

DECISION NUMBER: PCCG-2014-080

OFFICE OF POLICE AND CRIME COMMISSIONER

TITLE: Independent Custody Visiting Scheme Review

DATE: October 2014

TIMING: Annual

PURPOSE: For Monitoring Purposes

1.	<u>RECOMMENDATION</u> That the Commissioner considers the content of the report.
2.	<u>INTRODUCTION & BACKGROUND</u> Independent Custody Visiting 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 training sessions and meetings. There are currently 10 visitors in Gwent. A recruitment drive was held last year with interviews on the 22 nd August 2013 from which 2 new members were appointed who both received induction training. They were also paired with experienced visitors for the first few months. The Visitors cover both custody units – Newport and Ystrad Mynach. They visit in pairs on a weekly basis; their visits are unannounced. A rota is provided although the visitors themselves decide what day and time to visit. Visitors are reviewed every three years.
3.	<u>ISSUES FOR CONSIDERATION</u> A total of 15,394 people were arrested into custody between 1 st April 2013 and 31 st March 2014. During visits, 595 were in custody, 345 were offered a visit and 301 accepted visits. Some detainees may have chosen not to accept a visit or were asleep, incapacitated or in interview. Visitors complete reports based on their visit which are sent to the OPCC and the Criminal Justice department within Gwent Police. Issues raised are generally minor estate matters such as peeling paintwork which are monitored via the OPCC and action taken is fed back to visitors. Anything more serious is referred immediately to the Custody Inspectors. The visitors meet as a group around 3 times per year.

	<p>One Visitor and the Scheme Administrator attended the Annual Conference for the Independent Custody Visiting Association (ICVA) in Brighton on the 2nd November 2013. The conference had a number of very informative speakers who included Kevin Downer, Northern Ireland Policing Board; Katy Bourne, Police & Crime Commissioner for Sussex; Sarah Green from the Independent Police Complaints Commission.</p> <p>During the ICVA training on 14th January 2014 it was noted that Visitors rarely accessed the custody records. This has been addressed during training, highlighting that this evidences their 'independent' role. We have requested that they ask for custody records on a regular basis and record each time they request the detainee's custody record and had access agreed by the detainee. This matter will be mentioned at the next meeting on the 30th July 2014, and Visitors will be reminded that it is good practice to log when custody records are accessed.</p> <p>The current Scheme meets the basic legal requirements for independent custody visiting. The Scheme Administrator will attend the Scheme Administrator's Conference in Birmingham on 1st and 2nd July 2014. The Conference will provide an overview of some of the strategies, structures and systems that help promote effective custody visiting and improved scrutiny of the Scheme.</p>
4.	<p><u>NEXT STEPS</u></p> <p>The volunteers are vetted to a basic level and serve a three year term which can be renewed subject to a satisfactory informal interview which were completed during September 2014.</p>
5.	<p><u>FINANCIAL CONSIDERATIONS</u></p> <p>Custody visitors are appointed on a voluntary basis and as such there is no facility for financial remuneration. However, all reasonable travelling expenses are reimbursed. Annual budget allocated for the scheme for 2014/15 is £3,366 which includes the subscription to ICVA of £500 plus expenses and training costs. The actual cost of running the scheme during 2013/14 was £2,451.</p>
6.	<p><u>PERSONNEL CONSIDERATIONS</u></p> <p>The scheme is administrated within the Office of the Police and Crime Commissioner. In the last year, the Policy Officer, Engagement was appointed Scheme Administrator in addition to the Head of Corporate Governance who is the Scheme Manager and the Business Support Officer who provides administrative support.</p>
7.	<p><u>LEGAL IMPLICATIONS</u></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>

8.	<p><u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u></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. ICVs have been trained in Human Rights implications and monitoring takes place via the OPCC.</p>
9.	<p><u>RISK</u></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>
10.	<p><u>PUBLIC INTEREST</u></p> <p>There is a requirement to publish details of the scheme.</p>
11.	<p><u>CONTACT OFFICER</u></p> <p>Maria Chapman, Policy Officer (Scheme Administrator)</p>
12.	<p><u>ANNEXES</u></p> <p>None.</p>

For OPCC use only

Consultation:	Tick to confirm (if applicable)
Financial The Chief Finance Officer has been consulted on this proposal.	✓
OPCC The Head of Corporate Governance has reviewed the request and is satisfied that it is correct and consistent with the PCC's plans and priorities.	✓
Legal The legal team have been consulted on this proposal.	N/A
Equalities The Equalities Officer has been consulted on this proposal.	N/A

Chief Executive/ Deputy 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:

S A Broad

Date: 27/10/14

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:

19 J. L. Re.

Date:

22. 10.14