

**INDEPENDENT CUSTODY VISITORS SCHEME –  
A REVIEW AND SCHEME UPDATE**

**INTRODUCTION**

1. The purpose of this report is to provide Members with an update on the administration and effectiveness of Humberside Police Authority's Independent Custody Visitors Scheme.

**BACKGROUND**

2. The Independent Custody Visiting Scheme enables members of the local community to observe, comment and report on the conditions under which persons are detained at police stations.
3. Independent Custody Visitors, who are all volunteers, can see the operation in practice of the statutory and other rules governing the welfare of people in custody, with a view to securing greater understanding and confidence in these matters. The scheme also provides an independent check on the way police officers carry out their duties with regard to detained persons.
4. Visiting arrangements are carried out with the consent of all parties involved. However, in circumstances where a detainee is unable to give their consent because of language, understanding, or health difficulties, non-consensual checks can take place in the interests of the individual detainee, public openness and confidence.

**INFORMATION**

5. Humberside Police Authority's Independent Custody Visiting Scheme has been operating under the administration of the Consultation and Partnership Team for the past eighteen months, during this period a review of its effectiveness has been carried out and changes made to the administration of the scheme in line with national codes of practice (Attached at Appendix A)
6. The changes made during this time have resulted in the following:

- The number of missed visits has reduced (monitoring reports show the same number of completed visits as rostered visits),
  - Quarterly Panel Rep meetings have been re-instated for the purposes of information sharing, and filtering down issues from the Authority to visitors
  - Panel Reps have been given postage stamps and stationary supplies, such as envelopes, freepost labels and paper.
  - Panel Reps have re-established divisional meetings for visitors in order to identify any training needs, visit problems and act as a conduit between the visitors and the Authority
  - Direct lines of communication have been established between the visitors and the Force's Administration of Justice Unit (AJU), in case of emergencies and access problems out of hours
  - A revised training programme has been developed in conjunction with AJU, ICVA and North Yorkshire Police Authority (this will be delivered to all visitors with over 18 months visiting experience as refresher training by the end of the year)
  - A targeted recruitment campaign has commenced in order to fill vacancies on the South Bank
  - The quality of the information on 577 forms has increased, (less anecdotal, more scrutinising)
  - During the past (audit) year 122 visits have been made by visitors across the Humberside Police Area. This is the highest number of visits in one year since the scheme began (AJU figures).
7. As part of the review the relationship between the Authority and visitors was scrutinised. A breakdown in communication lines from the Force and Authority to visitors, via Panel Reps, was identified as the main issue contributing to a downturn in efficiency and missed visits.
8. These communication lines have now re-opened in the form of quarterly Panel Rep meetings. Information down to visitors, as well as remote refresher training has increased considerably. Since January 2005 visitors have had:
- A copy of the national codes of practice
  - Police service ranks identification tool
  - Review of Detention Authorisation Guidelines
  - Duration of Detention Guidelines
  - Independent Custody Visiting management model
  - Independent Custody Visiting practical checklist refresher for visits

## **TRAINING AND REVIEW OF TENURE**

9. As stated in paragraph six, a revised training manual has been developed. The manual incorporates national training standards as well as locally developed guidelines and best practice from other police authorities.

10. The manual will be presented to all visitors, who will have to sign for it upon receipt and return it should they cease to become a visitor. The manual is a live document and is designed to be updated when necessary; it is divided into 8 sections, being;
  - An Introduction to Independent Custody Visiting
  - Making a Custody Visit
  - The Visit Checklist
  - Risk Assessments
  - Conduct of Custody Visitors
  - Police and Criminal Evidence Act Code C
  - Responsibilities and Codes of Practice
  - Expenses
11. Manuals will be posted out to all visitors who have less than three years service, as these visitors will have received the most up to date training when they joined the scheme.
12. Visitors who have been active for more than three years will have to attend a refresher training session in order to receive their manual; a review of their tenure will also be carried out at this session. Humberside Police Administration of Justice Unit has agreed to be actively involved in this process.

### **OUT OF POCKET EXPENSES**

13. Currently Independent Custody Visitors claim mileage expenses for travelling to and from visits, Panel reps have recently been provided with stationery, such as envelopes and paper, and the Police Authority Freepost address has been made available to all visitors for returning their completed 577 forms.
14. The issue of telephone calls remains a matter of concern for many visitors. Visitors are asked to arrange their rostered visits via the telephone, on most occasions this only requires one telephone call to their rostered partner, however, if their partner cannot make the visit they are obliged to arrange another partner by telephoning around.
15. Minute 120 of Audit and Strategy Committee minutes from February this year stated that the possibility of allocating visitors a one off payment for out of pocket expenses was being explored.
16. Following further consideration, concerns over a one off payment with no visible audit trail or mechanisms to monitor the payment once it has been made have been raised. In order to overcome these concerns, and still reimburse the visitors for their telephone call expenses, a form has been prepared for visitors to complete and submit detailing the calls they wish to be reimbursed for.
17. The form is attached at Appendix B and requires the visitors to sign a declaration as to the accuracy of the claim and provide evidence where necessary.

## **RECOMMENDATIONS**

18. It is recommended that this Committee:

- i. Discuss the content of this report, in relation to the Codes of Practice at Appendix A, and direct any questions to the Consultation and Partnership officer
- ii. Receive updates on training and recruitment at its next meeting
- iii. Agree to receive annual reviews of the Independent Custody Visiting Scheme, (of which this is the first).
- iv. Approve the use of the form attached at Appendix B in order to reimburse telephone call costs to visitors.

**SHAHIN ISMAIL**  
**Chief Executive to the Police Authority**

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Background Documents: ICV Quarterly Monitoring Reports  
Audit and Strategy Minutes

## ICVA – CODES OF PRACTICE

### 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.
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### 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.
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### 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.
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#### 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.
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#### 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.

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### **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.

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.

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### **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.

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### **Payment**

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

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### **Insurance**

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

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### **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.

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### **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.

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### **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.

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### **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)

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### **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.

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### **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.

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### **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.

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### **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.

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### **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.

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### **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.

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### **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.

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### **Sharing Experience**

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

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### **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.

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**HUMBERSIDE POLICE AUTHORITY INDEPENDENT CUSTODY VISITOR SCHEME**

CLAIM FORM FOR TELEPHONE CALLS MADE AS PART OF THE INDEPENDENT  
CUSTODY VISITING SCHEME

Name of Visitor .....

Address and Telephone Number

.....  
.....

Date of Call	Time of Call	Phone Number Called	Duration of Call	Cost of Call*	
				£	p
			Total		

\* Claimants are requested to attach relevant evidence to support their claim, i.e. itemised telephone bills

I declare that I have actually and necessarily incurred expenditure on making telephone calls enabling me to perform duties as an Independent Custody Visitor.

I declare that the statements above are correct.

Sign..... Date.....