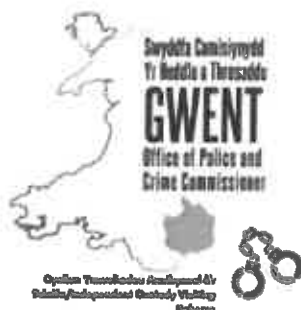


**DECISION NUMBER: PCCG-2018-033**



**OFFICE OF THE POLICE & CRIME COMMISSIONER FOR GWENT**

**MINUTES OF A MEETING OF INDEPENDENT CUSTODY VISITORS  
HELD AT POLICE HEADQUARTERS, CROESYCEILIOG, CWMBRAN  
ON 8<sup>TH</sup> MARCH 2018**

**Present:** Mr Justin Johnstone (Chair)  
Mr David Binding  
Mr Michael Hallinan

**Also in attendance:**

Mr Jeff Cuthbert (Police & Crime Commissioner)  
Miss Jessica Tippins (Scheme Administrator)  
Ms Michelle Vaisey-Baker (Assistant Scheme Administrator)  
PS 412 Owen Jones (Custody Sergeant)

***The meeting commenced at 3.00 p.m.***

**Action**

**WELCOME FROM POLICE & CRIME COMMISSIONER (PCC)**

1. The PCC welcomed everyone in attendance and advised that he wanted to thank all ICVs for the work that they do as it is very important, especially now in light of the changes regarding mental health and custody. The PCC expressed his gratitude to the Scheme and asked if there were any questions the ICVs wished to raise with him. Whilst no queries were forthcoming the PCC advised that if any do arise then they can be directed to the OPCC Scheme staff who will liaise with him accordingly for a response.

**Mr Jeff Cuthbert (PCC) left the meeting at 3:15 p.m.**

**APOLOGIES FOR ABSENCE**

2. Apologies were received from Mrs Sian Curley (Scheme Manager), Inspector Nicola Williams, Ms Ruth Coulthard, Ms Leslie Ball and Mr Richard Holland.



### **VIDEO ON MENTAL HEALTH ACT CHANGES**

3. We were shown a video on police custody as a place of safety in respect of the mental health act changes. The video link is detailed below:

<https://www.youtube.com/watch?v=ZRnbUwYJAs4&sns=em>

Following the video PS Jones informed us that there has been a massive drop off on Section 136 detentions in light of the changes to the Act and thanks to the dedicated 131 Suite. He confirmed that the force mental health lead, Inspector Amanda Williams, had been doing a lot of work with mental health services. Thanks to her involvement there is now clearer guidance in place as previously it was very broad. PS Jones also advised that the trial period of having a mental health professional sitting in the control room has proven to be very successful. As a result of this, there will now be one mental health professional working every shift. It was clarified that, if in the future, any Inspector decided that an individual was to be detained in custody under Section 136, it would only be in conjunction with advice from the mental health professional working in the force control room.

### **MINUTES OF MEETING HELD ON 5<sup>th</sup> OCTOBER 2017**

4. The minutes were agreed to be an accurate record.

### **CUSTODY UPDATE**

5. PS Jones provided us with an update on custody statistics:
- Based on overall figures from March 2017 – February 2018, arrests during the last few months were down by 33 detainees.
  - Average time in custody was slightly more than in previous months, being 12 hours and 43 minutes.
  - Over half of detainees were released within 12 hours and 94% of detainees were released within 24 hours.
  - The average waiting time in custody was down to 12 minutes.
  - The maximum waiting time was 2 hours 26 minutes – it was however noted that this would be a particular circumstance for example a medical emergency in custody. We were informed that any waiting time over 2 hours was automatically looked at by the Custody Inspector.
  - 34% of detainees had waiting times of over 10 minutes.
  - 21 people had waiting times exceeding an hour.
  - We were informed that there had been an increase in the



length of time from when rights were being given, to when fingerprints and photos were taken. It was noted that CDO retention has likely impacted on this as there has been a large increase in CDO's on light duties/sickness etc.

- No statistics were available in respect of voluntary attendees as voluntary attendees do not enter the custody unit.
- The key force wide demand times are from around midnight, tailing off in early morning. The demand then tends to rise again around 11am, fluctuating during the day until midnight.

PS Jones acknowledged that one of the issues the OPCC had raised with custody on behalf of the Scheme had been a time delay in the length of time it took for an interpreter to be available for a detainee. We were informed that this was being looked into further, but that the procedure for custody in regards to interpreters was that the custody unit contacted the Wales Interpretation and Translation Service (WITS). It was noted that the response time varied greatly depending on the language required and the travel time needed for the interpreter to travel to Newport, as the interpreters were not necessarily locally based. We were informed that whilst language line was used as a means of interpretation, for some immigration detainees, language line did not always have interpreters available in the required languages spoken. Officers sometimes had to utilise google translate whilst interpreters were being arranged just to, at the very least, provide some form of human contact to detainees until an interpreter arrived. PS Jones advised that WITS on the whole provided the best service that they could in the circumstances available.

ICVs noted that clarity was still needed on how to let custody know when they had arrived at Newport in order to conduct a visit; do they need to use the phone in the corner or do they need to check in via the front desk/use the phone on the front desk? PS Jones advised that the phone in the corner was for Solicitors and goes directly though to a CDO in custody so was more useful for direct contact, however contacting custody via that phone provided no means for ICVs to sign in. All ICVs must ensure that they sign in when they attend the station for health and safety purposes, therefore ICVs would need to speak to the front desk staff in order to do this, whereupon front desk staff can then ring through to the custody unit on the ICVs behalf. It was noted that different advice seems to be given to ICVs when they attend so some consistency and clarity was needed. Sometimes ICVs were directed to use the phone on the desk and phone through themselves and sometimes they were told that they didn't need to sign in. It was noted by ICVs that they would find it easier to phone in via the solicitor's phone as it was a quicker more direct route to the custody unit. PS Jones advised he would feed this back, but that ICVs would need to ensure they still attended the front desk to sign in and also let the front desk know when they leave. It



was mentioned that occasionally, front desk staff seemed to not know where the book was for people to sign in. PS Jones advised he would look into this, but that the book should always be on the front desk. It was agreed that if any issues arose when ICVs attended the station, that they should record it on their report forms. OJ

## **SCHEME UPDATE**

6. Jessica Tippins (JT) advised that the Scheme currently had 10 ICVs, two of which were not currently conducting visits for medical reasons. JT informed us that she would be contacting those individuals over the next few weeks to check on their welfare and to see if they still wished to remain on the Scheme. JT

We were informed that over the last quarter, 22 visits were scheduled on the rota, out of these a total of 19 were conducted. It was established that for two of the visits, cover could not be found and for the other, whilst the visit was conducted, no report form had been received either in custody or the OPCC. As such, it had to be input as a missed visit as no data was available. ICVs were reminded to please ensure that the form for the OPCC was posted to the OPCC and not left in the custody unit. The form for the custody unit could be handed into custody directly.

JT confirmed that Michelle Vaisey-Baker (MVB) had been circulating the visit days and times on a monthly basis to ensure that ICVs could get a good spread of when visits were conducted. MVB had provided the latest statistics to JT prior to the meeting to advise that over the last month visits had been on Mondays, Tuesdays and Wednesdays, with times being 12pm, 11am and 6pm.

It was noted that over the last month, only two custody records were viewed. ICVs were therefore reminded to ensure that records were reviewed both in instances where there were concerns raised by detainees / noted by ICVs and also in instances when ICVs were unable to visit with detainees for reasons like they were asleep/intoxicated. It was queried that it was thought by ICVs that detainees were required to give permission to see their custody records? JT advised that whilst this is the case with detainees who accept or decline visits, for instances where detainees are unable to answer ICVs were permitted to 'assume permission' as the individuals are incapable. The reason for this was, for instance, if the individual was incapacitated there was a risk that something may have been missed if the custody record was not reviewed, so this was for the welfare and benefit of the detainee.

ICVs were reminded to please ensure that they complete all areas of the form. It had been noted that some forms had not been dated and totals in all the areas had not been input. It was queried by ICVs that some of the totals appeared to be a duplication and asked whether this could be rectified. It was clarified that the breakdown in the





various totals actually provided different data for the population of the performance framework. It was suggested and agreed that at the next scheme meeting, a session on form completion would be provided, this would need to be included on the agenda.

JT/MVB

JT noted that based on the performance framework, statistics for the number of detainees accepting visits had dropped, however, this was not necessarily due to visits being declined, but due to detainees being asleep or in interview etc. ICVs mentioned that different CDOs were allowing ICVs to self-introduce and others were sometimes saying something to detainees first which may then lead detainees to decline a visit. It could also make ICVs appear to not be independent from the police. It was acknowledged that this was a training issue. JT advised that she had mentioned this already to the Custody Inspector and asked that a section on ICVs and self-introductions be incorporated into the CDO training sessions. PS Jones advised that he would also pass this feedback along to the Inspector.

OJ

We were informed that in respect of delays into custody there were no delays over 15 minutes. There were six instances of 5 – 15 minute delays which had been flagged to the Inspector.

JT informed us that she attended the Scheme Administrators Conference which was very beneficial. There was a lady from Inquest speaking at the conference in respect of serious deaths in custody. The biggest recommendation for schemes was that following a death in custody, ICVs be sighted of the recommendations made following the inquest. It was agreed that this would be the case if such an instance occurred in Gwent and incorporated into the Scheme Handbook.

JT

Chris Hampshire, Staff Officer to the National Police Chief's Council's (NPCC) Custody Lead, was also at the conference providing an update on the new NPCC strategy on police custody. The documentation relating to this was included on the agenda for ICVs awareness and is included below.



NPCC Custody  
Strategy.pdf

JT advised that ICVA have now started to introduce a quality assurance framework for schemes awarding schemes with Gold, Silver or Bronze. JT clarified that the OPCC do not have the resources available to aim for the silver rating at this time. JT informed us that the OPCC had sent a lengthy response back to ICVA when they consulted on the framework, for instance one of the other aspects of the proposed framework was that it was a requirement for Schemes to have 90% of detainees over three months accepting visits by ICVs. It was fed back that ICVs could not influence this when



conducting a visit, as they could only ask and do what the detainee wished following the self-introduction.

JT informed us that she would circulate the framework once it was received and if anyone had any commentary then they could feed it back and it would be looked at. JT verified however that the OPCC would ensure the scheme was 'compliant' with ICVA's codes and obtain the Bronze level. The OPCC was currently undergoing a review and staffing to the scheme would be changing in the future. It was clarified however that there would be a handover period and that there would still be a three tier staffing level – Scheme Manager, Scheme Administrator and Assistant Scheme Administrator. JT

We were informed that whilst an invite was sent out to ICVs in respect of the national conference, no ICVs have requested to attend. As such there would be no representation from Gwent at the conference.

ICVA have developed a new report form which they have sent to Schemes to use should they wish, however this has been looked at by the OPCC and was very confusing so would not be utilised in Gwent. ICVA were also hoping to develop a portal for ICVs on their ICVA website. If this was developed, the OPCC would provide the details to all ICVs.

## **SANITARY PROTECTION IN CUSTODY**

7. ICVA were continuing their campaign that ICVA for improved sanitary protection in custody. It was confirmed that following a letter, written to Home Secretary Amber Rudd, she had given a strong indication that a legislative change would be made regarding this issue. The Home Secretary's full response can be found by clicking the link below.

<https://hansard.parliament.uk/commons/2018-01-08/debates/B7376A6C-0E7C-4646-BCB5-4A94BD5A2ECC/OralAnswersToQuestions>

## **USE OF FORCE**

8. We were informed that the PCC had received a letter regarding the use of force in custody following Her Majesties Inspectorate of Constabularies and Fire & Rescue Services (HMICFRS) inspection of Gwent's custody suite. Part of the findings detailed that Gwent were not always adhering to the requirement of submitting use of force forms. A recommendation was made that this be addressed and since the findings were provided there has been a vast improvement on the number of completed forms. PS Jones advised that there was now a task generator on the Niche system which automatically tasked the arresting officer with a reminder to complete a use of force form. As a result of this there has been a big uptake on the instances



recorded of when officers have had to use, use of force, which now provides a better reflection of the situation than had been the case for the last 18 months. For clarity, use of force requires form completion at all levels including handcuff restraint. It was established that the findings of the report do not mean that inappropriate force was being used, it was just that the force used, such as handcuffs etc, was not being appropriately recorded on the paperwork, so was not a true reflection.

### **HMICFRS JOINT CUSTODY INSPECTION UPDATE**

9. As part of the agenda ICVs were provided with copies of the HMICFRS & HMIP Joint Report that was recently published in respect of the unannounced joint inspection of Gwent Police Custody that took place in July 2017. ICVs were also provided with a copy of the PCCs response that was sent to the Home Secretary as part of the agenda papers – these can also be found on the OPCC website. Overall the report had been very positive and had found that detainees in Gwent were treated very well. We were advised that following the reports publication, ICVA had contacted the OPCC and have given Gwent a glowing report, advising that Gwent are well ahead and currently one of the best forces in respect of custody. Whilst ICVA noted there were some recommendations made as part of the report, they were in respect of issues that are familiar across forces so were not a negative.

### **SPIT GUARD UPDATE**

10. PS Jones informed us that there was now a constant stock of spit guards in the custody suite, however, there had been a limited number of occasions when they have been required to be used. In the instances where they have been used, they have been very good and have not caused any breathing problems. It was established that they are only ever used when absolutely necessary and are only left on the detainee for as minimal an amount of time as needed, depending on the circumstance.

### **ANY OTHER BUSINESS**

11. We were updated on the new drug testing process. In 2016, 957 cases of drugs testing was carried out, whereas 527 were carried out in 2017. In 2016, of the 957 tested, 540 were negative with 417 positive. In 2017, of the 527 tested, 354 were positive with 173 negative. As such it is proving to be a far more effective system and has also resulted in huge savings.

ICVs were advised that there was an open invitation for them to attend




and observe the custody training that custody staff are required to attend. This is generally awareness training for instance covering issues and pressures in custody as well as awareness of medical issues and strip searching, etc. The benefit for ICVs attending would be that they could see the type of training officers receive and could also speak to the trainer and officers whilst there. This in turn would give officers the opportunity to have a better understanding of the ICV role too. JT advised that once dates and times were known she would circulate them to the ICVs. The training will take place at Vantage Point in Cwmbran and usually lasts an hour and a half, with sessions in both the morning and afternoon. JT

JT reminded ICVs of the previous offer of opportunities to be able to sit in the custody unit for a period of time to observe what happens. Mr Johnstone advised that he had taken this opportunity up previously and had found it a very useful experience so could recommend it. If anyone is interested please could they liaise with JT who will make contact with the Custody Inspector to arrange an appropriate time.

**DATE OF NEXT MEETING**

12. The next meeting has been scheduled for 3pm on the 7<sup>th</sup> June 2018 in Conference Room 1 at Gwent Police Headquarters, Croesycelllog.

**Meeting concluded at 4.10 pm**

<b>Jeff Cuthbert, Police and Crime Commissioner for Gwent</b>	
I have monitored the Independent Custody Visiting Scheme Minutes and am satisfied with progress.	
Signed 	Date 30/7/18

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Background papers	None

