must allow access to a consenting detainee unless it is considered that the independent custody visitors' safety would be at risk. In such circumstances the visitors may wish to speak to the detainee through the cell hatch. This may also apply where the escorting officer judges the visitors would be in danger from a violent or potentially violent detainee if they entered the cell.
- 6.20 In exceptional circumstances the police may judge that it is necessary for a detained person not to be seen and/or spoken to by independent custody visitors in order to avoid any possible risk of prejudicing an important investigation. Any decision to deny visitors' access to a detained person should be taken by an officer of or above the rank of Inspector and recorded in the custody record. The decision to deny access should be taken in each case in the light of all relevant circumstances. There should be no presumption that access should be denied to any particular category of detainee or because a decision has been made that a person should be held incommunicado.
- 6.21 A detainee is entitled to 8 hours undisturbed rest. Disturbing a detainee can lead to a new 8 hour period starting and this could lead to the time during which he/she may be detained, expiring. In such circumstances the custody visitors should be guided by the Custody Sergeant's views on whether or not a detainee should be disturbed. If the decision is not to wake the person the custody visitors may request to observe him/her through the cell hatch.
- 6.22 If a detainee is being interviewed, the interview will not be interrupted. If the custody visitors wish to see the person later in the visit, after the interview has been completed, they may do so.
- 6.23 Juveniles may be spoken to with their own consent.

Conversation with the Detainee

- 6.24 Visits should normally be conducted in English or, where applicable, Welsh. Translation support should be provided where necessary. On occasions it may be more appropriate to conduct a visit in another language spoken by the detainee, if one of the independent custody visitors is fluent in that language. However, in such circumstances care must be taken to ensure that any other visitor present is kept informed about what is being said.
- 6.25 Discussions between detainees and independent custody visitors must normally take place in sight, but out of hearing, of the escorting officer where that is practical.
- 6.26 The conversation between the detainee and custody visitors should focus on the detainee's rights and entitlements under the Police and Criminal Evidence Act and to ensuring their welfare by assessing whether the conditions of detention are adequate.

Dealing with Issues from Conversations with the Detainee

- 6.27 Where a detainee makes a complaint or raises an issue about their general treatment or conditions at the police station, independent custody visitors must, **(subject to the detainee's consent)**, take this up as soon as possible with the custody sergeant, or custody staff, in order to seek a resolution. The same applies to similar issues identified by visitors in the course of their attendance.
- 6.28 Custody visitors should be impartial and should not take up issues, or make representations on behalf of a detainee, which is outside of their remit.
- 6.29 If detainees press custody visitors for advice about co-operating with the police, making a statement or anything in relation to their defence, they should explain that it is not part of their role. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the visitor must tell them that the relevant contents of the visit may be disclosed to the police and may later be used in legal proceedings. If the detainee's concerns are linked to not yet having received legal advice that is something the visitors should take up with the escorting or custody officer.
- 6.30 Whilst independent custody visitors are primarily concerned with overall conditions, standards and procedures at police stations, any immediate concerns about the treatment of particular individuals must be passed on to those in a position to take corrective action. If a detainee indicates that they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.
- 6.31 If an independent custody visitor realises they know or are known by a detainee, they must consider whether to withdraw from the visit. The decision will depend on the nature of the relationship and its likely effect on the visitor's impartiality.
- 6.32 Detainees should not be offered inducements by custody visitors.
- 6.33 Remand or sentenced prisoners held in police stations who seek to complain about their conditions or treatment in prison should be advised that independent custody visitors cannot involve themselves in such matters.

Complaints of Police Misconduct made by the Detainee

- 6.34 If a detainee makes a complaint of misconduct by a specific police officer, they must be advised to address it to the duty officer in charge of the police station. With the detainee's consent, it may be appropriate for visitors to notify the duty officer that the detainee wishes to make a complaint.

- 6.35 Visitors can remind the detainee that they can seek legal advice in relation to the complaint or ask to see a doctor if an alleged assault is involved. Such complaints must be dealt with through formal procedures which are laid down and there is no broader role for custody visitors who must not involve themselves in individual cases or make representations on the detainee's behalf.

Confidentiality

- 6.36 Report forms include an undertaking not to reveal the names of person visited or other confidential information obtained in the course of a visit. Breach of this undertaking may make a visitor liable to civil proceedings by the detained person concerned. Independent custody visitors also need to be aware that the unauthorised disclosure of facts concerning police operations or the security of police stations may constitute an offence under section 5 of the Official Secrets Act 1989.
- 6.37 Conversations between independent custody visitors and detainees are not privileged and it would be open to a court to issue a witness summons requiring the attendance of a visitor to give oral evidence or produce documents such as a report of a particular visit. Visitors are under no obligation to give evidence or produce documents other than in response to a court order, but would be obliged to respond to such an order.
- 6.38 Custody Visitors' conversations with detainees are private, however detainees should be assured that any concerns raised about their treatment whilst in the custody suite will be passed to a senior police officer.

Reporting Process and Forms

- 6.39 At the end of each visit, and while they are still at the police station, independent custody visitors must complete a report (F46) with their findings. Custody staff should not be present while visitors discuss and complete reports and wherever possible they should be able to use a private area for this purpose. Details must include both specific matters (which may already have been brought to the attention of police staff) and more general issues relating to custody conditions or procedures. All reports must be completed in English even if the visit has been conducted in another language.
- 6.40 The top white copy of the report should be forwarded to the Police Authority office, the second yellow copy should be forwarded to the Area Co-ordinator and the third pink copy should remain at the station for the attention of the officer in charge. Any issues raised on the form will be reported to the Area Co-ordinator's meeting where a response will be provided by the Chief Inspector, Administration of Justice. Identifying trends emerging from visits will also be addressed at this time.

Feedback

- 6.41 Immediate practical issues will be addressed at the time of the visit in conversation between the custody visitors and custody staff. Responses to issues raised will be included on the report form.
- 6.42 Trends relating to the timing of visits and the issues raised from report forms will be reported to the quarterly Area Co-ordinators meetings. The Chief Inspector, Administration of Justice Department, will respond to any issues which were not dealt with at the time of the visit.
- 6.43 Any issues raised, which in the opinion of the Assistant Clerk are of a more serious nature, will be brought to the attention of the Head of Professional Standards. Feedback will be provided directly to the custody visitors concerned with a copy of the response being forwarded to the relevant Area Co-ordinator.

7. Role and Responsibilities of Personnel in the Custody Suite

- 7.1 Each of the four primary Custody Suites is staffed by a number of trained Custody Sergeants; known as the Custody Officer. Most serve a 12 month attachment of the role, and occasionally extend their stay for several years. Occasionally, non-dedicated Sergeants are called upon to perform the role of Custody Officer.
- 7.2 The role of the Custody Officer is directed by the Police and Criminal Evidence Act 1984 Codes of Practice (PACE). (Further details are outlined in Part III of this Handbook). In brief, the Custody Officer is responsible for the welfare of all detained persons in their care and for the expeditious dealings of all matters that relate to their detention.
- 7.3 A custody record must be opened for every person arrested and detained in police custody. All dealings relating to the detained person must be recorded on the custody record (unless specified in the PACE Codes of Practice).
- 7.4 All of the four primary Custody Suites are also staffed by Detention Officers. These are civilian support staff employed to assist the Custody Sergeant in carrying out the duties and activities relating to detained persons. They take the primary role in dealing with the physical needs of the detained person and in maintaining a well ordered Custody Suite.
- 7.5 Other Police staff who may be in the Custody Suite include Custody Managers. These are Police Inspectors with a responsibility for the management of Custody Suites.
- 7.6 Other persons who may be present in the Custody Suite are nurses, forensic physicians, solicitors and legal representatives, arrest referral workers, care or social workers, parents and drug testing staff.
- 7.7 Operational Support Inspectors are on duty 24 hours of the day to provide a tier of supervision to operational policing. This includes specific areas of responsibility in the Custody Suite; mainly to undertake reviews of detention of detained persons, in accordance with PACE.

8. Other Issues in the Custody Suite

Access to Custody Records

- 8.1 Each detainee's details are recorded on a custody record, which is a legal document that can be used in court as evidence.
- 8.2 It is necessary to obtain the permission of the detainee to view their custody record. If permission is given, the custody visitor should check that the information provided by the detainee about their detention accords with what is recorded on the custody record. Discrepancies should be raised with custody staff and noted on the report form.
- 8.3 If the detained person is, for whatever reason, incapable of deciding whether to allow access to their custody record the presumption must be in favour of allowing the custody visitor to examine it. This also applies to detainees who are asleep.
- 8.4 Custody Visitors have no right to see other documents concerning the detainee; (e.g. their medical records).
- 8.5 Specific points to look for when reading custody records are:-
- whether entitlements under PACE have been given and signed for;

- that medication, diet, injuries and medical examinations are recorded;
- that procedures to assess special risks/vulnerabilities presented by the detainee have been properly recorded;
- the timing and frequency of cell inspections of inebriated or otherwise vulnerable detainees;
- the timing of Inspectors' and senior officers' reviews of the continuing need for detention.

8.6 The custody visit itself will be recorded on the custody records of detainees.

Medical Issues

8.7 Independent custody visitors have no right to see the detainee's medical records, even where these are attached to the custody record. However, key points relevant to medical treatment should be recorded in the custody record. Visitors will wish to pay particular attention to detained persons who are suffering from any form of illness, injury or disability. They should satisfy themselves that, if appropriate, medical advice has been obtained, establish from the custody officer what instructions for medical treatment have been given and confirm by consulting the custody record that these instructions have been carried out.

Deaths in Custody

8.8 Where there is a death in police custody consideration will need to be given as to whether a custody visit would be helpful in terms of informing and reassuring the local community. If this is deemed to be the case the Police Authority will be informed as soon as possible. Any visit following a death in custody or some other major incident should not be allowed to interfere with any relevant investigation which may be taking place. There may be circumstances in which the senior investigating officer dealing with such an incident needs to refuse or restrict access to particular areas.

8.9 In the course of an investigation into a death in police custody, custody visitors who may have recently visited the suite may be interviewed and/or asked to provide a statement. Records of custody visits may also be examined and possibly used in evidence.

8.10 Custody visitors may also be invited to visit the custody suite at such times when it is perceived that such a visit could assist in diffusing any community tension which may be present.

Access to a Solicitor

8.11 Any person arrested and held in custody in a police station or other premises may, at any time, consult and communicate privately, whether in person, in writing or on the telephone with a solicitor.

8.12 The person may choose their own solicitor or a 'duty' solicitor.

8.13 Where a person has been permitted to consult a solicitor, and the solicitor is available at the time the interview begins or is in progress, he/she must be allowed to have the solicitor present whilst being interviewed.

Smoking

- 8.14 No person will be allowed to smoke in any part of the Custody Suite. This includes prisoners, custody staff and visitors to the suite. Smoking may be permitted in the exercise yard with the authority of the custody sergeant on rare occasions when it is considered appropriate. An example might include a long stay prisoner. Smoking in the yard should only take place under direct supervision and should be regarded as the exception rather than the rule.

Access to a Telephone

- 8.15 Detained persons may be allowed to make personal telephone calls but this is at the discretion of the Custody Sergeant. Custody visitors who may have a mobile phone in their possession at the time of the visit should not allow the detainee to use their mobile to make any call.

Meals and Sleep

- 8.16 All detainees are entitled to food which is wholesome, nutritious, well prepared and served. Special arrangements should be made to cater for special dietary or religious needs. At least two light meals and one main meal shall be offered in any period of 24 hours.
- 8.17 Cells in use should be adequately heated, cleaned and ventilated. They must be adequately lit and blankets and mattresses should be of a reasonable standard. Access to toilet and washing facilities must be provided.
- 8.18 Brief outdoor exercise shall be offered daily, if practicable.

9. Miscellaneous

Effective working relationships

- 9.1 For independent custody visiting to be effective it is essential that independent custody visitors and police staff develop and maintain professional working relationships based on mutual respect and understanding of each others' legitimate roles. Such relationships can only exist where there is politeness and consideration on both sides. There is behaviour which has the potential to create tension and conflict. Visitors may cause difficulties by:-

- Failing to appreciate police priorities
- Engaging in excessive minor criticism
- Criticising officers in reports without bringing that criticism directly to their notice
- Adopting an overly adversarial approach
- Concentrating on finding fault
- Becoming involved in an investigation or advising the detainee on that investigation
- Criticising police action or questioning their judgement in areas outside the visitor's remit
- Telling or suggesting to the police what they should do
- Making promises to a detainee on behalf of the police
- Breaching confidentiality
- Offering inducements to the detainee

- 9.2 On the police side, problems may arise from:-

- Failing to recognise independent custody visitors' status and their responsibilities
- Demeaning or belittling visitors
- Treating visitors with indifference or disrespect

- Unreasonably delaying or limiting access to custody areas
- Being insufficiently positive when introducing visitors to detainees.

Detention of Juveniles and Persons who are Mentally Disordered or Otherwise Mentally Vulnerable

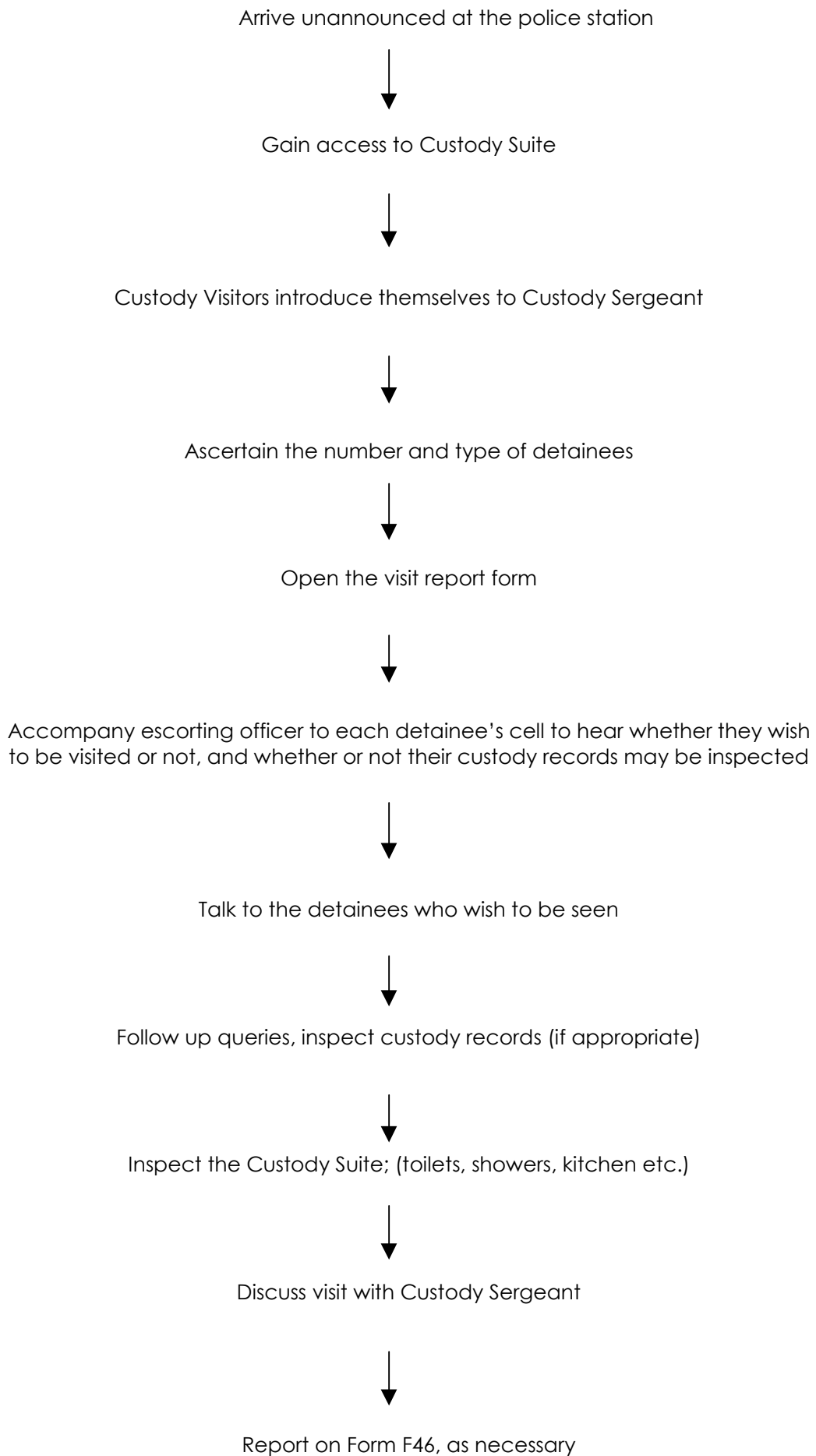
- 9.3 Special provisions apply regarding the detention of juveniles and persons who are mentally disordered or otherwise mentally vulnerable.
- 9.4 Juveniles should not be placed in cells unless there is no other secure accommodation available and it is not practicable to supervise them in any other way.
- 9.5 The police have a responsibility to notify persons responsible for the juvenile's welfare, regardless of whoever else the juvenile nominates. This person is known as the 'appropriate adult'.
- 9.6 'Appropriate adult' in the case of a juvenile means:-
- the parent, guardian or, if the juvenile is in local authority or voluntary organisation care, or is otherwise being looked after under the Children Act 1989, a person representing that authority or organisation;
 - a social worker of a local authority social services department;
 - failing these, some other responsible adult aged 18 or over who is not a police officer or employed by the police.
- 9.7 In the case of persons who are mentally ill or otherwise mentally vulnerable an 'appropriate adult' must be called when such a person is interviewed.
- 9.8 An 'appropriate adult' in these circumstances is:-
- a relative, guardian or other person responsible for their care or custody;
 - someone experienced in dealing with mentally disordered or mentally vulnerable people, but who is not a police officer or employed by the police;
 - failing these, some other responsible adult aged 18 or over who is not a police officer or employed by the police.

CCTV

- 9.9 Custody visitors will not have access to CCTV footage but can ask the Custody officer whether the CCTV equipment is in working order.

Checklist for Custody Visitor

- 9.10 The custody visiting process is as follows:-



9.11 Below is an example checklist for custody visitors to follow when undertaking visits. The checklist is not exhaustive but a guide for custody visitors.

	YES	NO
Given Code of Practice/Notified of rights		
Had someone informed?		
Legal advice		
Right to custody record copy		
Visits/contact with outsiders		
Physical comfort		
Adequate food/drink		
Special dietary requirements		
Access to toilet/washing facilities, personal hygiene		
Replacement clothing		
Medical attention		
8 hrs rest in 24		
Exercise		
Any other concerns?		
<u>Environment</u>		
Heating		
Ventilation		
Adequate lighting		
Alarm working?		
Cleanliness		
Safety/security hazards		
Sanitary arrangements – toilets working		
Any other concerns?		
Adequate bedding		
Fridge/Freezer temperatures		
Legal aid notices displayed		
Informed of Arrest Referral Scheme		

Role of Healthcare Professionals

- 9.12 The Custody Officer must immediately call a health care professional, when a person appears to be suffering from an illness or injury. This applies even if the person makes no request for medical attention.
- 9.13 The Police Authority and Force employ a team of doctors, on a sessional basis, who undertake the role of forensic physicians.
- 9.14 A team of nurses, and a nurse manager, are also based at Euston Street Custody Suite to provide support to police surgeons and an enhanced care regime to detainees.
- 9.15 Custody visitors should pay particular attention to detained persons who are suffering from any form of illness, injury or disability.

10. Expense Claims

- 10.1 Travelling expenses can be claimed by custody visitors for all visits and attendance at team meetings and training sessions. The charges reimbursed are in line with those paid to Police Authority members. Claims should be submitted on form E18 on a monthly basis direct to the Members' Services Officer at the Police Authority office.

11. Insurance

- 11.1 The personal accident insurance for custody visitors is covered by a Police Authority policy with Norwich Union Insurance.

12. Memorandum of Understanding for Custody Visitors

- 12.1 Custody visitors are expected to abide by a memorandum of understanding, which is as follows:-
- Maintain high standards of personal conduct, integrity and appearance.
 - Arrange custody visits with fellow custody visitors, in line with agreed rosters.
 - Keep the Co-ordinator and fellow custody visitors informed of any problems with rostered custody visits.
 - Carry out custody visits to designated police stations in line with the Scheme guidelines and training.
 - Check on the conditions on which a detainee is kept, their health and wellbeing and the legal rights and entitlements, with reference to PACE.
 - Consult, where appropriate, the detainee's custody record to clarify and check concerns raised by the detainee.
 - Discuss with the custody officer any concerns or requests arising from the custody visit, and to bring to the custody officer's attention any issue that needs to be dealt with.

- Complete the Independent Custody Visitor Report form, (F46), ensuring that all relevant information is recorded correctly, clearly and concisely.
- Maintain confidentiality and impartiality in relation to all parties involved in the Independent Custody Visiting process.
- Make informed judgements in which the community can have confidence and which the police will accept as fair criticism when it is justified.
- Complete and submit expense claims in line with Scheme guidelines.
- Attend continuous training sessions.
- Attend local team meetings of Independent Custody Visitors.
- Carry out the duties of an Independent Custody Visitor with regard to the Health and Safety requirements of the Custody Visiting Scheme.
- Carry out the duties of an Independent Custody Visitor as set out in the Scheme guidelines.
- Maintain effective working relationships with police staff as set out in the Scheme's guidelines.
- Complete a six-month probationary period and attend all induction training.
- Attend refresher and advanced training courses.
- Inform the Police Authority when withdrawing from the role.

12.2 In return Leicestershire Police Authority will:-

- Ensure that custody visitors are properly supported in performance of their role.
- Pay close regard to Home Office/Independent Custody Visiting Association (ICVA) guidelines and best practice.
- Keep custody visitors informed of developments in Independent Custody Visiting both locally and nationally.
- Ensure where necessary that any issues/concerns arising from custody visits are dealt with by the Force and reported back.
- Provide a visiting rota (from the Area Co-ordinator) and updated contact details for each team as necessary.
- Provide continuous training sessions.
- Process expense claim forms in a timely and efficient manner.
- Have regard to the Scheme's guidelines when dealing with complaints made against custody visitors.
- Have regard to the Scheme's guidelines when considering the removal of custody visitors from the Leicestershire Scheme.
- Provide each Custody Visitor with a Custody Visitors' Handbook, relevant to the Leicestershire Scheme.

- Provide identification cards to each visitor.
- Hold regular meetings with Area Co-ordinators to report back on issues raised and to further the development of the Scheme.
- Issue a quarterly Newsletter to all visitors informing them of recent developments.

Locally Agreed Practice - Viewing the Booking-in Procedure (February 2005)

- 6.12a The specific point of whether custody visitors can view the booking in procedure without having the consent of the detainee is not covered by the Code of Practice or National Standards. The locally agreed practice with the Force is that custody visitors should be admitted to the custody suite and allowed to safely view the activity taking place as it would be against the spirit of the Scheme to delay access or place custody visitors in a room where they are unable to observe proceedings.

HOME OFFICE CODE OF PRACTICE ON INDEPENDENT CUSTODY VISITING

Introduction

1. This Code of Practice on independent custody visiting is issued further to section 51(6) of the Police Reform Act 2002. Police authorities and independent custody visitors shall have regard to the Code in carrying out their relevant functions.
2. Independent custody visiting is the well established system whereby volunteers attend police stations to check on the treatment of detainees and the conditions in which they are held and that their rights and entitlements are being observed. It offers protections to both detainees and the police and reassurance to the community at large.
3. The Code will be supported by more detailed National Standards which expand on the relevant procedures and systems and set out established good practice.

Organisation and Infrastructure

4. The responsibility for organising and overseeing the delivery of independent custody visiting lies with police authorities, in consultation with chief constables. Police authorities must therefore ensure that they have in place robust and effective procedures for establishing and maintaining their independent custody visiting schemes, including the allocation of appropriate resources to this function.
5. Overall responsibility for the central administration of the scheme must be given to a nominated officer on the police authority's staff, supported as necessary by other personnel and resources.
6. At police authority level, groups or panels of volunteers must be organised to visit police stations in the authority's area. Every group needs to have its own co-ordinator, appropriately resourced to perform that task.

Recruitment and conditions of service

Organising recruitment

7. Police authorities are responsible for recruiting, selecting and appointing independent custody visitors and must ensure these functions are adequately resourced.
8. Adequate numbers of suitably trained and accredited independent custody visitors must be available at all times.

The recruitment process

9. Recruitment must be based on clear job descriptions, as well as person specifications setting out the qualities independent custody visitors require to carry out their role effectively.
10. Recruitment must be open, non-discriminatory and well publicised.
11. All selections must be made on the basis of a standard application form.
12. No person shall be appointed as an independent custody visitor without an interview taking place. The selection panel must record the reasons for decisions about appointment or non-appointment.
13. Any appointment must be made solely on merit and all independent custody visitors must be at least 18 years old.

Who should be selected?

14. The police authority must seek to ensure that the overall set of independent custody visitors is representative of the local community and provides a suitable balance in terms of age, gender and ethnicity.
15. All reasonable adjustments must be made to accommodate those with disabilities and those who do not have English as their first language where they are considered suitable candidates.
16. Visitors must be independent persons who are able to make informed judgements in which the community can have confidence and which the police will accept as fair criticism when it is justified.
17. Where an applicant has convictions (whether spent or unspent) for criminal offences, or has received any formal caution, warning or reprimand, or has failed to disclose any such finding, the specific circumstances must be considered in assessing suitability to become an independent custody visitor. However, past offending is not an automatic barrier to acceptance.
18. In appointing independent custody visitors, care must be taken to avoid any potential conflict of interest. For example, serving police officers and other serving members of police or police authority staff will be unsuitable for that reason. The same will apply to special constables, justices of the peace and members of the police authority.

Other Possible Roles for Custody Visitors

19. Independent custody visitors may also act as appropriate adults. However, individuals must not switch between those roles during the course of a visit to the same police station.
20. Independent custody visitors may also act as lay observers appointed under the Criminal Justice Act 1991 to inspect the conditions under which prisoners are transported and held.

Basis of service

21. The police authority must provide each independent custody visitor with a written memorandum of understanding summarising their agreed responsibilities and the legitimate expectations of both parties.
22. The police authority must provide each independent custody visitor with an identity pass as their authority to visit any police station in the force area that is holding detainees on a regular or temporary basis.

Tenure

23. Appointments must initially be for three years and must not be confirmed until a six-month probationary period has been satisfactorily completed. Full re-assessments of suitability must take place at regular intervals but no longer than three years apart. The key factors in renewing appointments for further periods must be the continuing ability and willingness of the individuals involved to do the job effectively.

Removal

24. A police authority can remove an independent custody visitor's accreditation because of misconduct or poor performance.
25. Procedures for considering possible removal must follow the principles of natural justice and be publicised.

Complaints procedures

26. Procedures must be in place to deal with complaints against independent custody visitors by detainees, police personnel or others. There must also be a clear mechanism for handling complaints from visitors and issues of concern arising from their work.

Payment

27. Independent custody visitors are entitled to be reimbursed for their legitimate expenses incurred in carrying out their role.

Insurance

28. The police authority must ensure adequate cover and provision for claims arising from independent custody visitors' role.

Training

29. The basic responsibility for training lies with the police authority and a structured plan with clear objectives must be developed in consultation with the police service and the local independent custody visiting community.
30. The police authority must evaluate the effectiveness of training and the extent to which it is achieving its objectives.

Frequency and coverage

31. The police authority should liaise with the chief constable about the frequency with which visits should be carried out.
32. Visits must be sufficiently regular to support the effectiveness of the system, but not so frequent as to unreasonably interfere with the work of the police.
33. The frequency of visits must be monitored against expectations and reported to the police authority at regular intervals. Where insufficient visits are taking place, the causes must be investigated and corrective action taken.
34. Consideration must be given to making visits to all police stations where detainees are held even where they are only accommodated for relatively short periods of time.

Working arrangements

Conducting visits

35. Visits should normally be undertaken by pairs of independent custody visitors working together. Visits should only be undertaken by a single independent custody visitor working alone where the police authority has carried out a thorough and robust assessment of the risks that presents and has concluded that it is, in all the circumstances, the best option.

Visiting procedures at stations

36. Independent custody visitors must be admitted to the custody area immediately. Delay is only permitted when immediate access may place the visitors in danger. A full explanation must be given to the visitors as to why access is being delayed and that explanation must be recorded by the visitors in their report.

37. Independent custody visitors must have access to all parts of the custody area and to associated facilities such as food preparation areas and medical rooms. However, it is not part of their role to attend police interviews with detainees.
38. Police staff must be alert to any specific health or safety risks independent custody visitors might face and must advise them appropriately.
39. The custody officer or a member of custody staff must accompany independent custody visitors during visits.(See paragraph 46)

Access to detainees

40. Subject to the exceptions referred to in paragraph 43, independent custody visitors must be allowed access to any person detained at the police station. However, detainees may only be spoken to with their consent and the escorting officer is responsible for establishing whether they wish to speak to the independent custody visitors.
41. Juveniles may be spoken to with their own consent.
42. If a detainee is not in a position to give consent, the escorting officer must allow the visit unless any of the circumstances set out in paragraph 43 apply.
43. The police may limit or deny independent custody visitors' access to a specific detainee if an officer of or above the rank of inspector reasonably believes that to be necessary for the visitors' safety. Such an officer may also deny or restrict access where they reasonably believe that such access could interfere with process of justice.
44. Where any of the circumstances referred to in paragraph 43 apply consideration should be given to allowing the visitors some limited form of access to the detainee, such as speaking to them through the cell hatch.
45. Any decision to deny or limit access must be recorded in the detainee's custody record (together with the relevant authorisation) and by the independent custody visitors in their report of the visit.

Discussions with detainees

46. Discussions between detainees and independent custody visitors must normally take place in sight but out of hearing of the escorting officer where that is practical.
47. Discussions must focus on checking whether detainees have been offered their rights and entitlements under PACE and confirming whether the conditions of detention are adequate.
48. Independent custody visitors must remain impartial and must not seek to involve themselves in any way in the process of investigation. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the visitor must tell them that the relevant contents of the visit may be disclosed in legal proceedings.
49. If an independent custody visitor realises they know or are known by a detainee, they must declare this and consider whether to withdraw from the visit.
50. Independent custody visitors must not pass messages to or from detainees or offer to perform other tasks on their behalf. If they are asked to do so they must immediately inform the custody officer.
51. If a detainee indicates they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.

52. Subject to obtaining the detainee's consent to examine their custody record, the independent custody visitors should check its contents against what they have been told by the detainee.
53. If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption must be in favour of allowing the independent custody visitors to examine it.

Medical issues

54. Independent custody visitors have no right to see the detainee's medical records, even where these are attached to the custody record. However, key points relevant to medical treatment should be recorded in the custody record itself.

Dealing with issues and complaints

55. Where a detainee makes a complaint or raises an issue about their general treatment or conditions, independent custody visitors must (subject to the detainee's consent) take this up as soon as possible with police staff in order to seek a resolution. The same applies to similar issues identified by visitors in the course of their attendance.
56. If a detainee makes a complaint of misconduct by a specific police officer, they must be advised to address it to the duty officer in charge of the police station.

Effective working relationships

57. For independent custody visiting to be effective, it is essential that visitors and police staff develop and maintain professional working relationships based on mutual respect and understanding of each others' legitimate roles.

Reporting on a visit

58. At the end of each visit, and while they are still at the police station, independent custody visitors must complete a report of their findings in a standard format. One copy of the report must remain at the station for the attention of the officer in charge. Copies must go to the co-ordinator of the local independent custody visiting group.
59. Report forms must include an undertaking not to reveal the names of persons visited or other confidential information obtained in the course of a visit.

Feedback

60. Systems must be in place to ensure that the output from visits is drawn rapidly to the attention of those in a position to make the appropriate response.
61. Co-ordinators are responsible for drawing together issues and identifying trends emerging from visits in their area and addressing these with relevant police supervisors.
62. The central administrator must have a regular and formal opportunity to raise concerns and issues with a designated senior officer with force-wide responsibilities. It will usually be appropriate for that officer to be of Assistant Chief Constable rank. The central administrator must also produce regular reports for the police authority summarising the output from independent custody visiting and the way in which concerns have or have not been addressed. These reports must be discussed at police authority meetings as appropriate and reflected in an entry about independent custody visiting in the police authority's own annual report.

Sharing experience

63. The police authority must ensure that independent custody visitors have regular opportunities to meet together to discuss their work.

Reviewing performance

64. Police authorities must take steps to assess how effectively their independent custody visiting arrangements are working. Key aspects of that process will be reviewing the quality of reports, the frequency with which visits take place and the number of occasions on which detainees refuse to speak to visitors.

Home Office
1 April 2003



NATIONAL STANDARDS FOR INDEPENDENT CUSTODY VISITING

A. INTRODUCTION

1. This document puts into context the Codes of Practice that underpin paragraph 51 of the Police Reform Act 2002 and identifies what are considered to be national standards to which all involved in the process aspire. These standards have been developed through the experience of operating visiting arrangements throughout England and Wales. It also encourages police authorities and independent custody visitors to establish their own local practises in line with the national standards.

2. The statutory provisions, the related codes of practice and this document replace Home Office Circular 15/2001, which has now been withdrawn. The standards have been produced following discussions with representatives from the Association of Chief Police Officers, the Association of Police Authorities, the Association of Police Authority Clerks, Her Majesty's Inspectorate of Constabulary, the Home Office, the Metropolitan Police Authority, the Independent Custody Visiting Association, the Police Complaints Authority, the Police Federation and the Police Superintendents' Association.

3. While the Home Office provides a Code of Practice on the key principles of independent custody visiting, responsibility for delivery lies with police authorities in consultation with forces. Within these National Standards there is an important role for the Independent Custody Visiting Association (ICVA), which supports and promotes the visiting process. The Home Office continues to be committed to working in partnership with ICVA as a repository of experience, advice and best practice.

4. The year 2000 saw the implementation of the Human Rights Act and the incorporation of the European Convention on Human Rights into our domestic law. The treatment of those in police custody is one key indicator of the extent to which we are embracing the culture of rights, which these legal changes were intended to reinforce. Independent custody visiting provides an important check on that treatment and police authorities should ensure that the visiting arrangements they apply are as effective as possible. These standards are intended to help in achieving that.

B. THE PROCESS

1. Volunteers from the community are recruited and approved by the police authority and following training suitably organised to visit local police stations. Unannounced visits are made at varying times of the day and night, with volunteers having immediate access to the custody area. The conditions of detention and the treatment of individual detainees are checked. As part of that process there will be discussion with custody staff and detainees who are required to give their consent before being spoken to. Independent custody visitors must raise issues needing immediate attention by the police. After every visit they will produce a written report of their findings. Arrangements must be in place for output from visits to be discussed by groups of visitors and communicated to the police at local, area and force level. There must also be regular feedback to the police authority and a commitment to publicising the work and, where appropriate, the findings of independent custody visitors.



Section 51(6) of the Police Reform Act 2002 and the Codes of Practice paras 1-3 set out the statutory requirements.



To explain the process ICVA has:

- **Developed a website packed with relevant materials (www.icva.org.uk)**
- **Produced a community awareness video**
- **Designed a leaflet which has been translated into 19 languages**
- **Created posters depicting a number of images to assist recruitment and heighten awareness**
- **Produced a student workbook setting out the relevant legislative requirements and the significant implications from this legislation for all involved in the process**
- **Developed 'An Introduction to Cultural Awareness' module for police authorities independent custody visitors.**

C. ORGANISATION AND INFRASTRUCTURE

1. The responsibility for organising and overseeing the delivery of independent custody visiting lies with police authorities, in consultation with chief constables. Police authorities must therefore ensure that they have in place robust and effective procedures for establishing and maintaining their independent custody visiting schemes, including the allocation of sufficient resources to this function. This includes:

- Publicising the work of their schemes
- Developing a policy/policies to maintain and enhance the effectiveness of schemes
- Ensuring the maintenance of appropriate organisational arrangements and visiting patterns
- Overseeing the recruitment, approval and training of independent custody visitors
- Establishing and maintaining effective systems for feeding back to the police authority on a regular basis the output from visits, and putting in place the necessary action to respond to issues as they arise
- Facilitating meetings of their independent custody visitors to discuss their work and issues arising from it
- Monitoring performance against the agreed frequency of visits.

2. Police authorities must consider locally what arrangements are needed in order to undertake these responsibilities efficiently and effectively, including the nomination of an officer for the central administration of the independent custody visiting scheme, supported as necessary by other staff and resources.

3. The key role of the 'central administrator(s)' should be to ensure that the scheme is running effectively on a day-to-day basis and to act as a source of advice and support for those organising independent custody visiting at a local level.

4. The central administration should not be undertaken by the police force or by individuals reporting to the chief constable.

5. Experience has shown that the most effective arrangements are normally based on groups or panels of volunteers organised to visit police stations within a prescribed area. It may be useful to base these areas on police organisational structures covering divisions or command units.

6. Every local group should have its own co-ordinator responsible for organising the work of its members. Key elements of the co-ordinator's duties will be:

- ensuring that a suitable pattern of visiting is established and applied
- acting as a conduit for feedback to local police commanders and the police authority
- facilitating meetings and discussions between group members
- forming the interface between individual independent custody visitors and those with central responsibility for the system at police authority level.

7. Local co-ordinators may face a considerable burden of administration (for example, in relation to developing rosters, writing reports and arranging meetings). Police authorities may wish to consider the provision of access to funded clerical or secretarial support.

8. There is no ideal size for local groups in terms of the number of police stations they cover or the number of individual independent custody visitors they involve. However, coverage should not be so extensive as to detract from the essentially local nature of the arrangements. Allowing for that, groups must include sufficient numbers of volunteers to ensure the agreed programme of visits can be maintained.

9. Effective organisation and administration is very important to retaining and boosting the commitment of those involved in independent custody visiting on a voluntary basis. Visitors who feel properly supported and valued are more likely to continue with the work and carry out their duties in a positive and enthusiastic manner. Independent custody visiting is essentially a community-based initiative and local groups should have some degree of autonomy to fit their approach and procedures to local conditions and needs. However, that should be within a clear organisational framework established by the police authority and taking account of the guidance set out in this circular.



Section 51(6) of the Police Reform Act 2002 and the Codes of Practice paras 4–6 set out the statutory requirements.



To assist police authorities and independent custody visitors ICVA has:

- **Developed a website packed with relevant materials (www.icva.org.uk)**
- **Produced a community awareness video**
- **Designed a leaflet which has been translated into 19 languages**
- **Created posters depicting a number of images to assist recruitment and heighten awareness.**

D. RECRUITMENT AND CONDITIONS OF SERVICE

Organising recruitment

1. Police authorities, who are responsible for recruiting, selecting and appointing independent custody visitors, need to establish clear policies and procedures covering these processes. The work must be adequately resourced so that functions such as publicising opportunities for volunteers, processing applications and conducting interviews can be carried out effectively.
2. One key policy objective must be to ensure that adequate numbers of suitably accredited and trained independent custody visitors are available at all times throughout the police authority area to carry out the required programme of visits. This priority must be integrated with the equally important objective of ensuring that visitors are representative of the local community and provide a suitable balance in terms of factors such as age, gender and ethnicity.
3. Managing recruitment to balance these priorities requires forward planning which focuses on factors such as the size of local groups, the number of independent custody visitors required and the level of visitor retention. Such planning is much more likely to be successful where it is based on a rolling programme of recruitment rather than only when vacancies arise. A rolling programme can also help in linking recruitment to training and ensuring a flow of new visitors who are fully aware of their duties and equipped to carry them out.
4. Police authorities might find it helpful to form a small representative group to advise on and help oversee the recruitment and selection process. In addition to a central co-ordinator, members could include police authority members, local group co-ordinators and community representatives. It might be appropriate for selection panels to be drawn from members of this group.



Codes of Practice paras 7– 8 set out the statutory requirements.

The recruitment process

5. The independent custody visitor job description should list the relevant duties and emphasise the need to provide reports and feedback as well as the basic process of attending police stations. A 'person specification' - which sets out the qualities independent custody visitors require to carry out their role effectively - can guide recruitment and interviewing and help to provide a foundation for dealing with any appeals against unfairness in the selection process.
6. Once the basis for recruitment is established, consideration must be given to how to publicise opportunities and attract applicants. Advertising in the local media is recommended as the most obvious and open way to contact a broad section of the local community. However, the need to ensure independent custody visitors are representative of the community as a whole may argue for some targeting of recruitment at specific groups, perhaps through local community organisations, police/community consultative groups, local media or via the newsletters of voluntary organisations, churches and other religious groups. Word of mouth recommendations remain a legitimate source of potential independent custody visitors, but care must be taken to ensure this does not lead to an imbalance through existing visitors recommending people from similar backgrounds to themselves. Any appointment must ultimately be made solely on merit.
7. When people enquire about appointments they should be sent basic information covering the purpose of the system, the role of the independent custody visitor, the commitment required and

the terms and conditions applicable to the local scheme. This material should accompany the basic job description and the application form.

8. All selection must be on the basis of a standard application form. The precise format is a matter for the discretion of the police authority, but ICVA has developed a suggested proforma based on extensive consultation. Details of all criminal convictions (other than those which are spent by reason of the Rehabilitation of Offenders Act 1974) cautions, reprimands and final warnings should always be sought. Asking applicants to state why they are seeking to become independent custody visitors can help in assessing motivation and relevant background knowledge and can be linked to questions about involvement in other voluntary or community work and their relevant skills. Seeking information about how they became aware of independent custody visiting can assist in reviewing recruitment strategy and it is good practice to ask for referees, who can then provide an insight into character and commitment. All application forms should include a statement that the recruitment process will be guided by equal opportunities principles.

9. Those responsible for recruitment should sift applications on the basis of the agreed person specification. In addition, a robust police vetting check should be carried out to verify information provided about criminal convictions. Application forms should request consent to such checks being carried out.

10. Suitable applicants should be asked to attend an interview and no one must be appointed as an independent custody visitor without an interview. The main purpose of this is to test suitability against the person specification referred to above, and to maintain consistency and objectivity in selecting from the field of potential independent custody visitors. The selection panel must record the reasons for decisions about appointment and non-appointment. This helps to demonstrate fairness and provides any necessary feedback to those who have been unsuccessful where requested.

11. Similar recruitment principles will generally be applicable to selecting central administrators and local co-ordinators. Certainly there is a need for clear job descriptions and person specifications. Consideration should also be given to active succession planning for these key posts, so that timely arrangements are always in hand to fill vacancies with suitably skilled and experienced people.



Codes of Practice paras 9–13 set out the statutory requirements.



ICVA has produced detailed practical guidance on recruitment procedures and is a good source of general advice in this area. To assist police authorities with their recruitment process ICVA has developed an administration section on its website, www.icva.org.uk that includes:

- **A sample independent custody visitor application form**
- **A sample independent custody visitor person specification**
- **A sample co-ordinator visitor job description**
- **A sample monitoring form for independent custody visitor decisions.**



Word of mouth recommendations remain a legitimate source of potential independent custody visitors but appointments must be made solely on merit.

The selection panel should agree the format of standard questions to test suitability against the person specification referred to above and to maintain consistency and objectivity.

Who should be selected?

12. A key priority is for independent custody visitors to be recruited from and representative of the local community. Local groups must aim for balance in terms of age range, gender and ethnicity as the scheme will lack effectiveness and credibility if those participating are drawn from too narrow a section of the local community. This inclusive approach must extend to those with disabilities and those who do not have English as their first language. All reasonable efforts should be made to accommodate applicants in these categories as independent custody visitors where they are considered suitable candidates. However it must be emphasised that the most important criterion for selection is ability to fill the custody visiting role effectively.

13. Visitors must be independent persons of good character who are able to make informed judgements in which the community can have confidence and which the police will accept as fair criticism when it is justified.

14. Where applicants have unspent convictions for criminal offences, those responsible for selection must consider any bearing that this may have on their suitability as independent custody visitors. Relevant factors will include the nature and number of any offences and how long ago they were committed. Also, how the fact or nature of any past offending might impinge on effectiveness in the custody visiting role. However, such offending must not be an automatic barrier to acceptance as an independent custody visitor and each case needs to be considered individually. Any failure to disclose unspent convictions should be taken very seriously and generally lead to exclusion unless there are exceptional circumstances.

15. In appointing independent custody visitors, care must be taken to avoid any potential conflict of interest. For example, serving police officers and other serving members of police or police authority staff will be unsuitable for this reason. The same will apply to special constables, justices of the peace and members of the police authority. Where persons in these categories have left or retired from relevant duties, they may be suitable for appointment, taking into consideration factors such as the geographical location where they would be carrying out visits and the length of time since they left the relevant employment. Applications from others involved with the criminal justice system should be considered individually. For example, solicitors and members of the probation service may find that the duties of an independent custody visitor conflicts with their professional responsibilities. However, there is no hard and fast rule in such cases and each application should be looked at on its individual merits, with regard to the public service principle of being seen to be independent and impartial.

16. There is no longer any barrier to independent custody visitors also acting as appropriate adults. However the two roles are very different, particularly in terms of the relationships between those fulfilling them and the detainees and custody staff with whom they are dealing. For that reason there should always be a clear separation between instances of acting as a custody visitor and as an appropriate adult. It is vital to avoid changing hats in ways, which might blur responsibilities and create confusion for all concerned. Other than in exceptional circumstances, it will not be appropriate to switch between the two roles during the same visit to a police station.

17. There is no reason why independent custody visitors should not also be able to act as lay observers who are appointed under the Criminal Justice Act 1991 to inspect the conditions under which prisoners are transported and held.



Codes of Practice paras 14 - 20 set out the statutory requirements.

Basis of service

18. It is vital that those recruited as independent custody visitors have a clear understanding of the expectations on them and of the support that the police authority should provide. Each visitor must be provided with a written memorandum of understanding, which summarises their agreed responsibilities and legitimate expectations. The content of this is a matter for individual authorities, but will need to include many of the issues covered elsewhere in this guidance.

19. The police authority will need to provide each independent custody visitor with a suitable pass (time-limited to their period of appointment) which functions as their approval to visit any police station or other facility in the force area holding detainees on a regular or temporary basis.



Codes of Practice paras 21 – 22 set out the statutory requirements.

Tenure

20. Independent custody visitors should be at least 18 years of age, but the Home Office does not seek to recommend any upper age limit.

21. Appointments must initially be for three years and must not be confirmed until a probationary period of six months has been satisfactorily completed. Full reviews of suitability must take place at regular intervals but no longer than three years apart. The key factors in reviewing appointments for further periods must be the continuing ability and the willingness of individuals involved to do the job effectively.



Codes of Practice para 23 sets out the statutory requirements.

Removal

22. A police authority can remove an independent custody visitor's accreditation because of misconduct or poor performance.

23. Procedures for considering possible removal should follow the principles of natural justice and be publicised.



Codes of Practice paras 24–25 set out the statutory requirements.



The central independent custody visiting administrator for the police authority area should notify the independent custody visitor concerned of the grounds on which removal is being considered and advise them that they can make oral or written representations or both. There should also be an avenue of appeal to the police authority itself. No one who heard the initial case for removal should be party to the appeal process.

Complaints procedures

24. Procedures must be in place to consider complaints against individual independent custody visitors by detainees, police personnel or others. There must also be a clear mechanism for handling complaints from visitors and issues of concern arising from their work.



Codes of Practice para 26 sets out the statutory requirements.

Payment

25. Independent custody visitors are entitled to be reimbursed for legitimate expenses incurred in carrying out their role.



Codes of Practice para 27 sets out the statutory requirements.

Insurance

26. The police authority must ensure adequate cover and provision for claims arising from independent custody visitors' role.



Codes of Practice para 28 sets out the statutory requirements.

E. TRAINING

Responsibility for training

1. The basic responsibility for training lies with the police authority and a structured plan with clear objectives should be developed in consultation with the police service and the independent custody visiting community.



Codes of Practice para 29 sets out the statutory requirements.



ICVA is a very useful source of training support and documentation. They may be in a position to contribute directly to meeting specific training needs and can provide advice on best practice derived from their extensive experience in training independent custody visitors across the whole range of knowledge and skills.

Structure and contents



The necessary training can be divided into three broad areas:

Initial training

2. This should cover the basic knowledge and skills required to effectively carry out independent custody visits. It is likely to require a minimum of one whole day, supported by appropriate pre-reading. Key contents should include:-

- The purpose of and background to independent custody visiting
- The relevant aspects of the Police and Criminal Evidence Act 1984 and of its associated Code C covering Detention, Treatment and Questioning
- Current Home Office statutory requirements
- National standards
- Local guidance, conditions of service and working practices
- The basic practicalities of conducting independent custody visits
- Communication skills to assist effective contact with detainees and custody staff
- Equal opportunities and race awareness issues
- Health and Safety issues
- Data protection considerations
- The Police Complaints System.



ICVA is a very useful source of training support and documentation. To assist police authorities and independent custody visitors ICVA has:

- Developed initial training materials available through its website (www.icva.org.uk)
- Produced a training video and accompanying trainers guide
- Designed a students workbook which includes all of the key contents
- Created a checklist / aide-memoir to assist visitors when they are carrying their visits



Central administrators and local co-ordinators are likely to have a substantial role in delivery. However, police personnel can also make a significant input to training, particularly those involved in the custody environment and who understand the issues and procedures independent custody visitors will be addressing.. The same applies to medical and other specialist staff who contribute to custody care.

Induction training

3. It will be useful for the memorandum of understanding agreed between the police authority and new independent custody visitors to include references to training arrangements and to a six-month probationary period during which experience will be acquired in a supportive environment. Only once that initial period has been successfully completed should full independent custody visitor status be granted.



Codes of Practice para 23 sets out the statutory requirements with regard to probation of visitors.



To assist police authorities and independent custody visitors ICVA has developed a number of advanced scenarios which are available through its website (www.icva.org.uk) which will assist in induction training.



The probationary period should consist of induction training based around carrying out visits in tandem with experienced colleagues. This will involve developing and consolidating skills at the police station, as well as discussing practical issues and difficulties after visits have been completed. Again, there should be some focus on the Health and Safety aspects of the visiting process.

Continuous training

4. There is always scope to refresh and enhance training and there may be specific issues to address in relation to changing legal, procedural and Health and Safety requirements, developing best practice or practical issues emerging from the visiting process.



Conferences and other gatherings organised by the ICVA are a further opportunity to benefit from others' knowledge and experience. To assist police authorities and independent custody visitors ICVA has developed a number of advanced scenarios which are available through its website (www.icva.org.uk)



Regular meetings between groups of independent custody visitors provide an opportunity to share information and experience. ICVA produces a quarterly magazine, *Visiting Times*, to keep visitors informed of related issues to the process and containing articles of interest.

Evaluating training

5. The police authority must evaluate the effectiveness of training and the extent to which it is achieving its objectives.



Codes of Practice para 30 sets out the statutory requirements.

The extent to which overall training objectives are being achieved should be tested by examining its impact on the visiting process at police stations. Those responsible for training should seek feedback from both recipients and those delivering it.



ICVA has a training evaluation sheet to assess feedback from students who attend its initial training sessions.

F. FREQUENCY AND COVERAGE

1. The police authority should liaise with the chief constable about the frequency with which visits should be carried out.
2. Visits must be sufficiently regular to support the effectiveness of the system, but not so frequent as to unreasonably interfere with the work of the police.
3. The frequency of visits must be monitored against expectations and reported to the police authority at regular intervals.
4. Where insufficient visits are taking place the causes should be investigated and corrective action taken.
5. Consideration must be given to making visits to all police stations where detainees are held, even where they are only accommodated for relatively short periods of time.
6. Visits will generally be less frequent in such cases, but that will depend on local circumstances.
7. There may be occasions when a special visit is justified in agreement with the police. For example, when there is particular tension within the local community about the treatment or well being of someone in detention. Local groups should be ready to consider and respond to such requests from the police.
8. Where there has been a death in police custody, the police authority must be informed as soon as possible. Consideration will then need to be given to whether a visit would be helpful in terms of informing and reassuring the local community. If it is agreed that a visit should be made it should be on the basis of a clear understanding as to how that feedback to the community will be achieved. Any visit following a death in custody or some other major incident should not be allowed to interfere with any relevant investigation which may be taking place. There may be circumstances in which the senior investigating officer dealing with such an incident needs to refuse or restrict access to particular area.



Codes of Practice paras 31-34 set out the statutory requirements.

9. Establishing and maintaining a programme of frequent visits is fundamental to the effectiveness of the system. Infrequent visiting is unsatisfactory in terms of community reassurance, building appropriate relationships with police staff and developing independent custody visitors' relevant skills.
10. It is unlikely that visits less frequent than once a month can ever be justified where stations designated for detention purposes under section 35 of PACE are concerned. Busy stations with a steady throughput of detainees will generally warrant visits at least once a week. In the busiest areas or where there are special considerations in terms of police/community relations or other factors, there may be a case to visit more than weekly.
11. Visits should also be considered and allowed where, following mass arrests, detainees are held for some time, possibly in vehicles within the police station yard or temporarily in a holding centre, prior to being booked into a station and formally detained there.

G. WORKING ARRANGEMENTS

1. This section covers a series of issues linked to the process of carrying out visits at police stations. It focuses on general principles and more detailed practical guidance is available from ICVA - info@icva.org.uk

Conducting visits

2. Visits should normally be undertaken by pairs of independent custody visitors working together. Visits should only be undertaken by a single independent custody visitor working alone where the police authority has carried out a thorough and robust assessment of the risks this presents and has concluded that it is, in all circumstances, the best option. Some of the risks which may arise from solo visits are a reduction in visitor safety, the removal for one visitor to provide a check on the effectiveness and appropriateness of the other's behavior, and the removal of the capacity for them to verify and support each others' findings.



Codes of Practice para 35 sets out the statutory requirements.



If one member of the team should not be able to attend for any reason the standard procedure should be to postpone the visit. No more than two visitors should normally attend at any one time as any more may place an excessive burden on custody staff.

Local co-ordinators should roster pairs of independent custody visitors to make an agreed minimum number of visits to an allocated station or stations within a fixed time period. Visits should be unannounced and should not develop a regular pattern.

H. VISITING PROCEDURES AT STATIONS

1. Independent custody visitors must be admitted to the custody area immediately. If access is delayed this will affect the credibility of the independent custody visiting scheme. Access should be delayed only when the visitors may be placed in danger, for example if there is a disturbance in progress in the custody area. A full explanation should be given to the visitors as to why access is being delayed, which must be recorded by the visitors in their report.

2. In the interests of security and the safety of independent custody visitors, the custody officer or a member of the custody staff must accompany them during visits. However, the escorting officer should normally remain out of hearing during discussions between visitors and detainees.



Codes of Practice paras 36 - 39 set out the statutory requirements.

3. It is inappropriate for access to be delayed because the custody officer is busy. In such circumstances the visitors should be admitted to the custody area but invited to wait until the custody officer or another officer is available to escort them on the visit.
4. Independent custody visitors must have access to all parts of the custody area including cells, detention rooms, charging areas, washing facilities, kitchen or food preparation areas and medical room (but not the drugs cabinet).
5. Visitors will wish to satisfy themselves that these areas are clean, tidy and in a reasonable state of repair and decoration, and that bedding in cells is clean and adequate.
6. Relevant storage areas may also be seen and visitors should check that there are adequate stocks of bedding and other necessary items.
7. They should also verify that arrangements are established for the cleaning of blankets etc and for any necessary replacement of furnishings and equipment.
8. They should check that any CCTV systems installed to observe the custody area or individual cells are operating properly.
9. They may inspect empty cells and detention rooms to check heating/ventilation systems and that cell bells and toilet flushing mechanisms are working properly.
10. They may visit interview rooms in the custody area if unoccupied, but it is not part of their role to attend police interviews with detainees.
11. Visitors may not visit CID rooms or other operational parts of the station.
12. In addition to the risk of violence from detainees police staff must also be aware of any specific health or safety risks independent custody visitors might face and should advise them as appropriate. For example, visitors must always be told if there is a possibility of them coming into contact with detainees or cells exposed to CS spray.



ICVA has developed a checklist to assist independent custody visitors to carry out their inspections

Access to detainees

13. Subject to the exceptions referred to below, independent custody visitors must be allowed access to any person detained at a police station. Detainees will fall into the following categories:

PACE prisoners

These will constitute the vast majority and are held under the provisions of the Police and Criminal Evidence Act 1984.

Home Office prisoners

These are remanded or sentenced prisoners who would normally be held in prison.

Immigration detainees

These are persons held under the Immigration Act 1971 and Immigration and Asylum Act 1999 who are subject to deportation proceedings or who are waiting to be removed from the UK as illegal entrants.

People at risk

These may be persons held under the Mental Health Act 1983 for their own protection or children taken into police protection under the Children Act 1989.

14. Persons detained under the provisions of PACE who need for whatever reason to be held in hospital may be visited there with the agreement of the hospital authorities.

15. Persons detained by non-Home Office police forces such as the British Transport Police are not covered by these arrangements. However, they may be visited with the consent of the force concerned and the spirit of these guidelines should be applied to any such visits.

16. Detainees can only be visited with their consent and the escorting officer is responsible for establishing whether or not they wish to see the independent custody visitors. This should be done within the hearing, but - where practical - out of sight of the visitors in order to preserve the privacy of detainees. The escorting officer's introduction is a very important factor bearing on the effectiveness of the whole system of independent custody visiting and he or she should introduce the visitors in a positive way which will encourage the detainee to see them. Whether or not the detainee agrees to see the visitors the escorting officer must seek permission for them to have access to the detainee's custody record.

17. If a detainee is not in a position to give consent, perhaps because of the effects of drink or drugs or by virtue of a mental illness, the escorting officer must allow access unless it is considered that the independent custody visitors' safety would be at risk. In such circumstances the visitors may wish to speak to the detainee through the cell hatch. This may also apply where consent is given, but the escorting officer judges the visitors would be in danger from a violent or potentially violent detainee if they entered the cell.

18. Sleeping detainees can be woken at the discretion of the escorting officer to seek consent to a visit. However, where this would involve interrupting the continuous period of eight hours rest provided for under PACE, the normal procedure should be not to wake the person but to observe them through the cell hatch.

19. Police interviews with detainees should not be interrupted to facilitate visits. However, independent custody visitors may await the completion of the interview if they wish to see the person concerned.

20. Juveniles may be visited with their own consent. It is not necessary to obtain the additional consent of a parent or guardian. If an appropriate adult is in attendance to support a juvenile or vulnerable person, the detained person's wishes should be sought and respected as to whether the appropriate adult should attend any visit.

21. In exceptional circumstances the police may judge that it is necessary for a detained person not to be seen by independent custody visitors in order to avoid any possible risk of prejudicing an important investigation. Any decision to deny visitors' access to a detained person should be taken by an officer of or above the rank of inspector and recorded in the custody record. The decision to deny access should be taken in each case in the light of all relevant circumstances. There should be no presumption that access should be denied to any particular category of detainee or because a decision has been made that a person should be held incommunicado.



Codes of Practice paras 40-45 set out the statutory requirements.



ICVA has developed a checklist to assist independent custody visitors to carry out their visit / interviews with detainees



Police authorities and their visitors have developed cue cards that should either be read out or viewed by detainees to obtain their consent

Conversations with the detainee

22. Conversations between detainees and independent custody visitors must normally take place in sight but out of hearing of the escorting officer. If for some reason the police consider that the escorting officer should remain within hearing, the custody officer must take this decision. Visitors should bear in mind, however, that some detained persons may be violent or under the influence of drink or drugs and that the presence of a police officer may deter or prevent assaults on the visitor.

23. Visits should normally be conducted in English or, where applicable, Welsh. Translation support should be provided where necessary. On occasions it may be more appropriate to conduct a visit in another language spoken by the detainee, if one of the independent custody visitors is fluent in that language. However, in such circumstances care must be taken to ensure that any other visitor present is kept informed about what is being said.

24. Conversations must focus on checking whether or not detainees have been offered their rights and entitlements under PACE (including receipt of the necessary paperwork) and on confirming whether the conditions of detention are adequate. Independent custody visitors should do all they can to encourage an open exchange with the detainee and may wish to use a checklist to ensure that they cover all the relevant issues.

25. Independent custody visitors must remain impartial and must not seek to involve themselves in any way in the process of investigation. If detainees press them for advice about co-operating with the police, making a statement or anything in relation to their defence, they should explain that it is not part of their role. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the visitor must tell them that the relevant contents of the visit may be disclosed to the police and may be later used in legal proceedings. If the detainee's concerns are linked to not yet having received legal advice, that is something the visitors may wish to take up with the escorting or custody officer.

26. If an independent custody visitor realises they know or are known by a detainee, they must consider whether to withdraw from the visit. The decision will depend on the nature of the relationship and its likely effect on the visitor's impartiality.

27. Independent custody visitors must not pass messages for detainees or perform other tasks on their behalf and must inform the custody officer immediately if they are asked to do so.

28. Independent custody visitors are primarily concerned with overall conditions, standards and procedures at police stations. However, immediate concerns about the treatment of particular individuals must be passed on to those in a position to take corrective action. If a detainee indicates that they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.



Codes of Practice paras 46 - 51 set out the statutory requirements.

Custody records

29. Subject to obtaining the detainee's consent to view their custody record, the independent custody visitors should check its contents against what they have been told by the detainee. In particular, visitors will wish to verify:

whether entitlements under PACE have been given and signed for
that medication, injuries, medical examinations, meals/diet are recorded
that procedures to assess special risks/vulnerabilities presented by the detainee have been properly recorded
the timing and frequency of cell inspections of inebriated or otherwise vulnerable detainees
the timing of reviews of the continuing need for detention

If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption must be in favour of allowing the independent custody visitors to examine the record.



Codes of Practice paras 52 - 53 set out the statutory requirements.

CCTV footage

30. The introduction of CCTV into custody suites has raised the question of whether independent custody visitors should have access to footage. This is ultimately a matter for local discretion, but the Home Office view is that visitors should carry out their functions in person and not by viewing either live CCTV pictures or recorded footage. Their role is fundamentally interactive with both detainees and police staff and cannot be discharged remotely. There may also be issues about infringing the privacy of detainees who have not consented to visitors observing them using CCTV. However, where specific incidents or circumstances arise as issues and have been captured on CCTV, visitors might reasonably be allowed access where both the police and the detainee(s) concerned consent. Visitors should be able to ask the custody officer whether the CCTV is working and be given a demonstration if necessary.

Medical issues

31. Independent custody visitors have no right to see the detainee's medical records, even where these are attached to the custody record. However, key points relevant to medical treatment should be recorded in the custody record itself. Visitors will wish to pay particular attention to detained persons who are suffering from any form of illness, injury or disability. They should

satisfy themselves that, if appropriate, medical advice has been obtained and establish from the custody officer what instructions for medical treatment have been given and confirm by consulting the custody record that these instructions have been carried out.



Codes of Practice para 54 sets out the statutory requirements.

Dealing with issues and complaints

32. Where a detainee makes a complaint or raises an issue about their general treatment or conditions at the police station, independent custody visitors must (subject to the detainee's consent) take this up as soon as possible with custody staff or other staff at the police station in order to seek a resolution. The same applies to similar issues identified by visitors in the course of their attendance.

33. If a detainee makes a complaint of misconduct by a police officer, he or she must be advised to address it to the duty officer in charge of the police station. With the detainee's consent, it may be appropriate for independent custody visitors to notify the duty officer that the detainee wishes to make a complaint. In addition visitors may want to remind them that they can seek legal advice in relation to the complaint or ask to see a doctor if an alleged assault is involved. However, such complaints must be dealt with through the formal procedures which are laid down and there is no broader role for visitors. They must not involve themselves in individual cases or make representations on detainees' behalf.

34. Remand or sentenced prisoners held in police stations who seek to complain about their conditions or treatment in prison should be advised that independent custody visitors cannot involve themselves in such matters and that there are recognised procedures open to them such as writing to or petitioning the Home Secretary or writing to their solicitor or Member of Parliament.



Codes of Practice paras 55-56 set out the statutory requirements.

Effective working relationships

35. For independent custody visiting to be effective it is essential that independent custody visitors and police staff develop and maintain professional working relationships based on mutual respect and understanding of each others' legitimate roles. Such relationships can only exist where there is politeness and consideration on both sides. On the other hand, there is a range of behaviour, which has the potential to create tension, and conflict and some examples are given below. Visitors may cause difficulties by:

- failing to appreciate police priorities
- engaging in excessive petty criticism
- criticising officers in reports without bringing that criticism directly to their notice
- adopting an overly adversarial approach
- concentrating on finding fault and trying to catch the police out
- becoming involved in an investigation or advising the detainee on that investigation

- criticising police action or questioning their judgement in areas outside the visitor's remit
- telling or suggesting to the police what they should do
- making promises to a detainee on behalf of the police
- breaching confidentiality.

36. On the police side, problems may arise from:

- failing to accept independent custody visitors' status and recognise their responsibilities
- demeaning or belittling visitors
- treating visitors with indifference or disrespect
- unreasonably delaying or limiting access to custody areas
- being insufficiently positive when introducing visitors to detainees.

37. All these issues must be seen against the background of the need to strike the right balance between establishing effective working arrangements and developing a relationship that is too close and cosy. Where the latter occurs it becomes increasingly difficult for independent custody visitors to provide the objective and constructive review of procedures and conditions which is a key part of their role.

38. Allowing for the factors covered in this section and for other issues emerging locally, the police authority may wish to consider developing its own code of conduct for independent custody visiting.



Codes of Practice para 57 sets out the statutory requirements.

Reporting on a visit

39. Recording the contents of a visit is one of the most important aspects of the system. Independent custody visitors may wish to make notes in the course of the visit, but should explain to the detainee why they are doing so.

40. At the end of each visit, and while they are still at the police station, independent custody visitors must complete a report with their findings. Custody staff should not be present while visitors discuss and complete reports and wherever possible they should be able to use a private area for this purpose. Details must include both specific matters (which may already have been brought to the attention of police staff) and more general issues relating to custody conditions or procedures. All reports must be completed in English or, where applicable, Welsh, even if the visit has been conducted in another language.

41. One copy of the report should remain at the station for the attention of the officer in charge and it may also be helpful to keep one within the custody suite for reference purposes. Copies should also go to the police authority and to the co-ordinator of the local independent custody visiting group. There may be additional local requirements for copies to be passed to others involved in the process.



Codes of Practice para 58 sets out the statutory requirements.



ICVA has developed a national report form that is available to police authorities and complements the software package.

Confidentiality and disclosure

42. Report forms must include an undertaking not to reveal the names of persons visited or other confidential information obtained in the course of a visit. Breach of this undertaking may make a visitor liable to civil proceedings by the detained person concerned. Independent custody visitors also need to be aware that the unauthorised disclosure of facts concerning police operations or the security of police stations may constitute an offence under section 5 of the Official Secrets Act 1989.

43. Conversations between independent custody visitors and detainees are not privileged and it would be open to a court to issue a witness summons requiring the attendance of a visitor to give oral evidence or to produce documents such as a report of a particular visit. Visitors are under no obligation to give evidence or produce documents other than in response to a court order, but would be obliged to respond to such an order.



Codes of Practice paras 58-59 set out the statutory requirements.



ICVA has developed a national report form that is available to police authorities and has the appropriate declaration

I. FEEDBACK AND MAKING A DIFFERENCE

1. If independent custody visiting is to be effective, systems must be in place to ensure that the output from visits is drawn to the attention of those who are in a position to respond. This reporting occurs at various levels and a quick and positive reaction from those receiving it is one of the surest ways to strengthen and consolidate the independent custody visiting system.

2. The first key relationship is between independent custody visitors and the custody staff who will be the immediate recipients of practical issues and observations emerging from visits. Second, there is the interface with the officer in charge of the police station. Effective dialogue and responsiveness at these levels is the foundation of the whole system.

3. The co-ordinator of the local independent custody visiting group is responsible for drawing together issues, identifying trends emerging from visits in their area and addressing these with relevant police supervisors. They should also collate regular reports for submission to the independent custody visiting administrator operating at the police authority level.

4. The central administrator should have a regular and formal opportunity to raise concerns and issues with a designated senior officer with force-wide responsibilities. It will usually be appropriate for that officer to be of Assistant Chief Constable rank. The central administrator should also produce regular reports for the police authority summarising the output from independent custody visiting and the way in which concerns have or have not been addressed. These reports should be discussed at police authority meetings as appropriate and reflected in an entry about independent custody visiting in the police authority's own annual report.

5. It cannot be emphasised strongly enough that the key to the effectiveness of these feedback arrangements at every level is a rapid and appropriate response by the police to concerns raised by the independent custody visitors. If that response is delayed or grudging, working relationships will deteriorate rapidly and the whole system may start to slip into disrepute.



Codes of Practice paras 60 - 62 set out the statutory requirements.

Sharing experience and concerns

6. The practice of independent custody visiting and the output from it will be greatly strengthened by providing regular opportunities for visitors to meet together to discuss their work. Such meetings can cover the practicalities of carrying out visits as well as issues emerging from them. In addition, they can alleviate the feeling of isolation which can frequently accompany an activity that is often carried out with just a single colleague, often at unsociable hours.

7. Central administrators and local co-ordinators should take the lead responsibilities for arranging such meetings at the appropriate levels. Members of each local group should have the opportunity to meet together, as should the set of local co-ordinators working within the police authority area. An annual conference open to all independent custody visitors in the area can be a very positive way to strengthen bonds with colleagues and build a sense of common purpose.

8. The ICVA provides a number of opportunities for independent custody visitors to meet at regional and national level. These can be an excellent way to stay in touch with developments in independent custody visiting and to learn from practice in other police authority areas.



Codes of Practice para 63 sets out the statutory requirements.

Reviewing performance

9. It is important that police authorities take steps to assess how effectively their independent custody visiting arrangements are working. Some significant indications will emerge from the quality and coverage of reports they receive, although there are some more specific measures, which can usefully be taken account of.

10. All authorities should collect and regularly review the visiting statistics for the groups in their area. This will indicate whether expectations of frequency are being met and highlight any locations or groups where corrective action is necessary.

11. Authorities should also collect information on the proportion of occasions on which detainees refuse to see independent custody visitors. This can indicate something about the detainees' perception of the visiting system, as well as reflecting the effectiveness with which visitors are introduced at police stations.

12. Authorities should review performance in relation to specific aspects of independent custody visiting practice, for example report writing and training. The ICVA may be able to assist with such reviews, taking advantage of its broad experience in supporting independent custody visiting in a wide variety of areas. HMIC will also retain a significant role by monitoring independent custody visiting arrangements as part of the standard inspection of forces.

13. Very helpful information on the effectiveness with which visits are carried out can be obtained by inviting feedback from custody staff. This can be an important developmental resource for independent custody visitors and there is scope for it to be used more widely.

14. The section covering independent custody visiting in the police authority's annual report should include material about performance review, an explanation of the reasons for any shortfalls and an indication of the remedial action taken.



Codes of Practice para 64 sets out the statutory requirements.



ICVA has developed a computer software package which provides police authorities with statistical and management information about their schemes and their visitors. It has also produced a standard national report form that is available to police authorities.

Raising awareness

15. An essential purpose of independent custody visiting is to strengthen public confidence in procedures at police stations and that implies the need for publicity. Raising awareness is also vital to supporting effective recruitment. Internally, it is important to ensure that relevant police staff have a knowledge and understanding of independent custody visiting and that suitable information is provided to detainees.

16. Explanatory notices should be available for detainees, while posters and other publicity material at the police station and other public buildings will help to advertise the independent custody visiting system.

17. The regular newsletters produced by many administrators and co-ordinators can be circulated more widely both within and outside the force. In addition, there is often scope for those involved in independent custody visiting to give talks or presentations to local institutions and community groups. Sometimes, there may be opportunities to discuss or refer to independent custody visiting in contributions to the local press or other media.

18. These are just some suggestions and further advice can be obtained from the Home Office or from the ICVA, which has its own national newsletter, "Visiting Times".

19. It is important that those responsible for the administration of the independent custody visiting system at force and local levels should understand that publicity is an important aspect of their role and that they should develop an appropriate strategy. That should include making best use of entries in the police authority's annual report and other material produced by the authority.

20. Finally, systems should be in place to monitor the impact and effectiveness of publicity, for example in attracting new applicants to become independent custody visitors.