

**DECISION NUMBER: PCCG-2018-021**

**OFFICE OF POLICE AND CRIME COMMISSIONER**

**TITLE: Independent Custody Visiting Scheme Annual Report**

**DATE: 4<sup>th</sup> May 2018**

**TIMING: Annual**

**PURPOSE: For Monitoring Purposes**

**1. RECOMMENDATION**  
That the Police and Crime Commissioner (Commissioner) considers the content of the report.

**2. INTRODUCTION & BACKGROUND**  
Independent Custody Visiting (ICV) is the 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 protection to both detainees and the police and provides reassurance to the community at large.

The responsibility for organising and overseeing the delivery of Independent Custody Visiting lies with the Commissioner, in consultation with the Chief Constable. The Office of the Police and Crime Commissioner (OPCC) is a member of the Independent Custody Visiting Association (ICVA), a national organisation which works with OPCCs and the Home Office in support of visiting schemes. Custody Staff work closely with the OPCC to consider ways of raising awareness of the Custody Visiting process. Custody and OPCC staff contribute to custody visiting training sessions and meetings.

Custody Visiting arrangements within Gwent are 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 .

As of 4<sup>th</sup> May 2018, there are 10 Independent Custody Visitors (Visitors) on the Gwent ICV Scheme. The demographics of the ICV Scheme are:

- 6 men and 4 women
- Ages range between early 20s to mid-60's

The Visitors are spread across Local Authority areas:

Local Authority	Number of ICVs
Blaenau Gwent	0
Caerphilly	2
Monmouthshire	4
Newport	1
Torfaen	3

During the past 12 months there was one individual who left the Scheme due to a conflict of interest with their career. This left only 6 active members on the

Scheme. It was therefore agreed to hold a recruitment process over the Summer of 2017, following which, three new members were recruited.

The Visitors cover two custody units – Newport and Ystrad Mynach. They visit in pairs on a weekly basis and their visits are unannounced. A rota is provided although the visitors themselves decide what day and time to visit.

In early May 2016, there was change in the custody provision at Ystrad Mynach; it was closed and only used as an overflow facility or for planned operations. From that point, the unit was primarily being used as a bail clinic meaning that there were rarely any detainees at the suite during ICV visits. However, as of 3<sup>rd</sup> April 2017, Ystrad Mynach Custody Unit ceased to operate as a Bail Clinic and as such, it was agreed that Ystrad Mynach would no longer be visited by ICVs unless in circumstances where the Unit was being used for the reasons mentioned above. Gwent Police has agreed a process with the OPCC whereby if Ystrad Mynach is to be used for a period of more than 72 hours as an operational suite, then the OPCC must be notified by the Custody Inspector so that ICVs can be informed and visits organised.

During a routine inspection of the fire safety in the Newport Custody suite on 13th July 2017, an issue was identified with the fire detectors and as such, Newport suite was closed with immediate effect. Full custody provision and ICV visiting rotas were transferred to the Ystrad Mynach suite. This remained in place until the Newport Custody suite re-opened on 16th August, 2017. Visiting then returned to the Newport suite.

### **3. ISSUES FOR CONSIDERATION**

During 2015, the ICV Scheme for Gwent saw the introduction of a two term limit on ICVs tenure. The length of each tenure is three years meaning that ICVs can do a maximum period of six years on the Scheme. In 2017-18, one member retired from the Scheme due to their tenure ending. Another member had also reached his end of tenure, but the decision was made to extend this for another term as the remaining ICVs had very little scheme experience. This individual's tenure therefore extends to 2019.

Of the current 10 members, one has been on the Scheme since 2010 and one since November 2013 (although this individual has been restricted from carrying out visiting duties due to long periods of ill health during their tenure). Five of the remaining members have been on the Scheme since late 2015 and three since October 2017.

At present, we do not consider that there is a need to hold a recruitment drive for more Visitors due to the reduction in demand (the numbers are appropriate for just one Custody Unit).

The performance framework which was implemented in January 2015 has continued to be completed, capturing data that enables the Scheme to map, amongst other things, visiting trends in custody enabling this to be varied going forward and establish any issues that may need addressing; for instance custody records not being viewed, delays in ICVs being granted access to custody, the number of detainees that require translators and the number of Section 136 detainees (those detained under the Mental Health Act 1983) unable to access suitable places of safety (both adults and under 18's).

During the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018, a total of 7,825 people were arrested into custody.

During ICV visits in the same period:

- 538 were in custody;
- 377 were offered a visit; and
- 276 accepted visits.

Some detainees may have chosen not to accept a visit or were asleep, incapacitated or in interview.

Issues raised are generally minor such as detainees requiring a blanket and these are raised with the custody officers on duty and dealt with immediately. Other estate matters such as a buzzer not working or peeling paint are reported to the OPCC and any action taken is fed back to ICVs. Anything more serious is referred immediately to the Custody Inspectors and the Scheme Administrator is informed.

Gwent Police is currently one of a very few number of forces in the UK which now has life sign monitoring facilities in all of its custody cells. The Custody Inspector has advised that this feature now means that there is a vast improvement in detainee and staff safety.

In May 2017, ICVA changed their training structure meaning Scheme Managers and Chairs were now expected to deliver training sessions to their visitors as opposed to an ICVA provided trainer. The independent trainer contracted by ICVA to provide training in previous years will still be available to Schemes if they wish to employ her services in the future, however, this will now need to be arranged with her directly rather than through ICVA. In order to ensure Gwent was prepared for this change, the Scheme Administrator and Scheme Chair attended a 'Train the Trainer' session. They are now fully trained to deliver sessions and are preparing a training schedule for 2018/19.

The Scheme Administrator also attended the ICVA Scheme Manager conference in London on the 14<sup>th</sup> November 2017. The conference covered a number of subject matters including the Angolini Report into deaths in custody and the new Quality Assurance Framework. Following consultation, ICVA has decided to initiate a Quality Assurance Framework (QAF) for Schemes. This will mean that Schemes will be graded either 'Code Compliant', 'Silver', 'Gold' or 'Platinum'. Further information on this will be provided to Schemes in 2018.

In July 2017, the Chief Executive of ICVA, Katie Kempen, accompanied the PCC on a visit to the newly refurbished Newport Custody Suite. The visit was extremely positive with Ms Kempen praising Gwent Police on the new design, in particular its digital technology such as life-sign monitoring. A video summarising the visit can be found on the PCC's YouTube page, <https://www.youtube.com/watch?v=ZBD3HxHB7Lo>.

Between the 10th and 20th July, Gwent Police's Custody department was inspected jointly by Her Majesty's Inspectorate of Prisons (HMP) and Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). Despite the inspection taking place during the unplanned closure of the Newport

suite, the findings from the final report were very positive with specific acknowledgement given to Gwent's ICV scheme; *"The force had a healthy relationship with its independent custody visitors (ICV) scheme, which provided effective scrutiny, and welcomed and was receptive to ICV feedback."*

**4. NEXT STEPS**

The use of Ystrad Mynach as a custody facility will be closely monitored by both Gwent Police and the OPCC. The Custody Inspector has been asked to give updates at each Scheme Meeting on how frequently it has been used each quarter so that any revision of the way the ICV Scheme operates can be duly arranged.

The performance framework will continue to be utilised to inform practice.

**5. FINANCIAL CONSIDERATIONS**

ICVs are appointed on a voluntary basis and as such there is no facility for financial remuneration. However, all reasonable travelling expenses are reimbursed with mileage paid at 45p per mile. Additional costs may include conferences and training.

<b>Account Description</b>	<b>Actual Spend YTD (£)</b>
Staff Course Fees	300
ICV's Casual Mileage	1549.80
Subscriptions - Organisational	625
Hospitality Costs	60.70
<b>Total:</b>	<b>2,535.50</b>

The annual budget allocated for the scheme for 2017/18 was £2,500 which includes the subscription to ICVA of £625 plus expenses and training costs. The actual cost of running the scheme during 2017/18 was £2535.50.

The budget for 2018/19 remains the same at £2,500.

**6. PERSONNEL CONSIDERATIONS**

The Scheme is administrated within the OPCC. During 2017/18, the Scheme Manager was the Chief Executive who delegated general responsibility for the running of the Scheme to the Scheme Administrator.

As a result of an organisational restructure, the new Head of Assurance and Compliance will take over the responsibility of Scheme Manager from 1<sup>st</sup> May 2018, but will continue to delegate responsibility for the running of the Scheme to the Scheme Administrator. All administration of the Scheme will continue to be

	conducted by the Assistant Scheme Administrator.
<b>7.</b>	<p><b><u>LEGAL IMPLICATIONS</u></b></p> <p>The Police Reform and Social Responsibility Act 2011 Part 3 Section 299 confirms the statutory requirement for the Commissioner to run an ICV scheme under a Police and Crime Commissioner.</p>
<b>8.</b>	<p><b><u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u></b></p> <p>This report has been considered against the general duty to promote equality, as stipulated under the Strategic Equality Plan and has been assessed not to discriminate against any particular group. Whilst due cognisance is given to the requirements of the Plan in the recruitment, training and operation of Custody Visiting, the over-riding consideration must be the health and safety of custody visitors whilst undertaking their role. Visitors sign a volunteer agreement agreeing to inform the OPCC to any changes to their wellbeing or circumstances which could affect their ability to carry out visits.</p> <p>Consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998 in preparing this report. Human Rights matters and legislation are of vital importance when considering custody matters. Visitors have been trained in Human Rights implications and monitoring takes place via the OPCC.</p>
<b>9.</b>	<p><b><u>RISK</u></b></p> <p>The potential risk of not providing a scheme is two-fold. Firstly a breach of statutory duty, but more importantly the failure to ensure that detainees are afforded the opportunity to have the independent check on how the force operates within the custody unit environment.</p>
<b>10.</b>	<p><b><u>PUBLIC INTEREST</u></b></p> <p>There is a requirement to publish details of the scheme.</p>
<b>11.</b>	<p><b><u>CONTACT OFFICER</u></b></p> <p>Jessica Tippins (Scheme Administrator)</p>
<b>12.</b>	<p><b><u>ANNEXES</u></b></p> <p>Annex A – Performance Matrix</p> <p> ICV Performance Framework.xlsx</p>

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**Chief Executive:**

I have been consulted about the proposal and can confirm that financial, legal, equalities etc... advice has been taken into account in the preparation of this report.

I am satisfied that this is an appropriate report to be submitted to the Police and Crime Commissioner for Gwent.

**Signature:**



**Date:** 18/05/18

**Police and Crime Commissioner for Gwent**

I confirm that I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. The above request has my approval.

**Signature:**



**Date:** 21/5/18