



**AVON &
SOMERSET**
POLICE & CRIME
COMMISSIONER

INDEPENDENT CUSTODY VISITING SCHEME HANDBOOK

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<p>History of Changes:</p> <p>Version 4 2018: General update; Rota circulation to ICVs; Leave personal items in ICV box or Custody report room.</p> <p>V5 2019: Annex letters revised; Annex K added; Section 3: Insurance. Narrative removed regarding over 75-year-olds. Insurance is the same for all ages.</p> <p>Access to Detainees: Denied or limited access explained for two reasons: i. ICV safety or ii. Prevention of the interference with the justice process.</p> <p>V6 2019: Updated for PACE Code C changes.</p> <p>V7 2020: Refresher read.</p> <p>V8 2021: New PCC foreword; Pandemic blended ways of working added; PACE code C link added; Appointment termination; ICV impartiality and effective working relationships; Visit reports.</p> <p>V9 2023: Revert to pre-Pandemic visits in pairs, OPCC contact details amended</p>

FOREWORD

The Avon and Somerset Custody Visiting Scheme makes a vital contribution to my role promoting public trust and confidence in the Police and holding the Constabulary to account for the services they provide. We are proud to have one of the largest schemes in England, with approximately 60 volunteers visiting custody units across our policing area, with the aim of making custody provision outstanding.

This handbook provides a guide for both trained and vetted volunteer ICVs and custody staff so that the scheme is efficient and effective in safeguarding the welfare and ensuring the rights and entitlements of detainees, as well as giving praise when best practice is seen and equally addressing any issues or concerns where they arise. This guidance aims to make sure that ICVs are clear about their role and aware, from the outset, of what they can expect from the Office of the Police and Crime Commissioner (OPCC) throughout their time as volunteers.

May I thank you all formally for your contribution to our Independent Custody Visiting Scheme. We couldn't do it without you and your time and commitment is very much appreciated.

Mark Shelford
Police and Crime Commissioner for Avon and Somerset

INTRODUCTION AND OBJECTIVES

- 1.1 This Handbook has been produced for the information and guidance of people who undertake the role of Independent Custody Visitor (ICV) to Police Stations and those responsible for the custody and welfare of persons in Police detention. All ICVs are given a copy of this handbook. Copies have also been issued to Custody Units within Avon & Somerset, for the information of Custody Staff, and so that it may be referred to at the Police Station by ICVs and Police Officers.
- 1.2 There are a variety of different reasons as to why we have independent custody visiting. Some key legislation and guidelines are outlined below.

The Scarman Report

Custody Visiting (previously known as 'Lay Visiting') to Police Stations owes its origin to Lord Scarman's report following the Brixton riots in 1981. The report recommended a system of independent, unannounced inspection of procedures and detention in police stations by members of the local community. The intention was to counteract public mistrust of the police and to increase their accountability.

The Police Reform Act

Custody Visiting became a statutory requirement in 2002 under Section 51 of the Police Reform Act. The responsibility for organising and overseeing the delivery of Custody Visiting transferred from the Police Authority to the Police and Crime Commissioner in November 2012 in consultation with the Chief Constable.

The Police and Criminal Evidence Act (PACE)

This act, established in the 1980s, states a specific code of practice in how police officers carry out their duties. The act also set out the rights of people detained by the police for suspected offences or crimes. The procedures that must be followed during the Detention, Treatment and Questioning of Persons by Police Officers is covered by Code C of PACE. The PACE act is a significant source of reference for ICVs carrying out their inspections of police custody.

European Convention on Human Rights (ECHR)

The ECHR was adopted in the year 2000 in the UK. The legislation states that:

- Detainees are treated according to UK legislation and their basic human rights are respected.
- ICVs are aware of appropriate Human Rights Articles, and they perform their duties in accordance with them.
- PCCs who operate their recruitment and selection policies have regard to European Human Rights.

Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment 2002 (OPCAT)

OPCAT is an international protocol designed to support national preventative measures such as independent custody visiting by implementing a system of custody visits to those deprived of their liberty.

- 1.3 The purpose of custody visiting is to enable members of the local community to observe, comment and report on the conditions under which people are detained at police stations. The Scheme provides an independent and impartial check on the way that police personnel carry out their duties with regard to detained persons and is aimed to increase public confidence in these matters.
- 1.4 Custody visiting must be carried out with the consent of all parties involved: the community from which volunteers are appointed, the police, and the detainee.

Non-consensual checks may take place in the interests of a detainee where consent cannot be given because of language, understanding or health difficulties.

- 1.5 In carrying out visits, ICVs should be guided by the Home Office Codes of Practice governing custody visiting. This is a separate document - **Annex A**.
- 1.6 Training is provided for all ICVs to ensure that they are aware of the law and how it applies to the detention of people in police custody, and that they have knowledge of a detainee's rights and the limits of police powers. The Police and Criminal Evidence Act 1984 (PACE) Code C (see summary in document **Annex B**), deals with the Detention, Treatment and Questioning of Persons by police officers and procedures that must be followed are of particular relevance to ICVs in their role. Copies of PACE Code C are available in all police stations.

ABOUT AVON AND SOMERSET CUSTODY VISITING SCHEME

2.1 Management of the Scheme

- 2.1.1 The Avon and Somerset Police and Crime Commissioner is responsible for establishing and maintaining the Custody Visiting Scheme within the Avon and Somerset Constabulary area, and for ensuring that the Scheme is effective.
- 2.1.2 The frequency of custody visits is set by the Police and Crime Commissioner in consultation with the Chief Constable, and in line with Government guidelines stating that visits must be sufficiently regular to support the effectiveness of the system, but not so frequent as to interfere unreasonably with the work of the police. The Police and Crime Commissioner receives reports on an annual basis providing an analysis of custody visits undertaken throughout the year, issues raised and how ICV's concerns have been addressed. This annual report is published on the Avon and Somerset Police and Crime Commissioner's website.
- 2.1.3 The Custody Visiting Scheme is currently organised into three Panels aligned with the three designated custody units in the Avon and Somerset Constabulary area: Patchway Police Centre, Keynsham Police Centre and Bridgwater Police Centre. ICVs are allocated upon appointment to a specific Panel. Unannounced visits are made at least once per week to the three designated custody units.
- 2.1.4 The OPCC has responsibility for organising and overseeing the delivery of the Custody Visiting Scheme. The OPCC may therefore request that ICVs transfer between Panels (subject to agreement) to meet visiting requirements. Any specific requests for transfer must also be directed to the OPCC for consideration and approval based on overall Panel strength and the circumstances relating to the individual request.
- 2.1.5 A Coordinator is appointed from each Panel to organise the rota of visits and to act as the first point of contact for ICVs if they have any difficulties. Panels meet on a quarterly basis, attended by the local Custody Inspector and a member of the OPCC staff. A role description for Panel Coordinators is in document **Annex C**.
- 2.1.6.1 The Scheme is supported by: OPCC Staff – Staff within the OPCC provide support for the management, administration, policy development and training requirements of the Scheme.

2.2 Equality, Diversity and Human Rights

- 2.2.1 Promoting equality and diversity is an important element of the work of the OPCC. As representatives of the Police and Crime Commissioner, ICVs are expected to carry out their role in accordance with these principles. Further information about the Police and Crime Commissioner can be found at www.avonandsomerset-pcc.gov.uk
- 2.2.3. The Police and Crime Commissioner also has a duty to monitor the performance of the Constabulary in complying with duties imposed by the Human Rights Act 1998. The Custody Visiting Scheme makes an important contribution to safeguarding the rights and welfare of people held in police detention and checking the conditions in which they are held.
- 2.2.4 Training in these duties, and how they relate to the role of the ICV, is provided upon appointment and thereafter through Panel Meetings, the Custody Visiting Newsletter, and additional training sessions as required.

- 2.2.5 ICVs represent the community and aim to provide public confidence. The PCC's office will endeavour to ensure that ICV membership of panels reflect the diversity in the community.

2.3 Complaints Procedures

- 2.3.1 It is the responsibility of the Police and Crime Commissioner to address any concerns in relation to the frequency of visits and the effectiveness with which visits are carried out during the course of the year.
- 2.3.1 Any complaints relating to the Custody Visiting Scheme should be dealt with as follows:

Complaints about the Custody Visiting Scheme

The Police and Crime Commissioner has overall responsibility for the Custody Visiting Scheme. Any complaints in relation to the Custody Visiting Scheme, services provided by the OPCC, or Staff or Members involved in the Scheme should be made ideally in writing to the Chief of Staff of the OPCC. Complaints will be dealt with in consultation with the Police and Crime Commissioner as appropriate.

Complaints against Police Personnel

Complaints by ICVs against police personnel should be raised at the time with the Custody Sergeant or Duty Inspector. If it is considered inappropriate to raise the complaint at the time, details should be forwarded to the PCC's Scrutiny & Assurance Manager who will pass the complaint to the Constabulary to be dealt with under police complaints procedures.

In either situation, all complaints relating to police personnel must be notified as soon as possible by the ICV to the Scrutiny & Assurance Manager, ideally in writing via email.

Complaints against ICVs

Complaints against individual ICVs may come from different sources, including detainees, police personnel, fellow visitors, or others who may encounter them in the course of their duties.

We are committed to working with our ICV volunteers to resolve any issues that arise at the earliest opportunity and will ensure that the matter is handled in a fair, transparent and supportive way.

If a complaint is made against an ICV, the following procedure will be followed:

- i. Informal Complaint: ICVs are encouraged to raise any concerns or complaints informally with the Scrutiny & Assurance Manager as soon as possible after an issue arises. The Scrutiny & Assurance Manager will listen carefully to the ICV's concerns, provide support and assistance as required and attempt to resolve the issue as quickly as possible.
- ii. Formal Complaint: If the ICV is not satisfied with the outcome of the informal complaint process, or feels that the issue is too serious for an informal complaint, they may submit a formal complaint in writing to the Scrutiny & Assurance Manager. The complaint should include details of the issue, the

steps taken so far to resolve it, and any supporting documentation or evidence. The Scrutiny & Assurance manager will acknowledge receipt of the complaint within five working days.

- iii. Investigation: The Scrutiny & Assurance Manager will investigate the complaint and determine the appropriate action to take. The investigation may involve speaking with the volunteer, other volunteers, staff members or any other parties involved in the complaint. The Scrutiny & Assurance Manager will keep the ICV informed of progress and expected timelines for resolution.
- iv. Resolution: The Scrutiny & Assurance Manager will communicate the outcome of the investigation and any action taken to the ICV. If the complaint is found to be valid, the Scrutiny & Assurance Manager will take steps to prevent a recurrence and address any harm or impact caused by the issue.
- v. Appeal: If the ICV is not satisfied with the outcome of the formal complaint process, they may request a review of the decision. The request for the review should be made in writing to the OPCC Director of Performance & Accountability within five working days of receiving the outcome of the formal complaint process. The Director of Performance & Accountability will investigate the appeal and provide a final decision.

Potential Outcomes of a Complaint against an ICV:

- i. No Action Taken: If a complaint is found to be unfounded or without merit, no further action will be taken, and the ICV will be informed of the decision.
- ii. Informal Resolution: If the complaint is regarding a minor issue, an informal resolution may be sought. The Scrutiny & Assurance Manager may speak with the ICV and complainant to resolve the issue without formal action.
- iii. Written Warning: If the issue cannot be resolved by the oral discussion or the performance review, and/or in circumstances where the outcome of the oral discussion or performance review has resulted in an action plan for improvement, but those improvements have not been achieved/maintained, a written warning may be issued.

In considering whether a written warning will be issued, the Scrutiny & Assurance Manager will first meet with the volunteer to explain the reasons why a written warning is being considered, and the next steps. The volunteer can be accompanied at this meeting by a person of their choosing should they so wish, however the OPCC will require prior notification.

Depending on the nature of the matter, further objectives could be set, and help offered to the volunteer at this stage to support improvements in performance where necessary.

The Scrutiny & Assurance Manager will provide a summary of the discussion, and any actions and outcomes that have been agreed within the written warning within seven working days of the meeting.

- iv. Further Action Following a Written Warning: If the volunteer fails to adhere to the requirements in the written warning, the volunteer's role with the OPCC. The volunteer will be informed of this decision by the Scrutiny & Assurance Manager. This stage is seen as the last resort in resolving issues.

- v. Suspension: In circumstances when it has become necessary for a volunteer to be suspended from their role (for example whilst an investigation into a matter is undertaken). The Scrutiny & Assurance Manager will first meet with the volunteer to explain the reasons why suspension is being considered, and the next steps. The volunteer can be accompanied at this meeting by a person of their choosing should they so wish, however the OPCC will require prior notification.

A suspension from the volunteer role should not be considered as an implication of guilt but as an opportunity for an appropriate investigation to take place. We will provide a summary of the discussion, and the outcome as soon as possible, within seven working days of the meeting.

- vi. Termination: If the complaint is severe, the ICV may be terminated from their volunteer position. The ICV will be informed of the decision and the reasons behind it.
- vii. Training or Coaching: If the complaint is related to a lack of knowledge or skills, the volunteer may be required to undergo additional training or coaching to address the issue.
- viii. Opportunity to Appeal: If the ICV wishes to appeal against the outcome, the appeal should be made in writing to the Chief of Staff. Every attempt will be made to resolve the complaint in a timely manner.

Should a volunteer appeal a suspension or termination, they will be suspended from their volunteering role whilst this appeal is ongoing.

- ix. Exceptions: A volunteer can be suspended immediately from their role while an issue is investigated. The occasions on which this may be necessary include but are not limited to acts that constitute gross misconduct e.g., theft, assault, violence, malicious damage, harassment, bullying, discrimination, serious health, and safety breaches, being under the influence of drugs or alcohol, and misuse of confidential data.

It is important to note that any outcome will depend on the specific circumstances of the complaint.

ABOUT THE ICV ROLE

3.1 Eligibility

- 3.1.1 Subject to the exceptions set out below, the PCC's office may appoint as a ICV any person over 18 years of age who lives, works, or studies in the Avon & Somerset Constabulary area. ICVs should be persons of good character who are able to make unbiased observations, in which the community can have confidence, and which the police will accept as justified. Applications are welcomed from all sections of the community, to represent the community with the aim of maintaining public confidence. The OPCC endeavours to ensure that ICVs recruited to the Scheme are reflective of the diversity of the local population.
- 3.1.2 Anyone who has been convicted of an offence which could be punishable with imprisonment within the last five years, or who has ever served a term of imprisonment or detention, may not be suitable for this reason. All applicants are required to complete a vetting questionnaire. Applicants will be asked to include details of any convictions, other than those which are spent by reason of the Rehabilitation of Offenders Act 1974, and to consent to police vetting enquiries being made.
- 3.1.3 Applications will not be considered from people who are or have been:
- (a) Justices of the Peace in Avon & Somerset; or
 - (b) An officer or ex-officer of a Police Force (this may include serving and former members of the Special Constabulary, Police Community Support Officers (PCSOs) and support staff employees); or
 - (c) Under the age of 18 years (at the time of appointment)

Other people may be excluded if they have a direct involvement in the criminal justice system in Avon & Somerset, such as solicitors, officers of the CPS, Probation Service or Prison service. Each application will be treated on its merits, but the over-riding factor will be to prevent possible conflicts of interest and to maintain the independence and integrity of the Scheme as a whole.

3.2 Recruitment and Selection

- 3.2.1 The OPCC will seek to appoint sufficient ICVs to ensure that visits can be made in line with the agreed visiting frequency and in accordance with agreed rotas. The OPCC will recruit ICVs by inviting applications from the general public. This will be done by means of public advertisement using local media, and any other means which the OPCC may consider suitable.
- 3.2.2 Selection will be made based on an agreed recruitment process.
- 3.2.3 All potential applicants will be sent an Application Pack.
- 3.2.4 ICVs are appointed following an interview undertaken by the selection panel (which should usually include the ICV Coordinator of the relevant Panel). Selection will be based on an applicant's suitability as detailed in the Person Specification (see document **Annex D**) and Role Profile/Description (Document in **Annex E**), and in line with the PCC's commitment to Equality and Diversity. All appointments are subject to satisfactory references and vetting.
- 3.2.5 All ICVs are expected to sign a volunteer agreement which summarises the responsibilities and expectations of the role and outlines key policies and procedures.

- 3.2.6 ICV Photo ID Card: Successful applicants will be issued with an Identity Card bearing the holder's photograph. The Identity Card will authorise the holder to visit the Avon and Somerset Constabulary Police Centre's custody unit assigned to the ICV. ICV Identity Cards must be used only for the purpose of making custody visits and going to the Custody Unit, Enquiry Desk, or the Panel meeting. No other access to any other area in the Police Centre is allowed or authorised. If a ICV is found to be using his/her ID card for any other purpose, it will be withdrawn and appointment as a ICV may be terminated. If an ID card is lost or stolen, it must be immediately reported to the Scrutiny & Assurance Manager.

3.3 Training - Induction and Initial Training

- 3.3.1 Successful applicants will be required to participate in the following training sessions:

- **Induction:** arranged with the OPCC to carry out a shadow visit at the local Custody Unit and to go through the Custody Visiting Induction Pack. This is ideally conducted by the Panel Coordinator. A tour of Custody will be arranged and can be carried out before an Identity Card has been issued.
- **Induction Training:** a one-day training session organised by the OPCC in conjunction with the Independent Custody Visiting Association (ICVA) to provide those who are appointed with the basic knowledge and skills needed to make visits.
- **Cultural Awareness and Diversity Training:** organised by the OPCC in conjunction with the ICVA to advise ICVs of the duties under equalities legislation and how they apply to their role.

3.4 Trial Period

- 3.4.1 Upon successful completion of vetting checks and references, new ICVs will be issued with an ID pass. ICVs MUST be in possession of a valid ID pass in order to carry out visits. All appointments are subject to a 6-month trial, and will only be confirmed on successful completion of this period.

- 3.4.2 ICVs are required to carry out visits during their probation period. Visits are always undertaken in pairs, and new visitors will be paired with experienced visitors and preferably on at least one occasion with the Panel Coordinator. ICVs can start making visits before Initial Training has been undertaken. Along with discussion of practical issues and difficulties after visits have been completed, this will provide valuable practical training.

- 3.4.3 Panel Coordinators will be asked to complete a form at the end of this trial period (see document **Annex G**) which will be returned to the OPCC for consideration. The following issues may be considered in deciding whether to confirm an appointment:

- Number of visits undertaken
- Feedback from fellow Panel Members and the Panel Coordinator
- Feedback from Custody staff
- Attendance at panel meetings (where applicable)
- Attendance at training sessions

Successful completion of the 6-month probationary period will be confirmed in writing by the Scrutiny & Assurance Manager to the ICV.

3.5 Tenure and Term Renewal

3.5.1 Following a 6-month trial period, ICVs will be appointed for a total 3-year period during which they will carry out their duties in accordance with the terms of the Custody Visiting Agreement. ICVs can seek to renew their appointment up to 9 years' service. After this, any additional term must be agreed by the OPCC.

3.5.2 At the end of each 3-year term, and subject to the ICV wishing to continue, the Panel Coordinator (or Scrutiny & Assurance Manager) will be asked to complete a Term Renewal form (see document **Annex H**) which will be returned to the PCC's office for a decision. The following issues will be considered in deciding whether to renew an appointment:

- Continuing ability and willingness to carry out their role effectively.
- Number of visits undertaken
- Feedback from fellow Panel Members and the Panel Coordinator
- Feedback from Custody staff
- Attendance at panel meetings
- Attendance at training sessions

Vetting will take place at each 3-year renewal. The outcome of the renewal process will be confirmed in writing.

3.6 Termination of Appointment

3.6.1 Although the role is voluntary, the OPCC has the right to terminate the appointment of any ICV whose conduct is not felt to be of the required standard. Expectations are set out in the Volunteers' Agreement which ICVs are required to sign upon appointment. Circumstances in which termination of appointment may be considered include:

- failing to act in accordance with guidance and expectations.
- bringing the PCC and his office into disrepute
- a conviction for a criminal offence
- deliberate falsification of expense claims
- abusive behaviour and/or language
- inappropriate behaviour and/or language
- breach of confidentiality
- breach of data protection
- repeated failure to attend visits.
- repeated failure to complete satisfactory reports.
- repeated failure to attend panel meetings, the annual seminar and trainings.

3.6.2 Procedures for considering possible termination of appointment will follow the principles of natural justice (In English law, natural justice is technical terminology for the rule against bias and the right to a fair hearing) and will be in line with the OPCC procedures for handling misconduct or poor performance.

3.6.3 Termination of appointment may also be considered in light of changed circumstances. Under vetting requirements, ICVs must notify the OPCC if they are arrested, cautioned or charged with a criminal offence or are the subject of an Anti-Social Behaviour Order, Acceptable Behaviour Contract or any other Police Order or Notice, such as a Domestic Violence Protection Order or Domestic Violence Protection Notice. In such circumstances, the OPCC may suspend the appointment of that ICV until the outcome of any criminal proceedings is known. If the ICV is subsequently found to be not guilty, they will be reinstated. In the case of a caution or a Police Notice, Order or Contract, the OPCC will review the appointment of the ICV regarding the nature of the offence.

- 3.6.4 There is an expectation that ICVs will undertake a minimum of one visit per month. Where a ICV fails to make a visit within a three-month period and/or regularly fails to attend panel meetings and training seminars and no good reason for this has been received, the OPCC will consider whether that person's appointment should be terminated.
- 3.6.5 The procedure for considering termination of appointment is as follows:
- The ICV Scheme Management Officer will advise the ICV in writing of the grounds on which termination is being considered. The OPCC may, where appropriate, seek the views of the Panel Coordinator and request that the ICV is removed from the rota.
 - The ICV will be given the opportunity to respond either in writing or through a meeting with the ICV Scheme Management Officer or OPCC Senior staff.
 - The ICV Scheme Management Officer will agree findings and recommendations with the Director of Performance and Accountability and inform the ICV of the outcome in writing.
 - If the ICV wishes to appeal against the outcome, the appeal should be made in writing to the Chief of Staff of the OPCC.
 - Every attempt will be made to resolve the complaint in a timely manner.
- 3.6.6 Resignations: If a ICV chooses to resign (stand down) then the ICV Scheme Management Officer will discuss this with the ICV. Withdrawal of a resignation will be considered for a first resignation. However, the ICV Scheme Management Officer has the right to accept a second resignation without further discussion or any additional withdrawal of that resignation.

3.7 Expenses

- 3.7.1 Custody Visiting work is entirely voluntary but travel expenses will be payable to all ICVs. Public transport fares or private car mileage, at the agreed rate, will be paid. Public transport fare claims must be supported by a receipt. Travel expenses can also be claimed for telephone calls and attending training sessions. (A copy of the Custody Visiting Claim form is the document **Annex I**). Rates are reviewed annually (from 1 April) in line with rates set by the HMRC. Claims should be made on a quarterly basis, or more frequently according to your personal circumstances, and should be emailed to the ICV Management Officer or returned by post to the Office of the Police and Crime Commissioner, Police Headquarters, Valley Road, Portishead, BS20 8JJ.
- 3.7.2 ICVs are reminded that expenses paid by the OPCC may be subject to tax, and that each ICV is responsible for declaring any tax liabilities as appropriate.

3.8 Insurance

- 3.8.1 The OPCC has arranged appropriate insurance cover for ICVs during a custody visit at a police station. Details of specific cover are available from the OPCC. ICVs must ensure that they have adequate motor insurance for travelling to and from police stations where relevant.

3.9 Publicity and Confidentiality

- 3.9.1 It is desirable that the role and aims of the Scheme should be promoted to the public. ICVs must, however, bear in mind that the purpose of publicity is to inform the public about the Scheme and not to draw attention to individual cases or to themselves.

- 3.9.2 ICVs must not discuss the cases of individuals with whom they come into contact during visits to a Police Station and under no circumstance should individually contacts or specific events be discussed except in general, anonymous, terms which support any explanation of the purpose of the Scheme.
- 3.9.3 Any invitation to speak to the press, or local groups or organisations, about any aspect of Custody Visiting must be notified and agreed by the OPCC. Individual ICVs should not speak to the press except at the request of the OPCC.
- 3.9.4 ICVs should remember that they are accountable to the Police and Crime Commissioner and not to the press or individual members of the public.
- 3.9.5 The ICV scheme involves the sharing of Independent ICVs' names and contact details such as telephone numbers with the OPCC, Constabulary and with ICVs in the Scheme, as well as the ICV Custody Database system provider in the strictest of confidence, purely for the efficient management of the Scheme. Such details must not be disclosed to any other person.
- 3.9.6 Any breach of confidentiality may result in removal from the Scheme.

CUSTODY VISITING ARRANGEMENTS

4.1 *Visiting in Pairs and Exceptions*

- 4.1.1 ICVs are required to visit in pairs at all times. Any ICV arriving at a Police Centre on their own will not be granted access to the custody unit to make a custody visit. If one member of the pair cannot attend for any reason, the visit must be rearranged, such as with the reserve ICV. ICVs are responsible for making their own arrangements for visiting in pairs and will be provided with fellow Visitors' contact details for this purpose.
- 4.1.2 No more than two ICVs should visit together (except for training/shadowing purposes), as larger parties could constitute an additional burden on the staff at the Police Centre and may be too many Visitors for the detainees.
- 4.1.3 ICVs must not be accompanied by any unauthorised persons. Custody Visits can only be made when accompanied by another Avon & Somerset ICV. ICVs MUST be in possession of a valid photo ID pass to carry out visits.
- 4.1.4 To emphasise their impartiality and independence, ICVs should not combine the making of a custody visit with the conduct of any other business at a Police Station.

4.2 *Frequency and Timing of Visits*

- 4.2.1 The OPCC is responsible for ensuring that each designated Police Centre's Custody Unit receives an adequate number of visits. The visiting frequency is agreed on an annual basis by the OPCC in consultation with the Chief Constable. Visits should be sufficiently regular to support the effectiveness of the system, but not so frequent as to unreasonably interfere with the work of the police. A visiting rota will be drawn up by the Panel Coordinators, according to the agreed visiting frequency, and circulated to panel members and to the OPCC Scheme officer. ICVs will be requested to make visits in accordance with the agreed rota.
- 4.2.2 If an ICV is unable or does not wish to make a visit allotted to them on the rota, that ICV is responsible for finding another ICV to take their place and to inform the Coordinator and Scrutiny & Assurance Manager. The frequency of visits will be monitored by the OPCC from recorded visits in the ICV Custody system. Where insufficient/missed visits are taking place, the causes will be investigated, and appropriate action taken to address the causes.
- 4.2.3 ICVs should bear in mind that custody visits impose an unexpected responsibility on Custody staff, and they should also be aware of possible delays during custody staff change over periods. Additionally, delays are also possible during exceptionally busy custody periods and during shifts where staff are experiencing staff shortages. ICVs should arrive at the Police Station without prior notice and should try to avoid making custody visits at regular or predictable times. Custody Officer/Staff shift hand-over times (stated on the rota) should be avoided by ICVs when planning unannounced visits. The ICV Visit Checklist (see document **Annex J**) is available to assist with the custody visit.

4.3 *Effective Working Relationships*

- 4.3.1 For the Scheme to be effective, it is essential that ICVs maintain a professional working relationship with Police Officers and staff in custody, based on mutual respect and understanding of each other's legitimate roles. This also applies for

efficient and effective working relationships with the Police and Crime Commissioner's staff and with other ICVs in the Team.

- 4.3.2 ICVs are required to be impartial, acting as a 'critical friend' of the Policing Service and taking care to ensure working relationships with the Police are limited to the respective roles. The independence of ICVs is crucial, to ensure ICVs remain observational, check-and-test, in an objective and constructive way.
- 4.3.3 In addition to maintaining a professional relationship with the Police, ICVs are required to also maintain good working relationships toward fellow ICVs. The aim is to be supportive, have mutual respect and courtesy for each other, work as a team and to play active and equal parts during visits to get the best possible outcomes.
- 4.3.4 ICVs represent the Police and Crime Commissioner whilst carrying out custody visits and high standards are expected, just as within the Custody environment for detained people and staff. This Handbook is designed to assist in the understanding of the role of the Independent ICV (ICV), working impartially and in accordance with the content of the ICV Person Specification and Volunteers Agreement.
- 4.3.5 The collective mission is to make Custody **outstanding**.

Custody Visiting Procedures at Police Stations

5.1 Immediate Access to the Custody Area

- 5.1.1 On arrival at the Police Centre, ICVs should go directly to the Custody door's intercom, show their identity cards and explain that they wish to undertake a custody visit. ICVs should be admitted immediately to the custody area. If access is delayed, this will affect the credibility of the Custody Visiting Scheme. In cases where custody staff are busy, ICVs should be admitted to the custody area, and invited to wait until the Custody Sergeant or a detention officer is available to escort them on the visit. Access should be delayed only where the visitors may be placed in danger. A full explanation should be given to the ICVs as to why access is being delayed, which will be recorded by the ICVs on their report. A delay of more than 10 minutes should be subject of referral to the Duty Inspector at the Police Station and should be noted on the report.
- 5.1.2 An intercom facility is used by ICVs to speak to Custody Staff to request access to the Custody Unit.

5.2 Access within the Custody Area

- 5.2.1 ICVs should have access to all parts of the custody area where the detainee has access e.g., cells, detention rooms, charging areas, plus associated facilities such as food preparation areas, stores, and the medical room (this does not include access to locked drug cabinets). ICVs 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. It is not always necessary to inspect stores, but ICVs should establish that suitable arrangements exist for storing mattresses and blankets, and for regular replacement of necessary furnishings and equipment. They may inspect empty cells and detention rooms to check heating/ventilation systems, and that cell alarms and toilet flushing mechanisms are working properly. ICVs will ensure that the welfare needs of detainees are adequately met, for example that female detainees have had contact with a female member of Custody Staff or have been offered a sanitary pack, as appropriate. They may visit interview rooms in the custody area if unoccupied. ICVs may not visit other operational parts of the Police Station.

5.3 Closed Circuit Television (CCTV)

- 5.3.1 Custody visits must be carried out in person and not by viewing either live or recorded CCTV footage. However, ICVs are encouraged to check that the CCTV is working and be given a demonstration if necessary. If a ICV is concerned that the CCTV equipment is not recording, this should be reported.
- 5.3.2 ICVs are authorised by the Chief Constable, as agreed with the PCC, to view live and recorded CCTV footage for detainees being observed by Custody Staff as a level 2 'rouse and response' at least every 30 minutes. This is to seek assurances that the detainee has responded.

5.4 Health and Safety

- 5.4.1 Custody Staff and ICVs alike are responsible for their own Health and Safety and the safety of others through their own actions and omissions. ICVs must not be under the influence of alcohol or drugs and ensure they are fit and able to carry out the visit. Practical steps should be taken to ensure that Custody Visiting duties can be performed safely, for example, wearing appropriate clothes and jewellery, and being mindful of appropriate body language and positioning when speaking

to detainees (e.g. ICVs standing just inside the cell door with the detainee sitting on their bunk in the cell). For the personal safety of ICVs and to reduce the risk of the detainee being able to self-harm, ICVs are asked to leave all personal items in the room where the Custody Report will be written (or in the ICV box) whilst they visit detainees in the cells. The only items ICVs should take into the cell area are a pen, a notepad/checklist and the Language Translation Sheets and Picture Cards. The Scheme Handbook can also be taken if required.

5.4.2 The following health and safety guidelines must be adhered to in carrying out visits:

- Visits must be undertaken by pairs of ICVs working together.
- In the interests of security and the safety of ICVs, the custody officer or a member of the custody staff will accompany them during visits. However, the escorting officer should be in sight but out of hearing during discussions between ICVs and detainees.
- ICVs must be made aware of any detainee who is or has been violent. If the custody officer feels that a visit to such a detainee will place the ICVs' safety at risk then the custody officer may limit or deny ICVs access to a specific detainee only if authorised by an officer of, or above, the rank of Inspector and after a risk assessment has been carried out. Consideration should be given by the Custody Officer to limit the visit to a conversation taking place through the hatch in the cell door. The final decision will remain with the custody Inspector and an explanation for the limited or denied visit given by the Custody Officer to the ICVs. ICVs should ask to speak to the Duty Inspector if they are not satisfied with the explanation given.
- During the visit, the Custody Sergeant, Detention Officer, or member of custody staff must advise ICVs of any specific health and safety risks they may encounter and suggest action to minimise risk. This includes:
 - Any known risk of infection or exposure to contaminants;
 - Any risks posed by the detainee e.g., that the detainee may spit at staff.
 - Access to the custody area should be delayed if ICVs are placed in danger, for example if there is a disturbance in progress. A full explanation should be given as to why access is being delayed, which must be recorded by ICVs in their report.
- Cell doors must always remain ajar when ICVs are conducting a visit with a detainee.
- ICVs must never handle items within the cell e.g., mattresses or blankets. If the detainee wishes to draw attention to a specific issue relating to such items, the detainee or member of custody staff should handle the item.
- ICVs should never make physical contact with the detainee i.e., offering a consoling arm to an upset or distressed detainee.
- ICVs should ensure that ID cards are deposited safely somewhere on/in their person/belongings and are not worn around the neck during visits.
- ICVs should not hand anything to detainees whatsoever or leave any objects or materials within the cells or other parts of the custody unit.
- ICVs must follow any instructions given by custody staff in the event of a fire alarm activation and/or evacuation of the custody suite.
- ICVs must report all accidents or near misses to custody staff.

5.5 Access to Detainees

5.5.1 Subject to the paragraphs below, ICVs may have access to any person detained at a Police Station. Detainees (or prisoners) will fall into the following categories:

- PACE detainees: The majority of detainees in police custody are held under the provision 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 vulnerable people held under the Mental Health Act 1983 (people under section 136 are only very rarely detained in Custody) for their own protection or children taken into police protection under the Children Act 1989.

5.5.2 Juveniles: Juveniles may be spoken to with their own consent. 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.

5.5.3 Detainees who are Asleep: Sleeping detainees can be woken at the discretion of the Custody or Detention Officer to seek consent to a discussion with ICVs. However, where this would involve interrupting the continuous period of eight hours rest out of 24 provided for under PACE, the normal procedure should be not to wake the person but to observe them through the cell hatch and record all observations on the custody visit report form.

5.5.4 Detainees who are being Interviewed: If a person is being interviewed the interview may not be interrupted. If the ICVs wish to see the detainee later in the visit, after the interview has been completed, they may do so and may, if necessary, wait in the waiting room for this purpose.

5.5.5 Limited or Denied Access: In exceptional circumstances, the Police may judge that it is necessary for a detained person not to be seen and/or spoken to by ICVs. The Custody Inspector (or higher rank) makes an assessment, it is recorded in the Custody Record and ICVs will be advised via a Detention Officer or Custody Sergeant if access to a detainee is denied or limited. This can be for the following two reasons only:

i. **For the ICVs' own safety** they should not enter the cell with a particular detainee. In this case limited inspection and discussion could take place through the cell door hatch.

ii. **ICV access to a detainee could interfere with the justice process**, for example any possible risk must be avoided of prejudicing an important investigation. It may be referred to as the detainee being incommunicado.

Any decision to deny access to a detained person should be taken by an officer of the rank of Inspector or above and recorded in the custody record.

See the section below on **Consent to Custody Visits by Detainees** and the sub-section on Detainees who are Asleep or in the 8-hour Rest period.

5.5.6 Maintaining the Privacy of Detainees: ICVs should not know the name of the detainee or the reason for detention. Visitors should be given the cell numbers and detention numbers of the detained persons and endeavour to visit as many detainees as they can during their visit, without compromising on the quality of visits. The ICVs choice of whom to speak to is random and transparent to anyone who might wish to check on the operation of the Scheme.

5.5.7 This procedure will not deal with all situations as it is difficult to prevent ICVs from seeing people who have not given their permission to be seen. For example, ICVs may see detainees being moved from a cell to an interview or medical room or being booked in at the desk.

5.5.8 Consent to Custody Visits by Detainees: Detained persons are not obliged to see ICVs or to answer questions. The Officer who is escorting the ICVs is responsible for opening the cell door (or the door hatch first) and may say to the detainee that there are some people or visitors to see the detainee. One ICV (alternating the lead ICV between detainee visits) will introduce themselves as ICVs and establish whether or not each detainee wishes to speak to the ICVs and explain the purpose of the Custody Visiting Scheme.

An ICV report created by one of the two ICVs, will record, for each detainee visited, whether the detainee consents to a visit. Also, an entry on the custody record, indicating whether or not the detainee consents to a visit will be made in all cases.

Whether or not the detainee agrees to see the ICVs, the ICVs should seek permission for them to have access to the detainee's custody record. Any agreement will be written onto the custody record.

5.5.9 Detainees who are Unable to Consent to a Custody Visit: If a detainee is under the influence of drink or drugs to such an extent that they are unable to give consent or otherwise, or is for some other reason unable to indicate willingness or otherwise to be seen, custody staff should allow ICVs access unless it is considered that their safety could be at risk.

In such circumstances, the ICVs are encouraged to satisfy themselves of the detainee's well-being – by observation through the cell door hatch and by viewing the custody record.

5.5.10 Detainees who are Asleep or in the 8 Hour Rest Period: Sleeping detainees can be woken at the discretion of the Custody Sergeant or Detention Officer to seek consent to a Custody 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.

5.5.11 Detainees Who Are Being Interviewed: If a person is being interviewed, the interview will not be interrupted. If the ICVs wish to see the person after the interview has been completed, they may do so, but may, if necessary, have to wait for this purpose.

5.5.12 Access to Vulnerable People: Children and Young People 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 youth or vulnerable person, the detainee's wishes should be sought and respected as to whether the appropriate adult should remain with them during a custody visit.

5.6 Words of Introduction

- 5.6.1 An introduction card is kept in each custody suite for use in offering detainees the opportunity to speak to ICVs. The following script is from the English version of the Language Translation sheets: -

"Hello, we are members of the public known as Independent ICVs.

We would like to check on your welfare whilst in police custody and to find out whether the police have explained your rights.

We have nothing to do with the police, and we do not need to know your name or reason for your arrest."

There are a number of language translation sheets available which the detainee can read if they do not understand English.

5.7 Access to Detainee Records

- 5.7.1 Custody Record: The ICV will seek consent from the detainee to have access to their custody record. Subject to obtaining consent, the ICVs should check its contents against what they have been told by the detainee. 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 ICVs to examine it.

In particular, ICVs may wish to look for:

- Whether rights and entitlements under PACE have been given or efforts made to arrange them.
- That medication, injuries, medical examinations, meals/diets are recorded.
- That procedures to assess special risks/vulnerabilities presented by the detainee have been properly recorded and appropriate action has been instigated.
- The timing and frequency of cell inspections of inebriated or otherwise vulnerable detainees.
- The timing of reviews of the continuing need for detention.
- Whether what is recorded matches what the ICV has observed.

- 5.7.2 Medical Record: ICVs may not see the detainee's medical record, even where these are attached to the custody record. The custody record should include all relevant information about necessary medication for a detainee and the frequency of administering it. Custody staff are responsible for ensuring that medication is given at appropriate times. However, ICVs may wish to pay particular attention to detained persons who are suffering from any form of mental illness, physical injury, disability, or substance misuse. They should satisfy themselves that, if appropriate, medical advice has been obtained and establish from custody staff what instructions for medical treatment have been given and confirm by consulting the custody record that these instructions have been carried out.

5.8 Cells in the Custody Unit

- 5.8.1 Children and Young People: Children and young people can and will be placed in a cell for the duration of a Police investigation at the pre-charge stage. After being charged at this post-charge stage, the child or young person should be housed in Local Authority safe or secure accommodation (depending on their risk assessment non-secure versus secure). It is the Local Authority's duty to provide post-charge accommodation. If one is not available, then the child or young person could remain in police custody prior to being taken to court. The process

to obtain appropriate accommodation (post-charge) will be recorded on the Custody Record.

- 5.8.2 Multiple Occupancy Cells: Multiple occupancy cells are not used by Avon & Somerset Constabulary.

5.9 Conversations Between Detainees and ICVs

- 5.9.1 Discussions between detainees and ICVs must normally take place in sight but out of hearing of the Custody Sergeant or Detention Officer where that is practical. If for some reason the Custody Sergeant decides that custody staff should remain within hearing, this decision must be recorded on the visit form.

Some detainees may be behaving in a violent manner, but nevertheless may request to be seen by ICVs. In such cases the ICVs should, in their own interest, seek the advice of custody staff with regard to the conditions under which the ICVs are allowed to see or speak to that detainee or whether a visit should be undertaken. It may be possible for the ICVs to speak to the detainee through the hatch in the cell door. ICVs should ask to speak to the Duty Inspector if they are not satisfied with the explanation given by the Escorting/Detention Officer to deny or limit ICV access to a detainee.

- 5.9.2 Visits to Non-English-Speaking Detainees: Visits should normally be conducted in English. If an interpreter is available in the Police Station, ICVs should check with the Custody Officer if it is possible to check on the detainee's welfare via the interpreter. If an interpreter is not available ICVs are encouraged to check on the detainee's welfare as far as is possible, using the Language Translation Sheet or picture cards to communicate any immediate needs. If necessary, also checking the custody record.

Avon and Somerset Constabulary subscribe to Language Line, which is a facility available 24 hours a day, 7 days a week. Language Line Interpreters are fully trained to have a good command of both English and the language from which they interpret. Primarily this resource is to be used to allow the detainee to communicate with custody staff and receive legal advice but ICVs may have the opportunity to access it at the Custody Sergeant's discretion.

A relevant note must be made on the ICVs' report.

5.10 Treatment of Detainees

- 5.10.1 ICVs should primarily be concerned with the welfare, rights and entitlement of detainees and the overall conditions, standards, and procedures at Police Custody Units. However, if there are immediate concerns about the treatment of particular detainees, this must be passed on immediately to the Custody Sergeant. If a detainee indicates that they may harm themselves or any other person, ICVs should abort the visit immediately and inform the Custody Sergeant.

- 5.11.1 ICVs should satisfy themselves that the detainees have had their statutory rights explained and that they have been given the written notice of those rights. They should also be satisfied that detainees have received those facilities to which they are entitled under Code C of PACE Act 1984 – printed on the reverse of the written notice of the detainee's statutory rights.

- 5.11.2 Where a detainee makes a complaint or raises an issue about their general treatment or conditions at the Police Station, ICVs should (subject to the detainee's consent) record the issue on the report form and report this to the custody officer. In cases where custody staff are the subject of the complaint,

ICVs should report this directly to the Duty Inspector and take no further action in the case of that detainee, other than recording the incident on the Custody App Visit record and highlighting it in the ICV Summary.

Avon & Somerset Constabulary will notify the ICVs, through the OPCC, of the outcome of any such complaint, in general terms, where asked to do so by the OPCC and the ICV requests notification.

5.12 Deaths in Custody

- 5.12.1 All deaths in custody are referred immediately to the Independent Office for Police Conduct (IOPC) and are the subject of a coroner's inquest to which the police will report formally. When a death in police custody occurs, the on-call Chief Officer Group member will notify the Police and Crime Commissioner.

The OPCC will contact the relevant Panel Coordinator at the earliest opportunity to inform them that a death incident has taken place – this is for information purposes only.

- 5.12.2 There may be circumstances in which the Senior Investigating Officer dealing with such an incident needs to refuse or restrict access to particular areas while investigation takes place. The OPCC will ascertain whether access restrictions are in place and inform the Panel Coordinator and Scrutiny & Assurance Manager so that Panel Members can be notified of any changes to visiting arrangements.

Subject to access restrictions, the OPCC may discuss with the Panel Coordinator and Scrutiny & Assurance Manager whether a visit should be made following a death in custody in the spirit of openness and to reassure the community.

Coordinators and members of the Panel in question must take care not to discuss the incident with anyone else as this may compromise the investigation. Any breach of confidentiality by a ICV may result in their removal from the Scheme. Any concerns or queries should be directed to the OPCC.

When the IOPC independent investigation is complete, recommendations will be reported to the Police and Crime Commissioner. General learning points will be taken to the relevant meeting for information and discussion with ICVs.

The OPCC would not normally notify Panel Coordinators of 'near miss' situations which happen at times other than during a visit, other than to advise of any access restrictions that had been put in place as a result of the incident.

5.13 Prisoner Escort and Custody Services and Lay Observers

- 5.13.1 The Criminal Justice Act 1991 (the CJ Act) makes provision for the contracting out of the Courts Escort and Custody Service.

Section 81(1)(b) of the CJ Act requires the appointment of a Panel of Lay Observers who will inspect and report to the Secretary of State on the work of the contractor. Lay Observers will be responsible for inspecting the condition at both Crown Court and Magistrate Court cells within their areas. In addition, they will inspect conditions at police cells when those cells are being used to hold remand and sentenced prisoners in the contractor's custody. They will also inspect conditions in which remand and sentenced prisoners are conveyed and will have access to prisons within the area, solely to perform that inspection.

This does not affect the role of ICVs, who will continue to have access at all times to:

- All PACE detainees.
- Detainees under Home Office UK Border Agency (immigration) category.
- Detainees categorised as Warrant Arrest; Detainees categorised as: Prison recall; Remand and sentenced prisoners who are NOT in the contractor's custody.
- All areas of Police Stations in which detainees may be held and including the kitchen and clothing/bedding store area, and the religious material area (but excluding Interview Rooms and Medical Rooms when in use).

Additionally, ICVs will be allowed access to remand and sentenced prisoners in the contractor's custody at Police Stations when they have become the responsibility of the custody officer.

5.14 Remand and Sentenced Prisoners

- 5.14.1 From time to time, due to operational constraints experienced by the prison service, ICVs may see remand and sentenced prisoners held in police cells for a short period of time. Remand and sentenced prisoners held in police cells have different rights to detainees subject to PACE. However for visiting purposes, ICVs should consider **PACE Code of practice C**, section 8 and 9 (* i.e. Conditions of detention and Care and Treatment of Detained Persons) as a minimum standard and seek to ensure that all detainees are treated with regard to these provisions under PACE.

*Note: PACE Code C summary:

Section 8: Conditions of detention details arrangements on cell temperature, meals, drinks, and exercise. This section also contains guidance on arrangements for children.

Section 9: Care and treatment of detained persons covers access to healthcare, medication and what must be documented in the custody record.

If a prisoner requests something outside of entitlements provided under PACE, ICVs should report their request to the Custody Sergeant. ICVs should be aware that certain rights and entitlements for convicted, or remand prisoners may not be feasible within a police setting.

- 5.14.2 Remand and sentenced prisoners held in Police Stations may seek to complain about conditions in prisons or the treatment they have received there. ICVs must not involve themselves in such matters. There are recognised grievance procedures open to prisoners such as writing to, or petitioning, the Home Secretary, or writing to their solicitor or Member of Parliament.

The contractors for the Court Escort Services also have their own procedures for recording complaints about their staff. Any complaint alleging a criminal offence will be reported to the Police and the HM Prison Monitor Service immediately.

Any complaint made to the contractor, which amounts to a police complaint will be referred to the police for investigation. Complaints made by remand or sentenced prisoners should be referred to the custody officer and noted on the Custody App report record. In cases where custody staff are the subject of the complaint, the ICV should report the issue directly to the Duty Inspector and take no further action with respect to that detainee.

5.15 Persons Detained under Section 136 of the Mental Health Act 1983

- 5.15.1 Every effort is made NOT to detain people sectioned under the Mental Health Act (section 136) as Custody is not appropriate for these people. Avon and Somerset PCC and Constabulary do not wish to detain these people, but it may be a last place of safety available as other beds may be full or the person may be violent.
- 5.15.2 ICVs should have access to persons detained under section 136 of the Mental Health Act 1983. The Act states that persons who appear to be suffering from mental disorder and to be in immediate need of care or control can be held for up to 72 hours in a place of safety, one of which is a designated Police Station. The Act requires that a person detained under section 136 of the Act should be assessed by a doctor and an approved social worker as soon as possible after arrival at the place of safety. Every effort will be made for assessment to be carried out as expeditiously as possible. The Mental Health Act 2007 amends the Mental Health Act 1983 to allow for detainees held under section 136 to be transferred from one Place of Safety to another for assessment by a doctor and approved social worker. This means that the detainee no longer has to remain at the Police Station until that assessment has been carried out and should be taken to another place of safety as soon as a bed is available.

5.16 Detainees who have been subjected to PAVA Spray

- 5.16.1 ICVs may in the course of their custody visits encounter detainees who have been sprayed with PAVA during their arrest. Custody staff may advise ICVs of this situation but there is not likely to be any cross contamination with PAVA spray, which has replaced CS spray.
- 5.16.2 ICVs are encouraged to check the health and wellbeing of detainees who have been subjected to PAVA spray. If the detained person is suffering due to the aftereffects of PAVA spray, ICVs should bring this to the attention of the Custody Sergeant, who has responsibility for seeking medical assistance.

5.17 Vaccinations

- 5.17.1 Hepatitis C: The definition of contamination is as follows: -

"Blood or body fluids that enter the mouth, nose, ears or eyes or via a human bite that breaks the skin and contact with the skin which has cuts of 3 days old and under."

However, Hepatitis C is usually transmitted by means of blood transfusion. Vaccination is not available for this form of Hepatitis, and it is unlikely during the time spent in Custody areas that ICVs would become contaminated.

ICVs are advised to cover all minor abrasions of the hands and wrists with waterproof plasters. Should the ICV become contaminated it is recommended that each individual sees their GP, Practice Nurse, or Hospital Accident Emergency Department as soon as possible.

Hepatitis B

Custody staff and cleaning staff working in Custody Areas are advised to be immunised against Hepatitis B. However, it is not necessary for ICVs or other people visiting cell areas, such as Solicitors and Appropriate Adults, to be immunised against Hepatitis B since they do not come into direct contact with blood and body fluids.

ICVs may wish however to seek advice from their own Doctor about this and other appropriate immunisation.

5.18 *Impartiality*

- 5.18.1 Advice and Disclosure: ICVs should 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, the ICV should explain that it is not part of their role, and that their sole responsibility is to ensure that the detainee is being treated in accordance with their rights and entitlements.
- 5.18.2 ICVs should discuss only those issues relating to the conditions in which persons are detained and their treatment in the custody area. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the ICV must stop them immediately, reiterate their role and tell them that the relevant contents of the visit may be disclosed in legal proceedings. If this situation arises, ICVs should report this, and anything said to the Custody Sergeant. ICVs may ask detainees if they have been informed of their right to access free, legal advice. If the detainee has not yet received legal advice and now wishes to do so, the ICV should inform the Custody Sergeant.
- 5.18.3 In the interests of impartiality, ICVs must not visit friends or relations who are in custody. If one ICV recognises a detainee, the ICVs must advise the detainee that they are not permitted to make visits to persons whom they know. The visit to that detainee should be aborted immediately.
- 5.18.4 ICVs should emphasise that any information about anyone they see will be kept confidential and will not be released to anyone outside the police station. Legal action may be taken against a ICV that does release any confidential information.

5.19 *Contact with Persons Outside the Police Station*

- 5.19.1 Under no circumstances should a ICV accept anything from a detainee or give anything to a detainee. ICVs must not agree to contact any person outside the Police Station at the request of a detainee. Neither must they agree to pass on a message to any other detainee within the Police Station. ICVs must immediately notify the Custody Sergeant of such a request.

5.20 *ICVs Giving Evidence in Criminal Proceedings*

5.20.1 Conversations between ICVs and detainees are not privileged and it would be open to a court to issue a witness summons requiring the attendance of ICVs to give oral evidence or to produce documents such as a report on a particular custody visit. ICVs 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.

5.21 *Confidentiality*

- 5.21.1 ICVs will acquire considerable personal information about persons in Police Custody. Personal information relating to detainees must be protected against improper or unnecessary disclosure. ICVs will therefore be asked to give an undertaking not to release the identity of, or information capable of identifying

any person in police custody (except where a visit has exceptionally been arranged in connection with the treatment of a particular person). It is desirable, in the interests of the strict application of the principles of confidentiality, that ICVs do not name or otherwise identify persons in custody even in reports to or in discussion with fellow ICVs or the PCC's office staff.

- 5.21.2 When speaking to custody staff about their discussions with detainees, ICVs should be conscious that other people not employed by Avon & Somerset Constabulary might be within hearing of those discussions. If necessary, ICVs should ask to speak to custody staff in a more private room or office.
- 5.21.3 Breach of this undertaking may make ICVs liable to civil proceedings by the detained person concerned. ICVs will also need to be aware that the unauthorised disclosure of the facts concerning police operations, or the security of Police Stations may constitute an offence under section 5 of the Official Secrets Act 1989.

CUSTODY VISITING REPORTS AND FOLLOW UP ACTION

6.1 Completion of Reports

- 6.1.1 After each visit, ICVs should complete a report of their findings using the Custody Database/App. The ICV laptop in the Custody Unit can be used or ICVs can login to the Custody App from home. If the ICV database is not working, then the contingency plan B is to contact the Scrutiny & Assurance Manager. Plan C is to hand write a report and then copy or attach to an email, which should be sent to the Scrutiny & Assurance Manager.

Completion of the report is the responsibility of the ICVs after receiving the detainee list from the Custody Officer.

- 6.1.2 ICVs should note the Custody Unit location, date, and visit start time, as well as adding the ICVs' names and the collar number of the Escorting Officer, plus optionally the collar number of a Custody Sergeant. Within the electronic report there is a tab to Add each Detained Person, using the Cell number, as well as the Custody Record last five digits (allocated consecutively in the Police Niche database, starting from 1st January each year), with dropdown options to record specific items and free text for comments.

The purpose of cell numbers and Custody Record number is to preserve the anonymity of the detainee.

ICVs are asked to input all Detainees from the ICV Cell List provided by Custody staff and for each detainee, to add: the arrest category, detainee gender, whether or not the detainee is available (i.e. in the cell), if consent has been given by the detainee for the ICV visit and other items (explained during ICV induction training).

- 6.1.3 If a Custody Visit report is completed outside of the Custody Unit, then the ICV MUST ensure that any notes are shredded or securely and confidentially destroyed.

6.2 Reports on Unsatisfactory Treatment and Conditions

- 6.2.1 If a visit discloses any aspect of the treatment of detainees or conditions at the Custody Unit which are unsatisfactory then the issue should be recorded on the report and raised with the Custody Sergeant at the time. Any action taken by the Custody Sergeant (or Escorting Officer) should also be recorded on the report by the ICVs and the issue marked as resolved.

If ICVs are not satisfied that the issue has been resolved, they may ask to speak to the Duty Inspector about their concerns.

- 6.2.2 Outstanding issues arising from Custody visits are a standing agenda item for quarterly Panel Meetings, which are attended by the Custody Inspector and an OPCC representative. This provides an opportunity for ICVs to discuss their work, draw together issues and address these with the Custody Inspector. All ICVs are expected to attend Panel meetings.

- 6.2.3 The OPCC is responsible for monitoring issues raised through the Custody Visiting Scheme and facilitating action where appropriate. Issues recorded on the ICVs Reports are viewed by both the OPCC and the Custody Inspector for the relevant

Custody Unit. The following process is used for flagging and monitoring issues raised:

- Actions are referred to the relevant Custody Inspector and other departments as appropriate for response. Issues are flagged as unresolved until a response is input into the Custody App record.
- Issues that prove to be persistent or intractable are escalated to the OPCC Chief Executive and Head of Custody.
- A summary of issues identified through the Custody Visiting Scheme is reported to the Police and Crime Commissioner on a regular basis.

6.3 ICV and Custody Staff Relationships

- 6.3.1 It is good practice to make any positive comment at the end of a visit. The scheme works at its best when there are good working relationships between ICVs and Police Staff. Any issues raised by ICVs should be raised in a respectful manner during the visit. This involves explaining concerns and listening to the response. If the response is unsatisfactory, ICVs may wish to ask to talk to a more senior officer or it may be appropriate to report the matter in the Visit Report which is read by the Coordinator and the OPCC. An effective way to help Custody develop is to make positive specific comments about what has been observed. The 'critical friend' approach is very effective.

Contact:

Queries on any aspect of the Custody Visiting Scheme should be addressed to:

Rebecca Maye & Rebecca Pritchard
Avon and Somerset Police and Crime Commissioner's Office
Police Headquarters
Valley Road
Portishead
BS20 8JJ

Email: **rebecca.maye@avonandsomerset.police.uk**
rebecca.pritchard2@avonandsomerset.police.uk

This handbook is reviewed every three years (or sooner if deemed necessary by the PCC) and is updated in line with:

- The Home Office Code of Practice on Independent Custody Visiting <http://bit.ly/ICVcodeofpractice>
- The Independent Custody Visiting Association (ICVA) National Standards www.icva.org.uk/publications
- Association of Chief Police Officers Guidance on The Safer Detention and Handling of Persons in Police Custody 2nd Edition <http://bit.ly/ACPOguide>
- Relevant legislation such as The Police and Criminal Evidence Act (PACE) Code C <http://bit.ly/PACEcodeC> and The Human Rights Act (1998)
- Any other relevant and appropriate reports and recommendations