

**OFFICE OF POLICE AND CRIME COMMISSIONER**

**TITLE:** Independent Custody Visiting Scheme Review

**DATE:** 18<sup>th</sup> April 2017

**TIMING:** Annual

**PURPOSE:** For Monitoring Purposes

1.	<b><u>RECOMMENDATION</u></b> That the Commissioner considers the content of the report.												
2.	<b><u>INTRODUCTION &amp; BACKGROUND</u></b> <p>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.</p> <p>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 contributed to custody visiting training sessions and meetings.</p> <p>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 .</p> <p>Presently, in April 2017, there are 9 Independent Custody Visitors (Visitors) on the Gwent ICV Scheme. The demographics of the ICV Scheme are:</p> <ul style="list-style-type: none"><li>• 5 men and 4 women</li><li>• Ages range between early 40s to late 70's</li></ul> <p>The Visitors are spread across Local Authority areas:</p> <table><tr><th>Local Authority</th><th>Number of ICVs</th></tr><tr><td>Blaenau Gwent</td><td>1</td></tr><tr><td>Caerphilly</td><td>1</td></tr><tr><td>Monmouthshire</td><td>4</td></tr><tr><td>Newport</td><td>2</td></tr><tr><td>Torfaen</td><td>1</td></tr></table>	Local Authority	Number of ICVs	Blaenau Gwent	1	Caerphilly	1	Monmouthshire	4	Newport	2	Torfaen	1
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	<p>During the past 12 months there were 3 retirements from the ICV Scheme and 2 people left the Scheme due to a conflict of interests with their careers.</p> <p>The Visitors cover both 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.</p> <p>In early May 2016, there was change in the custody provision at Ystrad Mynach whereby 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. It was decided following advice from ICVA that from September 2016 onwards Ystrad Mynach could be visited on a monthly basis, as opposed to weekly, unless in circumstances where the OPCC were notified that Ystrad Mynach would be more frequently used.</p> <p>From mid-September to early December 2016, Newport Custody Unit shut for refurbishment. During this period Ystrad Mynach was visited on a weekly basis; this reverted to monthly visits once Newport Custody re-opened in early December 2016.</p> <p>We have been informed that, as of 3<sup>rd</sup> April 2017, Ystrad Mynach Custody Unit will cease to operate as a Bail Clinic, resulting in the Custody Sergeant being transferred to Newport Central and no custody staff being based at Ystrad Mynach. Therefore from April 2017 the rota for custody visitors will solely be for Newport Custody Unit.</p> <p>Ystrad Mynach Custody Unit will only be used for planned operations and as an overflow facility. The OPCC has therefore made an agreement with Gwent Police to implement a process 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 in order for Visitors to be informed and visits organised.</p>
3.	<p><b><u>ISSUES FOR CONSIDERATION</u></b></p> <p>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 2016, two members retired from the Scheme due to their tenure ending. In 2017, there are two existing ICV members who are due to leave the Scheme under the same provision which will reduce the Scheme to 7 members.</p> <p>Of those seven members, two have been on the Scheme since November 2013 but both have had long periods of ill health during their tenure, which reduced their involvement in the Scheme for an extended period of time. The other five members have been on the Scheme since late 2015 so are still gaining experience as Visitors.</p> <p>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. However, there is concern over the fact that in the past year some existing members have unfortunately suffered with ill health causing them to be unable to conduct visits for both short and extended periods. Therefore, there is a need for resilience to be considered when reviewing</p>

membership to the Scheme.

It has therefore been proposed that due to the extenuating circumstances the Scheme finds itself in, that the Chair of the ICV meeting, who is due to leave the Scheme in August, remain on the Scheme for an extended period of up to 3 years, in order to ensure stability and confidence in the Scheme going forward until all existing Visitors have gained greater experience. The Chair has confirmed his willingness to assist with this and has offered to leave the Scheme at an earlier opportunity than the 3 years should there be a need.

The performance framework that 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 Visitors being granted access to custody, the number of detainees that require translators and the number of Section 136 detainees unable to access suitable places of safety (both adults and under 18's).

During the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017, a total of 10,330 people were arrested into custody. 7,189 detainees in Newport and 3,141 detainees in Ystrad Mynach.

During ICV visits in the same period:

- 356 were in custody;
- 222 were offered a visit; and
- 189 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 visitors. Anything more serious is referred immediately to the Custody Inspectors and the Scheme Administrator is informed.

From mid-September to early December 2016, Newport Custody Suite was shut for refurbishment. The suite has now been open for nearly four months and Visitors have positively commented on the substantial improvement to its facilities. Gwent Police is currently the only force in the UK which now has life sign monitoring facilities in all of its custody cells. The Custody Inspector has advised that since re-opening Newport Custody Suite there has been a vast improvement in detainee and staff safety.

Training provided this year to Visitors included mental health awareness training and juveniles in custody training which was delivered by ICVA's independent trainer. Additionally a training offer to Gwent Visitors was also extended by South Wales OPCC to attend their ICVA refresher training session. An offer was also received from Dyfed Powys OPCC for Gwent Visitors to attend Learning Disability and Autism Awareness Training. Each of these opportunities was taken up by some of Gwent's Visitors.

	<p>The Scheme Administrator and Assistant Scheme Administrator attended the Independent Custody Visiting Association (ICVA) conference in Birmingham which was from the 31<sup>st</sup> October to 1<sup>st</sup> November 2016. The conference had a number of workshops for discussion on various topical issues e.g. mobile ICV apps and governance structures, as well as very informative speakers which included a briefing from the Independent Police Complaints Commission (IPCC) on Use of Force, and an overview on appropriate adults from the National Appropriate Adult Network.</p> <p>The conference provided an overview of some of the strategies, themes and trends currently under the spotlight and processes and procedures that help promote effective custody visiting. This, in turn, informs ICV meetings and practice by highlighting the key points raised.</p>
4.	<p><b><u>NEXT STEPS</u></b></p> <p>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.</p> <p>The training programme from ICVA will be changing from April 2017 onwards. Previously an independent trainer has been available to provide one free training session on an annual basis to those who subscribe to ICVA each year. Going forward ICVA has developed bitesize training videos that will be available to Schemes to show to their Visitors at in-house training sessions during Scheme meetings. OPCCs are initially to be invited to attend a train the trainer session so that Scheme staff can be taught how Schemes can become self-sufficient in providing training to Visitors themselves going forward. 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. It is worth noting that this option may be beneficial following any recruitment drives for induction training as it will provide a more detailed interactive training session that new volunteers would likely find of value based on feedback from other Visitors previously trained, however there will obviously be a cost implication with any training booked this way.</p> <p>The performance framework will continue to be utilised to inform practice.</p>
5.	<p><b><u>FINANCIAL CONSIDERATIONS</u></b></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 with mileage paid at 45p per mile. Additional costs may include conferences and training.</p>

Account Description	Actual Spend YTD (£)
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 2016/17 was £2,500 which includes the subscription to ICVA of £625 plus expenses and training costs. The actual cost of running the scheme during 2016/17 was £2535.50. The budget for the Scheme has been set at £2,500 for a number of years however in 2016/17 the subscription charge went up from £500 to £625 which is the reason the budget has gone over slightly. The budget will remain at £2,500 for 2017/18 as the training programme provided by ICVA is changing and may not incur some additional costs that have been paid this financial year; e.g. hospitality. From 2017/18, instead of full day training sessions provided by an ICVA trainer, bitesize training will be available to present to Visitors at meetings by OPCC staff when required. Depending on the impact this makes it may be deemed appropriate to keep the budget level at £2,500 for 2018/19 or increase it slightly to £3,000.

**6. PERSONNEL CONSIDERATIONS**


The scheme is administrated within the OPCC. The Scheme Manager is the Chief of Staff who delegates general responsibility for the running of the Scheme to the Scheme Administrator. All administration of the Scheme is conducted by the Assistant Scheme Administrator.

**7. LEGAL IMPLICATIONS**

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.

**8. EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS**

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.

	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.
9.	<b><u>RISK</u></b> 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.
10.	<b><u>PUBLIC INTEREST</u></b> There is a requirement to publish details of the scheme.
11.	<b><u>CONTACT OFFICER</u></b> Michelle Vaisey-Baker (Scheme Administrator)
12.	<b><u>ANNEXES</u></b> Annex A – Performance Matrix   ICV Performance Framework.xlsx

For OPCC use only

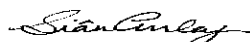
Consultation:	Tick to confirm (if applicable)
<b>Financial</b> The Chief Finance Officer has been consulted on this proposal.	✓
<b>OPCC</b> The Chief of Staff has reviewed the request and is satisfied that it is correct and consistent with the PCC's plans and priorities.	✓
<b>Legal</b> The legal team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

**Chief of Staff:**

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:**

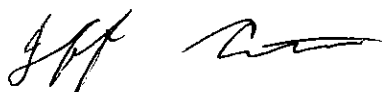


**Date:** 13<sup>th</sup> April 2017

**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:**

19/4/17

