

Independent Custody Visiting Scheme

Scheme Handbook

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Table of Contents

1. FOREWORD.....	4
2. BACKGROUND TO THE SCHEME	5
3. OBJECTIVES OF THE SCHEME	5
4. MANAGING THE SCHEME	5
4.1 Management of the Scheme	5
5. INDEPENDENT CUSTODY VISITORS	6
5.1 Eligibility	6
5.2 Recruitment.....	6
5.3 Application process	7
5.4 Selection	7
5.5 Appointment and vetting.....	7
5.6 Accreditation	7
6. INDEPENDENT CUSTODY VISITING SCHEME	9
6.1 Chair of ICV Scheme.....	9
6.2 Vice Chair of ICV Scheme.....	10
7. VISITING ARRANGEMENTS.....	10
7.1 Number of Independent Custody Visitors.....	10
7.2 Visiting in pairs	10
7.3 Frequency and timing of visits	10
7.5 Attendance at the Police Station	11
7.6 Visits at the request of the Police	11
7.7 Effective working arrangements	11
8 CUSTODY VISITING PROCEDURES AT POLICE STATION	11
8.1 Dress code for Custody Visitors.....	11
8.2 On arrival at Police Station	12
8.3 Immediate access to custody area.....	12
8.4 Access to all parts of the custody area.....	12
8.5 CCTV Footage	13
8.6 Security and safety.....	13
8.7 Visit to detainees.....	13
8.8 Consent to custody visit by detainee.....	13
8.9 Refusal to the custody area or a detainee.....	14
8.10 Detainees recognised by Independent Custody Visitors	14
8.11 Persons detained under Section 135 or 136 of the Mental Health Act 1983	15
8.12 Persons detained under Terrorism Act 2000	15
8.13 Detainees who are unable to consent to a visit	15
8.14 Detainees who are asleep.....	15
8.15 Access to juveniles.....	15
8.16 Appropriate adults	16
8.17 Remand and sentenced prisoners	16
8.18 Access to custody record	16
8.19 Detainees who are being interviewed.....	17
8.20 Conversations between detainees and Independent Custody Visitors.....	17
8.21 Translation facility.....	17
8.22 Documentation	18
8.23 Treatment of detainees	18
8.24 Medical conditions.....	18
8.25 Deaths in custody.....	19
8.26 Complaints by detainees	19
8.27 Complaints of misconduct by a Police Officer	19

8.28	Complaints of misconduct against an Independent Custody Visitor	19
8.29	Complaints against the Police	19
9.	IMPARTIALITY AND CONFIDENTIALITY	20
9.2	Advice	20
9.2	Contact with persons outside the Police Station	20
9.3	Independent Custody Visitors giving evidence in criminal proceedings	20
9.4	Confidentiality.....	20
9.5	Breach of confidentiality	21
10	CUSTODY VISITOR REPORTS AND FOLLOW UP ACTION	21
10.3	Completion of Custody Reports	21
10.4	Feedback	21
10.5	Reports on unsatisfactory treatment and conditions	22
10.6	Reports on issues arising out of visits	22
11	MONITORING THE SCHEME	24
12.	ADDITIONAL INFORMATION	24
12.1	Expenses	24
12.2	Insurance	24
12.3	Guidelines	24
12.4	Disposing of documentation	24
12.5	Equal opportunities.....	24
12.6	Health and safety	24
13.	PUBLICITY GUIDELINES	25
13.1	General	25
13.2	Social Media Policy	25
13.3	Confidentiality.....	25

OFFICE OF THE POLICE and CRIME COMMISSIONER FOR GWENT

INDEPENDENT CUSTODY VISITING SCHEME

1. FOREWORD

This handbook has been designed to help Independent Custody Visitors (ICVs) carry out their role of visiting designated police stations within the Gwent Police area to check on the welfare of detainees held there and the conditions in which they are kept.

The handbook incorporates the requirements of the Codes of Practice on independent custody visiting in addition to section 51(6) of the Police Reform Act 2002. It seeks to inform Independent Custody Visitors (ICVs) of the regulations of the Scheme and attempts to clarify procedural issues raised by ICVs and custody officers through the consultation process.

If you have any queries not covered by the contents of this handbook please contact the Office of the Police and Crime Commissioner's (OPCC) Scheme Administrator: on 01633 642200.

2. BACKGROUND TO THE SCHEME

Custody visiting to police stations owes its origin to Lord Scarman, whose report on the Brixton riots in 1981 recommended a system of independent, unannounced inspection of procedures and detention in police stations by local community members. The main reason was to counter growing mistrust of the police and to increase their accountability to the general public. Whilst Scarman advocated a statutory arrangement, Home Office Ministers approved a Lay Visiting Scheme, which was non-statutory.

The Police Reform Act 2002 (the Act) placed a statutory obligation on Police Authorities to make arrangements for detainees to be visited by ICVs and to keep these arrangements under review and revised as the police authority thought fit. The Act was supported by Codes of Practice and National Standards jointly developed by the Home Office and the Independent Custody Visiting Association (ICVA). This position has been maintained by the Police Reform and Social Responsibility Act 2011. When Police Authorities ceased to exist in November 2012, the responsibility to administer the ICV Scheme fell under the remit of the Office of the Police and Crime Commissioner (OPCC).

3. OBJECTIVES OF THE SCHEME

The purpose of these visiting arrangements is to enable members of the local community to observe, comment and report on the conditions under which persons are detained at police stations. These arrangements also provide an independent check on the way custody staff carry out their duties with regard to detained persons and therefore increase public confidence in these matters.

This handbook provides detailed guidance on the Custody Visiting arrangements within Gwent and is based on Code C of the Police and Criminal Evidence Act 1984 (PACE), Code of Practice for the Detention, Treatment and Questioning of persons by Police Officers.

4. MANAGING THE SCHEME

4.1 Management of the Scheme

Responsibility for the running of the ICV Scheme [“the Scheme”] has been delegated by the Chief Executive to the Governance Officer [“Scheme Administrator”]. This includes oversight of the Scheme and the responsibility of ensuring the Police and Crime Commissioner is informed of any issues raised. Low level complaints will be managed by the Chair and Vice Chair, however the Scheme Administrator will be responsible for any serious complaints or grievances raised against any Scheme members or by Scheme members.

The role of the Scheme Administrator is to ensure that the Scheme is properly run and includes:

- Liaising with the Chair and Vice Chair to address any problems that arise in the running of the Scheme, problems accessing Custody Units, estate issues, any conduct, performance or participation matters.
- To provide an annual report to the Police and Crime Commissioner which will be published on the OPCC website: www.gwent.pcc.police.uk.

- To produce regular updates on the Scheme for inclusion in the Police and Crime Commissioner's update report to the Police and Crime Panel.
- Recruitment, selection and training of new ICVs.
- Conduct reviews on a 3 yearly basis with individual ICVs.
- To process all HR related paperwork to ensure ICVs are fully compliant e.g. vetting up to date, volunteer agreements signed
- Write to ICVs to notify them of any changes in circumstances e.g. Custody Suite closures

The OPCC's Administrative Assistant will provide administrative support to the Scheme by:

- Drafting and circulating meeting agendas in liaison with the Scheme Administrator, Chair and Vice Chair.
- Drafting and circulating meeting minutes.

5. INDEPENDENT CUSTODY VISITORS

5.1 Eligibility

Subject to the exceptions set out below, any person over the age of 18 at the time of appointment and throughout their term of office, who is residing, working or studying within the Gwent Police area, may be considered by the Police and Crime Commissioner for appointment as an ICV. Subject to the OPCC being able to obtain appropriate insurance cover there will be no maximum age limit. ICVs should be independent persons of good character who are able to make unbiased observations which the police will accept as fair criticism when it is justified.

All applicants will be asked to include on their application forms, 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 prior to initial appointment. Applicants will be expected to demonstrate good communication skills and the ability to work with others.

The Police and Crime Commissioner will not appoint serving Police Officers, Special Constables or any other serving staff members of either the Police force or the OPCC. Anybody with a direct involvement in the Criminal Justice System such as Solicitors or Probation Officers will also not be appointed. The over-riding factor when considering applications will be to prevent possible conflicts of interest for individuals, and to maintain the independence and integrity of the Scheme as a whole, however, each application will be treated on its own merits.

5.2 Recruitment

The Police and Crime Commissioner will recruit ICVs by inviting applications from the general public. This will be conducted by open, non-discriminatory advertising, or by other means which the Police and Crime Commissioner may consider suitable. Recruitment is based on clear role profiles and person specifications setting out the qualities ICVs require to carry out their role effectively. All reasonable adjustments will be made to accommodate individuals with disabilities (as defined in the Disability Discrimination Act 1995), and individuals for whom English is not their first language but who are able to communicate effectively so as to be understood (where they are considered suitable candidates).

Applicants will initially be invited to attend a formal interview, conducted by the OPCC, with reasons for appointment or non-appointment being duly recorded. Prior to attendance at interview, candidates will be required to complete a personal information form for vetting purposes and provide verification of their identity. Should a candidate be unsuccessful at interview, this information will be destroyed immediately,

Following a successful interview and once appropriate vetting clearance is received; candidates will be invited to attend initial training and be offered the opportunity to join the Scheme on a six-month probationary basis. Having successfully completed the six month probationary period, a permanent appointment will be offered for a pre-determined period of time. This will usually be for three years from the start of their trial period, however this period may be shortened or extended as deemed necessary by the Police and Crime Commissioner.

ICVs can serve a maximum of two terms (six years) to ensure the Custody Visiting Scheme retains its independence. ICVs are then welcome to reapply following a three year break. The Police and Crime Commissioner reserves the right, in exceptional circumstances, to extend a period of appointment (with the individual's agreement) beyond the six year term. This may be done to retain particular skills within the Scheme or to provide continuity.

5.3 Application process

Interested parties will be sent an application pack which includes background information about the Scheme.

5.4 Selection

After submission and shortlisting of applications, candidates will be invited to an interview conducted by representatives from the OPCC together with the Scheme Chair and/or Vice Chair.

Following the interviews, a final decision will be made by the interviewing panel as to who should be appointed. This will be reported to the Police and Crime Commissioner for Gwent, after which candidates will be notified.

5.5 Appointment and vetting

Following notification of their appointment it will be outlined that this is subject to completion of vetting to the appropriate Non-Police Personnel Vetting level. Outcomes of such checks will assist in determining a person's suitability to the role. Each case, regardless of outcomes will be considered on its own merits.

Successful ICVs will be expected to sign a Volunteer Agreement which outlines the main features of the ICV Scheme, what is expected from ICVs during their term of appointment and what they can expect from the OPCC in terms of support.

5.6 Accreditation

Following successful completion of the recruitment and selection process, each appointment will be confirmed in writing by the Scheme Administrator.

The OPCC will arrange for each ICV to be issued with an identity card, which will show the holder's photograph. The identity card will authorise the holder to visit any "designated" police station in the Gwent area to which the ICV is required to conduct custody visits. These details will be confirmed to each individual on appointment.

Identity cards must only be used for the purpose of making custody visits. If anyone is found to be using their card for any other purpose, it will be withdrawn, and that person's appointment as an ICV will be terminated.

5.7 Probationary period

Newly appointed ICVs will be required to satisfactorily complete a probationary period of six months. Appointments will then be confirmed subject to the satisfactory adherence to the Scheme's provisions and agreement between the ICV and OPCC.

Successful completion of the six-month probationary period will be confirmed in writing to individual ICVs. Appointments will be reviewable after a period of three years. The key factors in renewing appointments for a second term of three years must be the continuing ability and willingness of the ICVs to carry out the role effectively whilst demonstrating impartiality and objectivity at all times.

5.8 Training

(i) One day training course

ICVs will be invited to attend a one-day information/training session organised and delivered by the OPCC with the support of the Chair/Vice Chair. This will provide basic knowledge and skills that ICVs will need to make visits, including training on cultural backgrounds and religion etc.

(ii) Visit to a custody suite

All ICVs are expected to attend a training visit to a custody suite prior to taking up their duties facilitated by the OPCC in conjunction with the Chair/Vice Chair.

(iii) Training accompanied visits

ICVs are expected to complete a minimum of two custody visits in the company of experienced ICV as part of their training.

(iv) Training seminars

Annual ICV Seminars take place each year. ICVs are invited to attend these seminars which often include training sessions on issues that are on the national agenda.

(v) Training at meetings

Training will be delivered to ICVs during at least one scheme meeting per year. ICVs are asked to keep the Scheme Chair and Vice Chair updated regarding any identified training needs. Likewise the Chair and Vice Chair will keep ICVs informed of any additional training that ICVs may be required to undertake.

5.9 Termination of appointment

Although the work is entirely voluntary, the OPCC has the right to terminate the appointment of any ICV whose conduct, participation or performance is not of the expected standard. In the event of conduct that falls below the expected and agreed standards, insufficient participation or poor performance, the Scheme Administrator will consider whether it is appropriate to terminate the appointment of that ICV. The ICV will have a right to appeal against such a decision as set out in the OPCC Appeals Procedure.

Conduct that falls below expected standards will encompass matters such as misuse of identity card, conviction for a criminal offence or abusing one's position as an ICV e.g. by consistently flouting the guidelines covering the conduct of ICVs during visits.

ICVs **MUST** notify the OPCC if they are arrested and charged with a criminal offence. In such circumstances, an ICV may be suspended until the outcome of any criminal proceedings is known. Dependent on the outcome of such a matter, consideration will be given to re-instating an individual to the role of ICV.

Where an ICV fails to make a custody visit within a three-month period, the ICV will be written to in order to establish whether this is simply an oversight (e.g. because report forms have not been submitted) and to seek an explanation.

Where an individual has not made any visits within a six month period and no valid reason has been identified, the Scheme Administrator will consider whether that person's appointment should be terminated.

6. INDEPENDENT CUSTODY VISITING SCHEME

6.1 Chair of ICV Scheme

The ICV Scheme will be chaired by an ICV who has expressed an interest in carrying out the role, and who has also received a nomination from a Scheme member. The individual with the highest number of votes will become Chair for a period of 1 year and may carry out up to 3 years in that role, subject to successful annual election.

The role of the Chair will be to Chair all meetings, ensuring that they run to time. Chairs will be expected to ensure their own familiarity with all concerns and trends identified by ICVs during the preceding period to the meeting, and be able to constructively bring these to the attention of the Scheme Administrator in advance of meetings.

The ICV Chair will be expected to scrutinise responses given to any queries raised at meetings or as a result of matters detailed on report forms. The Chair must satisfy themselves and their colleagues that an explanation given is adequate and that the result ensures no adverse impact on detainee's welfare, human rights or health and safety.

The Chair and Vice Chair will be expected to assist in the recruitment and selection of new ICVs.

At all times, the Chair will be expected to keep a regular dialogue with the Scheme Administrator on all other matters including identified training requirements, conduct of colleagues, rota allocation etc.

6.2 Vice Chair of ICV Scheme

A Vice Chair will be selected who has expressed an interest in carrying out the role, and who has also received a nomination from a Scheme member. The individual with the highest number of votes will become Vice Chair for a period of 1 year and may carry out up to 3 years in that role, subject to successful annual election.

The role of the Vice Chair will be to deputise for the Chair in their absence, fulfilling all the duties required of them.

The ICV Vice Chair will be expected to assist in scrutinising responses given to any queries raised at meetings or as a result of matters detailed on report forms.

The Chair and Vice Chair will be expected to assist in the recruitment and selection of new ICVs.

7. VISITING ARRANGEMENTS

7.1 Number of Independent Custody Visitors

The OPCC will appoint sufficient numbers of ICVs to ensure that appropriate frequency of unannounced visits can be made to “designated” police stations in Gwent.

7.2 Visiting in pairs

Visitors are required to visit in pairs at all times. Any ICV arriving at a police station on their own will not be granted access to the custody area to make a visit. Pairing may be rotated so that as far as possible, individual visitors carry out visits with different Scheme members over the course of each period. No more than two ICVs should visit together, as larger parties could constitute an additional burden on the staff at the police station.

ICVs may not be accompanied by any unauthorised persons. Custody visits can only be made when accompanied by another accredited ICV.

7.3 Frequency and timing of visits

The frequency and timing of visits is a matter for individuals. However, ICVs are expected to make on average, a minimum of 1 visit per month, and preferably have flexibility to carry out more visits when required.

Care will need to be taken that visits, whilst sufficiently frequent to meet the objectives of the Scheme, do not take place so frequently that they impair the efficiency of the administration of the police station concerned or the operational work of the officers attached to it. ICVs should bear in mind that their visits impose an unexpected responsibility on custody officers. However, ICVs should be welcomed at any time and need not avoid specific times unless otherwise informed by the OPCC.

7.4 Transport arrangements

It is the individual responsibility of each visitor to make their own transport arrangements for custody visits. Therefore, whilst the OPCC supports visitors in sharing transport where this is practicable, the onus is on any visitor without access to their own vehicle, to make their own arrangements e.g. to travel by public transport. Travel expenses will be paid to visitors, although taxi fares will not be reimbursed unless in particular circumstances (see 11.1).

7.5 Attendance at the Police Station

Custody officers will only respond to ICVs attending in person at a police station. Telephone enquiries as to the custodial situation at a police station will not be responded to. To emphasise their impartiality, ICVs should not combine making a custody visit with the conduct of any other business at a police station.

7.6 Visits at the request of the Police

Whilst visits should normally be unscheduled, there may be instances when there is particular tension within the local community about the treatment or well-being of one or more persons being detained at a police station. In such circumstances, the duty officer at that police station may invite two ICVs to attend, to allay myth and rumour. Such requests must be made through the Scheme Administrator who will endeavour to facilitate such visits as timely as possible.

7.7 Effective working arrangements

For the Scheme to be effective, it is essential that ICVs maintain a professional working relationship with police and staff based on mutual respect and understanding of each other's legitimate roles. Such relationships can only exist where there is politeness and consideration on both sides.

In addition, to maintain a professional working relationship with police staff, ICVs must also have the same regard for their fellow ICVs. All ICVs must, therefore, be supportive and have a mutual respect for each other; work as a team and play an active and equal part during the visits.

8 CUSTODY VISITING PROCEDURES AT POLICE STATION

8.1 Dress code for Custody Visitors

ICVs need to consider what to wear when carrying out visits, both in terms of how they appear to detainees and custody staff, and with regard to health and safety matters. As a general guide 'smart-casual' will be most appropriate, although it is up to each individual to determine what is most appropriate for them. Consideration should be given to health and safety implications of some clothes and accessories such as neck ties or jewellery.

ICVs are also advised not to wear suits as this may give the impression that the visitor is an 'authority figure' and may deter detainees from allowing the visit to go ahead. If visitors are unsure of what to wear they should contact the Scheme Administrator for advice.

8.2 On arrival at Police Station

On arrival at the station ICVs should present their identity cards to the person greeting them (either Officer or Staff) who should admit them into the station immediately. There should be no reason for a delay at this point.

8.3 Immediate access to custody area

ICVs should be admitted to the custody area **immediately**. Access should only be delayed when the ICVs may be placed in danger, for example, if there is a disturbance in progress in the custody area. A full explanation must be given to the ICVs as to why access is being delayed and that explanation must be recorded by the ICVs on their report form and endorsed by the custody officer as appropriate.

ICVs must wear their identity badge throughout the course of the visit. Upon arriving at the public enquiry counter, ICVs must identify themselves and explain the purpose of their visit. At this point they should be admitted **immediately** to the custody area. It is inappropriate for access to be delayed because the custody officer is busy. In such circumstances the visitors should be admitted to the custody area but invited to wait until the custody officer or another officer is available to escort them on a visit.

If a detainee is in the process of being booked in at the time of the ICVs arrival, then the Custody Sergeant must ask the detainees if s/he consents to them being present. If the detainee does not give consent, then the ICV may either wait or, with the permission of the Custody Sergeant, visit another part of the custody suite.

Should a circumstance arise where custody officers are unable to immediately escort ICVs around the custody unit, the ICVs should be admitted to the custody area and invited to wait until a custody officer is available to escort them on the visit.

8.4 Access to all parts of the custody area

In practice, ICVs will continue to have access at all times to:

- All PACE detainees
- Persons held under immigration regulations
- Persons held under S.135 or S.136 of the Mental Health Act 1983
- Remand and Sentenced prisoners (NOT in the custody of the prison contractor)
- All areas of police stations in which detainees may be held (except interview rooms and medical rooms when in use)

ICVs should have access to all parts of the custody area including cells, detention rooms, charging areas, exercise yard, food preparation areas and medical room (this does not however include access to locked drugs cabinets). Medical rooms may be locked and ICVs may obtain the key from the Custody Sergeant.

ICVs should satisfy themselves that these areas are clean, tidy and in a reasonable state of repair and decoration and that bedding in cells is clean, adequate and in good condition. It is not necessary to inspect stores, but visitors should establish that suitable arrangements exist for adequate stocks of mattresses and blankets and for the cleaning of such items, and for regular replacement of necessary furnishings and

equipment. ICVs should also ensure that there are adequate supplies of appropriate food and drinks, religious material and anti-rip suits.

ICVs may inspect empty cells and detention rooms to check heating/ventilation systems and that cell call system and toilet flushing mechanisms are working properly. They may visit interview rooms in the custody area if unoccupied. They should check that any CCTV systems installed to observe the custody area of individual cells are operating properly and indicate the correct time. ICVs may not visit CID rooms or other operational parts of the station.

8.5 CCTV Footage

ICVs should carry out their functions in person and not by viewing either live CCTV pictures or recorded footage. Their role is fundamentally interactive with both detainees and police staff and cannot be discharged remotely.

8.6 Security and safety

In the interests of security and the safety of ICVs, the Custody Officer or a member of the custody staff, **must** accompany them during the visits.

8.7 Visit to detainees

ICVs should determine how many detainees they will see during each visit e.g. it may not be practicable to visit all detainees, both from the ICVs point of view and taking into account the additional work this places on custody suite staff. Where visitors decide to limit the number of detainees visited, it is important to select those detainees considered to be vulnerable, or to randomly select a manageable number of detainees and also include all those considered vulnerable.

8.8 Consent to custody visit by detainee

Detained persons are not obliged to see ICVs. Gwent ICVs are to use the self-introduction method with detainees.

Self-Introduction - Self-Introduction was brought into the Gwent Custody Visiting Scheme on the 1st July 2007. ICVs introduce themselves to the detainees and read the cue card. This was previously the responsibility of the Escorting Officer.

The ICVs must ensure that they do not enter the cell and remain in the doorway whilst reading the cue card.

While the ICVs introduce themselves and the Scheme, the Escorting Officer must be out of sight of the detainee, but within earshot. Once the detainee agrees to the visit the Escorting Officer must move out of earshot, but remain within sight of the ICVs, as much as practically possible.

Should the detainee refuse a visit, the ICVs should immediately withdraw from the cell door.

Whether or not the detainee agrees to see the visitors, the Escorting Officer should seek permission for them to have access to the detainee's custody record. A detainee's consent or refusal for a visit will be endorsed on the Custody Record by the Custody

Officer.

'We are independent custody visitors. We are members of the general public who visit police cells as volunteers. Our job is to check on your welfare while you are in custody, and listen to any concerns or problems you have about your treatment.'

- **We have not been told who you are or why you are in custody and we do not need to know that.**
- **We cannot give you legal advice.**
- **We do not need to discuss the circumstances surrounding your arrest or the commission of any offences in which you may have been involved. However if you do so, we have a duty to report the matter to the police. Can we speak to you?'**

Subject to paragraphs 7.13, 7.14 and 7.15 below, ICVs may have access to any person detained at a police station including persons remanded to police custody under the provisions of the following Acts of Parliament:

- Police and Criminal Evidence Act 1984 (PACE)
- Magistrates' Court Act 1980 – persons remanded to police custody in accordance with Section 128 of the Act, as amended
- Imprisonment (Temporary Provisions) Act 1980 – remand and sentenced prisoners held in police cells under Section 6 of the Act
- Immigration Act 1971 and Immigration and Asylum Act 1999 – persons subject to deportation proceedings or who are waiting to be removed from the UK as illegal entrants
- Mental Health Act 1983 – persons held under the Act for their own protection
- Children Act 1989 – children taken into police protection

Prior to entering the cell, the ICVs should make a visual check of the detainee through the spy-hole or hatch to ascertain if they recognise the detainee. Should the ICVs recognise the detainee or vice versa, the procedures under 7.11 should be followed.

8.9 Refusal to the custody area or a detainee

Reasons for refusal of ICVs to the custody area must be noted on the report forms.

The police may limit or deny ICVs access to a specific detainee if an officer of or above the rank of Inspector reasonably believes that to be necessary for the ICVs safety. Such an officer may also deny or restrict access where they reasonably believe that such access could interfere with the process of justice. In such instances this information should be recorded in the detainee's custody record (together with the relevant authorisation) and by the ICV in their report of the visit.

8.10 Detainees recognised by Independent Custody Visitors

ICVs should not visit friends or relations who are in custody and both ICVs must withdraw from a visit if either recognises a detainee in this way. In the event that an ICV recognises a detainee as someone they know, but not as a personal friend or family member, they should exercise judgement as to whether to continue with the visit

to that particular detainee. Care must be taken to ensure that impartiality is in no way compromised.

8.11 Persons detained under Section 135 or 136 of the Mental Health Act 1983

ICVs should have access to persons detained under Section 135 or 136 of the Mental Health Act 1983. The OPCC and Gwent Police have both signed up to the Mental Health Concordat Wales, committing to cease the use of police custody suites as a place of safety, except in exceptional circumstances such as significant violence. This does not take away from the fact that under Section 135 or 136 of the Mental Health Act 1983, police stations remain a designated place of safety.

Although not covered by the rights awarded to PACE detainees, it is recommended that if these persons are held when a custody visit takes place, that they too are considered for a visit, if appropriate.

8.12 Persons detained under Terrorism Act 2000

Gwent Police force area does not have designated police cells suitable for persons detained under Terrorism Act 2000.

In the event that this changes, only ICVs who are vetted to a higher level and have been trained in undertaking visits to those detained under terrorism legislation (TACT) may carry out visits to such detainees.

8.13 Detainees who are unable to consent to a visit

If a detainee is under the influence of drink or drugs to such an extent that he or she is unable to give consent or otherwise, or is for some other reason unable to indicate willingness or otherwise to be seen, the Escorting Officer should, if the ICVs so desire, allow them access unless it is considered that their safety could be at risk. If the Escorting Officer judges it to be too dangerous for the ICVs to enter the cell they may wish to talk to the detainee through the hatch in the cell door. If the detainee is comatose the escorting officer should allow access if the ICVs wish to satisfy themselves of the detainee's well-being.

8.14 Detainees who are asleep

If detainees are asleep the ICVs should decide whether or not to have them awakened to establish whether or not they wish to be visited. ICVs should however bear in mind the provision in Code C of the Codes of Practice under PACE that a detained person under investigation must be allowed a continuous period of eight hour rest. In such circumstances, or where the detainee may become violent, the Escorting Officer will advise that the detainee must not be disturbed, but can be observed through the cell hatch. If the ICVs consider it necessary to wake the detainee, it is the responsibility of the Escorting Officer to do this.

8.15 Access to juveniles

A juvenile may be visited with his or her consent. It is not necessary to obtain the additional consent of a parent or guardian, although ideally this would be preferable. 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 be present during the visit.

Juveniles should not be placed in cells unless no other secure accommodation is available and the Custody Officer considers that it is not practicable to supervise them if they are not placed in cells. If a juvenile is kept in a cell, ICVs should seek an explanation from the Custody Officer and check that this has been recorded on the custody record.

8.16 Appropriate adults

ICVs must not act as "appropriate adults" in cases of juveniles or any other category of vulnerable detainee whilst undertaking a custody visit.

8.17 Remand and sentenced prisoners

Home Office Prisoners: These are remanded or sentenced prisoners who would normally be held in prison. They are held under the Prison Service Order 1801 (PSO 1801), and require a higher degree of confidentiality when ICVs undertake visits with them. ICVs **must** give an undertaking not to disclose the names of the persons visited or information obtained in the course of the visit. There is no requirement for ICVs to be made aware of the reason why the person is being detained at the police station. In such instances ICVs are to ensure that the rights and entitlements granted by the Governor and the general requirements under PACE Code C, sections 8 and 9 are complied with.

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 service also have their own procedures for recording complaints about their staff. Any complaint alleging a criminal offence will be reported to the police and H.M. Prison Monitor Service immediately.

Any complaint made to the contractor which amounts to a police complaint will be referred to the police for investigation.

8.18 Access to custody record

Subject to obtaining the detainee's (including a juvenile's) consent to examine their custody record, ICVs should check custody record contents against what they have been told by the detainee. ICVs should record on their visit report form that the custody record has been checked but no further detail needs to be given.

If any detainee, including a juvenile, refuses access to the custody record, the ICVs will not be allowed to see it. If a person is incapable of giving consent by virtue of mental illness, disability, being comatose, or incapacitated through the influence of drugs, alcohol or other substance, the presumption must be in favour of allowing the ICV to examine it.

Except where a detainee objects, the ICVs will be shown the parts of the custody record relating to the provision of welfare and those aspects covered by the Codes of Practice contained within PACE, whilst within police detention.

From a police perspective, access to a custody record can only be refused by the rank of Inspector or above, whether or not access has been granted by the detainee. If this occurs, ICVs must record this in the visit report form, along with reasons given.

8.19 Detainees who are being interviewed

If a person is being interviewed the interview may not be interrupted. If the ICVs wish to see the person 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.

8.20 Conversations between detainees and Independent Custody Visitors

Where practicable, the Escorting Officer must be out of hearing of the visit, but must remain in sight of both ICVs and detainees. If for some reason the police decide that the Escorting Officer should remain within hearing, this decision must be taken by the duty officer or another senior officer at the police station. ICVs should bear in mind, however, that some detained persons may be violent or under the influence of alcohol, drugs or other substances and that the presence of the escorting officer may deter or frustrate assaults on the ICVs.

Discussions must focus on checking whether or not detainees have been offered their rights and entitlements under PACE and confirming whether the conditions of detention are adequate.

ICVs should also be alert to the possibility of unwittingly relaying/repeating information from one detainee to another. Discussions between ICVs and detainees are not privileged and ICVs have a civic responsibility to report/disclose any information given. It is the ICVs responsibility to make detainees aware that any disclosure they may make during their conversations will be reported to the Custody Officer.

ICVs 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 offender, the ICV must tell them that the relevant contents of the visit may be disclosed in legal proceedings.

If a detainee indicates they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.

8.21 Translation facility

Gwent Police subscribe to translation services to enable access to interpreters who are fully trained to have a good command of both English and the language from which they interpret.

If ICVs encounter a detainee who is unable to speak English and they wish to ask the detainee questions about his/her welfare, the ICVs should explain to the custody officer that they wish to use the translation services. Having got the interpreter on the line, the ICV should explain his/her role and the questions he/she wishes to ask of the

detainee. The ICV then passes the telephone handset back and forth between him/herself and the detainee.

8.22 Documentation

The proper maintenance of records plays an important part in the application of the rules governing the treatment of detained persons and the process of supervision. ICVs should satisfy themselves that the custody records are fully maintained and that they properly record the action taken in connection with detainees whilst in police custody. ICVs may not see other police documents concerning the detainee or medical records. The custody record should include all relevant information about necessary medication for a detainee and the frequency of administering it. Custody officers are responsible for ensuring that medication is given at appropriate times.

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

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

8.23 Treatment of detainees

ICVs should satisfy themselves that the detainees have had their statutory rights explained and 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 the PACE Codes of Practice.

8.24 Medical conditions

ICVs will wish to pay particular attention to detained persons who are suffering from any form of illness, injury, physical or learning disability or mental health condition. They should satisfy themselves that, if appropriate, a Medical Examiner has been called and establish from the Custody Officer what instructions for medical treatment have been given. This should be confirmed by consulting the custody record, if the necessary permission has been granted. ICVs may visit detainees (but not persons released from custody) in hospital, whether or not under police guard, subject to the agreement of both custody officer and the hospital authorities. To prevent a wasted journey it is advisable to establish via the hospital whether the detainee is willing to talk to ICVs. Where a detainee in hospital is under police guard, the Police Officer will remain at all times with the detainee. Access to the custody record can be permitted only if the detainee has given consent in the normal way.

The Custody Sergeant should inform ICVs if a detainee has been subjected to PAVA spray. It would be in the ICVs interests for them to check on any detainee who has been subjected to PAVA spray and to assure themselves of their health and well-being. If ICVs believe that the detained person is suffering due to the effects of a

PAVA spray, they should bring this to the notice of the Custody Sergeant who has responsibility for seeking medical assistance.

8.25 Deaths in custody

All deaths in custody are the subject of a Coroner's Inquest and investigation by the Independent Office for Police Conduct (IOPC) to which the police will report formally. Where a death in police custody occurs, the Inspector for Custody will notify the Head of Assurance and Compliance or Chief Executive and on duty member of the Professional Standards Department as soon as possible.

Consideration will then need to be given to whether a visit would be helpful in terms of informing and reassuring the local community. ICVs will also be made aware of the recommendations made within any following inquests or investigations.

8.26 Complaints by detainees

It is important to distinguish between complaints by detainees about their general treatment or conditions of detention and a complaint of misconduct by a Police Officer. The former may encompass complaints such as that detainees had not been notified of their statutory rights or had not received entitlements under the PACE Codes of Practice. Such complaints are clearly for ICVs to pursue with the Custody Officer, or senior officers at the station, at the time of the visit.

8.27 Complaints of misconduct by a Police Officer

In order to maintain their strict impartiality, ICVs should not take up individual cases or make representations on behalf of detainees. However, where a detainee, during the course of a visit, complains about misconduct and/or assault by a Police Officer, the ICV needs to establish if the detainee wishes the complaint to be pursued.

If a detainee wishes to make a complaint of misconduct and/or assault by a Police Officer, ICVs should initially advise the detainee to bring the matter to the attention of the duty Inspector. ICVs should also suggest that the detainee may wish to consider seeking legal advice before making the complaint. Where a complaint of physical assault has been made, ICVs should suggest that the detainee asks to see a Doctor. (N.B. upon receipt of a formal complaint, the duty Inspector will, in any event, arrange for the detainee to be seen by a Doctor).

Gwent Police will notify the ICVs, through the OPCC, of the outcome of any such complaint, in general terms, when asked to do so by the OPCC.

8.28 Complaints of misconduct against an Independent Custody Visitor

Complaints made against ICVs by detainees, police personnel or others will be dealt with in accordance with the OPCC's complaints procedures. A complaint should be made in writing and sent to the Scheme Administrator who will investigate further.

8.29 Complaints against the Police

Where an ICV makes a complaint against the police which is recorded, whether in the role as an ICV or as a private individual, the Scheme Manager must be informed. The complaint against the Police will be highlighted to the Chief Constable for Gwent

Police, who will have the responsibility to investigate the matter, whilst keeping the OPCC informed so that the final resolution can be fed back to the ICV who lodged the complaint.

9. IMPARTIALITY AND CONFIDENTIALITY

9.1 Advice

ICVs must not involve themselves in individual cases to the extent of offering advice about whether or not detainees should make a statement or co-operate with police enquiries. Such advice would be inconsistent with the ICVs independence from the processes of investigation ICVs should therefore confine their discussions to the conditions in which persons are detained and their treatment, even though some persons will naturally wish to ask advice about their possible defence, particularly if they have not already received legal advice. In the interests of maintaining impartiality ICVs should not visit friends or relations who are in custody. Conditions also apply in terms of other people known to ICVs.

If an ICV encounters someone who is known to them, a decision must be taken whether to abort the visit. At all times, it is recommended that such visits be aborted to ensure impartiality is demonstrated.

9.2 Contact with persons outside the Police Station

ICVs should not agree to make contact with any person outside the police station at the request of a detainee. Neither should they agree to pass a message to any other detainee, or offer to perform other tasks on their behalf. If they are asked to do so, they must immediately inform the Custody Officer.

9.3 Independent Custody Visitors giving evidence in criminal proceedings

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 an ICV to give oral evidence or to produce documents such as a report on a particular visit. ICVs are under no obligation to give evidence or produce documents other than in response to a Court Order.

9.4 Confidentiality

ICVs will acquire considerable personal information about persons in police custody. The majority will not yet have appeared before a court and many never will. Personal information relating to detainees must be protected against improper or unnecessary disclosure. ICVs will therefore be asked to give an undertaking (included on the visits report form as well as signing a confidentiality form on appointment) 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 their report forms to, or in discussion with, fellow ICVs or the OPCC.**

ICVs 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 ICV must tell them that the relevant contents of the visit may be disclosed in legal proceedings.

If a detainee indicates they may harm themselves or any other person, this must immediately be brought to the attention of the Custody Sergeant.

ICVs names, addresses and telephone numbers are given by the OPCC in strictest confidence, purely for convenience in making personal contact. Such details should not be divulged to any other person. This condition equally applies to police custody staff.

9.5 Breach of confidentiality

A breach of this undertaking may make an ICV 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.

10 CUSTODY VISITOR REPORTS AND FOLLOW UP ACTION

10.3 Completion of Custody Reports

At the end of each visit, and while they are still at the police station, ICVs must complete a report of their findings in a standard format. The custody department will photocopy the form for their records and the original then sent to the Scheme Administrator at the OPCC by the ICVs.

Recording the contents of a visit is one of the most important aspects of the system. ICVs may wish to make notes on their form in the course of the visit, but should explain to the detainee why they are doing so.

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

10.4 Feedback

Systems are 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.

Low level issues are encouraged to be reported during the visit to the Custody Sergeant or Inspector on duty.

Serious issues arising out of custody visits will be considered by the OPCC Scheme Administrator and appropriate action will be taken. ICVs will be advised of any action taken arising from issues raised during their visits. Arrangements will be made for ICVs to meet the Police and Crime Commissioner on an annual basis to discuss matters of mutual interest and concern.

The Scheme Administrator is responsible for drawing together issues and identifying trends emerging from visits and addressing these with relevant police supervisors.

The Scheme Administrator will have a regular and formal opportunity to raise concerns and issues with a designated senior officer with force wide responsibilities.

10.5 Reports on unsatisfactory treatment and conditions

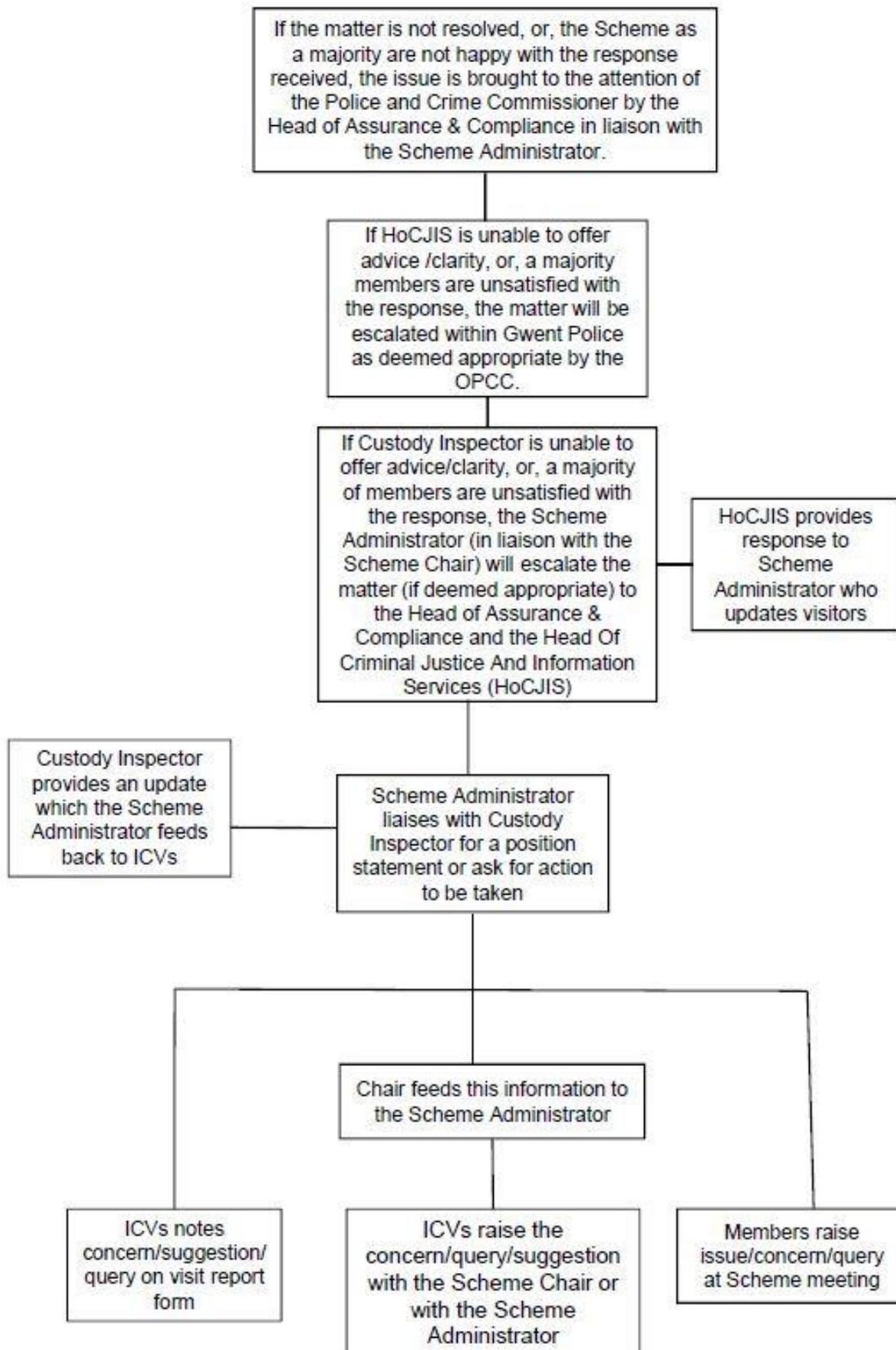
If a visit discloses any aspect of the treatment of detainees or conditions at the station which are unsatisfactory, they should be included on the report and raised with the custody officer at the time. Any action which s/he takes should also be recorded on the report form. The Scheme Administrator monitors all issues raised on the report form to ensure they have been addressed.

10.6 Reports on issues arising out of visits

The Scheme Administrator will call regular Scheme meetings of ICVs which will allow the discussion of visiting arrangements and any concerns to be brought to the attention of Gwent Police.

Issues arising out of visits will also be submitted to the Inspector responsible for Gwent Police custody provision in the first instance. If an issue requires further investigation, this will be escalated to the Head of Criminal Justice and Information Services and/or Deputy Chief Constable as appropriate.

ICVs are asked to follow the reporting procedure below:



11 MONITORING THE SCHEME

The Scheme Administrator will be responsible for monitoring the Scheme and any concerns will be brought to the attention of the Chief Executive. Furthermore, the annual report will be scrutinised by the PCC and published on the OPCC website.

12. ADDITIONAL INFORMATION

12.1 Expenses

The role is entirely voluntary, but expenses will be payable to all ICVs where these are incurred for the specific purposes of the Custody Visiting Scheme. Only public transport fares or private car mileage at the agreed rate will be paid. Reimbursement of taxi fares will not be paid, apart from certain justifiable circumstances e.g. disabled visitors requiring particular accessible transport. Expenses can also be claimed for attending training sessions. All travel expense payments are at the discretion of the Chief Executive of the OPCC.

12.2 Insurance

The OPCC will arrange appropriate public and employer's liability insurance for ICVs to cover them during visits to a police station. It is emphasised, however, that this does not extend to motor insurance cover. ICVs making use of their own private vehicles when visiting custody suites are strongly advised to check with their own insurers that they are covered for this purpose.

12.3 Guidelines

A copy of these guidelines will be placed within the custody area of "designated" police stations within Gwent for the information of custody staff, so that they may be referred to by ICVs and police custody staff alike.

12.4 Disposing of documentation

At the termination of their agreement, ICVs must ensure that the documentation relating to their role is returned to the Scheme Administrator and in particular all report forms and any personal notes relating to them.

12.5 Equal opportunities

The OPCC is firmly committed to equality and diversity in all areas of work. We believe that we have much to learn and profit from diverse cultures and perspectives, and that diversity will make our organisation more effective in meeting the needs of all our stakeholders. We are committed to developing and maintaining a police force in which differing ideas, abilities and backgrounds are fostered and valued, and where those diverse backgrounds and experiences are able to participate and contribute. ICVs are expected to adhere to equality and diversity policies.

12.6 Health and safety

Each ICV will receive health and safety advice as part of their initial training. In addition, health and safety information about specific buildings used by the Police and Crime Commissioner for meetings and events will be distributed as required.

13. PUBLICITY GUIDELINES

13.1 General

It is generally 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 draw attention to individual cases or to themselves.

ICVs should not discuss the cases of individuals with whom they come into contact during visits to police stations and under no circumstances should individual contacts or specific events be discussed except in general, anonymous terms, which support any explanation of the purpose of the Scheme.

Any invitation to speak to the press, or local groups or organisations about any aspect of custody visiting should be referred to the Scheme Administrator and should not be undertaken by individual ICVs, except at the request of or with the consent of the Scheme Administrator.

ICVs should remember that they are ultimately accountable to the Police and Crime Commissioner, and not to the press or individual members of the public.

13.2 Social Media Policy

Visitors are not to post on any social media platforms under their remit as an ICV unless previously agreed with the Scheme Administrator. This includes the posting of any photos or tweets relating to visits or issues raised as a result of a visit.

13.3 Confidentiality

ICVs names, addresses and telephone numbers are given by the OPCC in strictest confidence, purely for convenience in making personal contact. Such details should not be divulged to any other person. This condition equally applies to police custody staff.

Attention is also drawn to paragraphs 8.4 and 8.5 regarding confidentiality whilst undertaking the duties of an ICV.