

DECISION NUMBER: PCCG-2016-018

OFFICE OF POLICE AND CRIME COMMISSIONER

TITLE: Independent Custody Visiting Scheme Annual Report, April 2014 to March 2015

DATE: February 2016

TIMING: Routine

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 contributed to custody visiting training sessions and meetings. There were 10 independent custody visitors (ICVs) in Gwent during 2014/15. The ICVs 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. Visitors are reviewed every three years. The ICVs meet as a group 4 times per year.
3.	<u>ISSUES FOR CONSIDERATION</u> A total of 13,067 people were detained in custody between 1 st April 2014 and 31 st March 2015. During visits, 508 were in custody, 330 were offered a visit and 251 accepted visits, a 76% acceptance rate. Some detainees may have chosen not to accept a visit or were asleep, incapacitated or in interview. It has been agreed that if detainees are unable to give consent for access to custody records that the ICVs are able to access it. In this case, the presumption will be that ICVs 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, and remains a rare occurrence.

During this period ICVs raised concerns regarding custody staff not being able to turn off cell buzzers in Ystrad Mynach that were being used in a vexatious manner by detainees. The concern was about the levels of noise for both the custody staff and other detainees who are entitled to rest. The Force has agreed there is an issue and have been in contact with the Home Office to seek guidance on updating the alarm system.

A performance framework was developed and introduced in January 2015. The aim is to build a data base to monitor ICV's activity and the key themes being picked up in their visits. It will also provide a tool to effectively challenge performance by both the force and ICVs and identify areas that require more focus or training. Full details of performance activity will be included in the next iteration of this report.

The introduction of the new Force records management system (NICHE) resulted in a few issues with time delays in accessing custody records. However, this matter has now been resolved.

ICVs have been requested to ask for custody records on a regular basis and record each time they request the detainee's custody record and had this access agreed by the detainee. As ICVs were not consistently accessing custody records, this was a subject of training and the Scheme Administrator highlighted that this activity evidences their 'independent' role and provides an effective method of oversight as well as being deemed best practice. The OPCC continues to monitor the ICVs use of custody records.

The volunteers are vetted to a basic level and serve a three year term which can be renewed subject to a satisfactory informal interview. These were carried out during September 2014. One ICV decided to retire and the remaining chose to remain as volunteers and signed a further 3 year agreement.

Training was provided during ICV Scheme meetings, including:

- Revised Police And Criminal Evidence Act (1984) Codes C and H
- ICVA national performance standards
- Appropriate adults
- Key learning points from the Joint Inspections by Her Majesty's Inspectorate of Constabulary (HMIC) and Her Majesty's Inspectorate of Prisons (HMIP).

ICVA provided their annual training course on the 19th January 2015. This covered a basic refresher course (including the use of custody records), appropriate care for detainees under 18 and mental health awareness.

The Scheme Administrator attended the Scheme Administrators Conference on the 1st and 2nd of July 2014. This provided good guidance by focussing on the policy changes related to police custody and best practice.

	<p>The Scheme Administrator also attended the Independent Custody Visiting Association (ICVA) National Conference in November 2014 in Birmingham. There were a number of very informative speakers including PCC Martyn Underhill (Chair of ICVA); Heather Hurford (HMIC); Lynne Featherstone MP; Catherine May (Equality and Human Rights Commission); Professor Siobhan O'Neil, Professor of Mental Health Studies.</p> <p>The conferences were informative and highlighted issues which schemes should be aware of and provided a focus for the following year's practice and policy development.</p>								
<p>4.</p>	<p><u>NEXT STEPS</u></p> <p>In order to refresh the practices of some ICVs, additional training is required. Training is planned to be incorporated into Scheme meetings which will be further enhanced by the annual ICVA refresher training event. Accessing custody records will be encouraged and monitored.</p> <p>ICVs will continue to monitor the Force's progression to update the cell alarms in Ystrad Mynach.</p> <p>The performance framework continues to be developed and will provide a data set to measure the Scheme's activity and outcomes, identify areas of practice that need to be shared or challenged. A template is attached at Annex A.</p> <p>A recruitment period is planned for the Summer of 2015, as we have identified a requirement to provide resilience for current ICVs.</p>								
<p>5.</p>	<p><u>FINANCIAL CONSIDERATIONS</u></p> <p>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.</p> <p>The annual budget allocated for the scheme 2014/15 was £2,500 and spending as below:</p> <table border="1" data-bbox="272 1615 1394 1794"> <tr> <td>ICVA Subscription</td> <td>£500.00</td> </tr> <tr> <td>Conferences (and travel)</td> <td>£292.80</td> </tr> <tr> <td>Mileage</td> <td>£1,618.20</td> </tr> <tr> <td style="text-align: right;">TOTAL</td> <td>£2,411.00</td> </tr> </table> <p>The actual cost of running the scheme during 2014/15 was £2,411.</p>	ICVA Subscription	£500.00	Conferences (and travel)	£292.80	Mileage	£1,618.20	TOTAL	£2,411.00
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<p>6.</p>	<p><u>PERSONNEL CONSIDERATIONS</u></p> <p>The scheme is administrated within the Office of the Police and Crime Commissioner. The Policy Officer for Engagement is the Scheme Administrator in addition to the Head of Corporate Governance who is the</p>								

	<p>Scheme Manager and the Business Support Officer who provides administrative support.</p> <p>It is our intention to target recruitment in order to ensure that the volunteers are more representative of the diverse communities we have in Gwent.</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 ICVs whilst undertaking their role. ICVs 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> <p>Potential issues related to ICVs not maintaining an appropriate standard of practice will need to be mitigated via training, on-going support and awareness raising.</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>Annex A</p>



Template ICV
Performance Framework

For OPCC use only

Consultation:	Tick to confirm (if applicable)
Financial The Chief Finance Officer has been consulted on this proposal.	✓
OPCC The Chief of Staff 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 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:

Sian Lulay

Date: 02/03/16

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:

La Jolita

Date:

7.3.16

