



# VISITING TIMES

SPRING 2011 - V21/2 the newsletter of the Independent Custody Visiting Association



## CONSTANCY amid change

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#### Who are independent custody visitors?

Independent custody visitors are members of the local community who visit police stations unannounced to check on the welfare of people in police custody. They come from a variety of backgrounds and sections of the community. They must be over 18 and have no direct involvement

in the criminal justice system, for example, serving police officers or special constables. Other people such as solicitors or probation officers may be excluded, to prevent possible conflict of interests for the individual. This maintains the independence of the scheme as a whole.

## A WORD FROM THE CHAIR



### A warm welcome to the Spring-Summer 2011 edition of Visiting Times...

I'm delighted to open on the positive note that ICVA has secured Home Office funding for a further 12 months. So before I tell you what this issue features, I'd like to highlight some of the benefits this funding will enable, both now and in the future.

As you are all aware, custody visiting provides the police service with an independent performance indicator on how persons within police custody are held. The impact of volunteers within custody visiting is immense and provides an excellent illustration of the government's "Big Society" endeavours, with a real look at how local people can make a difference to the way in which human rights are upheld in police detention. It also illustrates the Government's support of the United Nations OPCAT protocols, of which custody visiting is a national preventative mechanism.

In future, ICVA will look to provide support to any new structure, including the proposed Police Commissioners, to ensure that they meet their statutory custody visiting responsibilities. This year we will strive to develop a blue print for the future of custody visiting, one that allows for authorities and any future bodies to have a custody visiting process that is better and healthier than ever.

By developing a health check process the association will help those authorities who wish to either make improvements to their schemes or to apply for Investors in Volunteers Status. ICVA is encouraging all police authorities to consider applying for IIV status and the national IIV manager will address scheme administrators on this topic in June.

ICVA will produce revised national standards this year to assist authorities in looking at their schemes. Many thanks to all who contributed to the consultation on national standards - we are now awaiting Home office advice on whether there needs to be a formal consultation with the police and other stakeholders before publishing at the scheme administrators conference.

This year's conference will focus on making sure that the police authorities' transfer of ICV schemes to the new Police & Crime Commissioners ensures that best practices are shared - and that the volunteers' views are adequately reflected within the criminal justice system. In addition, Nigel Newcomen will deliver a Half Term Report on the HMIC/HMIP police custody inspections at this event. Details of the latest reports are included in this issue.

ICVA's national conference takes place in the Belfast Hilton on 19 November 2011. Belfast's two airports are served by a number of regional airports and advance booking often enables budget air fares, which can work out cheaper than travelling by train. So we're giving you plenty of advance notice so that police authorities can take advantage of offers for their visitors!

We are planning to introduce a national custody visiting day and will form a working party to discuss this later in the year.

Hot on the heels of the Royal Wedding, preparations for the Olympics are well underway, with potentially significant implications for custody suites across the UK. ICVA will endeavour to support local schemes to ensure that systems are in place to facilitate this major event.

And speaking of royalty, we bring you pictures of a recent royal visit to a custody suite in Leamington Spa, where HRH The Queen officially opened the superb facilities at Warwickshire Justice Centre.

#### Also in this edition...

**Seeking Safer Detention** - Draft Guidance is currently open for consultation, with responses requested by June 2011.

#### This is your Visiting Times

This is ICVA's magazine for you. Please contribute. A proper exchange of views and debate is essential for us all to develop and progress custody visiting together. Email your views, articles, ideas, suggestions and criticisms to: [visitingtimes@icva.org.uk](mailto:visitingtimes@icva.org.uk)

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## A WORD FROM THE CHAIR continued

We would urge police authorities to take this opportunity to be proactive about expressing their views, based on developments and experience since initial guidance was introduced in 2006.

**Constancy Amid Change** - ICVA is ready to provide consistent, ongoing support in the months ahead as it continues to strive for improvements in custody visiting nationally. This will be a year in which the association seeks to look to the future in relation to proposals for Police Commissioners and any other new partnerships.

**Northern Ireland ICVs Look to the Future** - Presentations at the Northern Ireland Policing Board's annual conference

featured quality improvement, good practice and future challenges.

I'd like to take this opportunity to welcome on board ICVA's new Vice Chair, Janet Spencer. With a background in the justice system, Janet runs the independent custody visiting steering group at West Yorkshire Police Authority and will now become a more valuable asset to ICVA's executive committee.

I hope that you enjoy this issue and wish you all a very pleasant Spring and Summer!

**David Wood**  
Chair, ICVA

## ICVA WELCOMES NEW VICE CHAIR



A warm welcome to ICVA's new Vice Chair, Janet Spencer of West Yorkshire Police Authority. Janet is a chief executive of a housing organisation

offering supported accommodation to vulnerable people across the city of Leeds.

Formerly, she worked in the Youth Justice System, employed to develop and manage a Bail Support

Scheme for Adolescent Offenders. She has experience of working within a social service and probation setting.

Janet sees her role as Independent Member of the Police Authority as offering the opportunity to effectively represent and serve the people living in West Yorkshire and also to take a full and active part within society.

In addition to leading the Independent Custody Visiting Steering Group, her committee responsibilities include: Resources, Specialist Policing, and the Yorkshire and Humberside Joint Police Authorities Committee (alternate).



# CONSTANCY

## amid change

Rarely, if ever, has society braced itself for such radical change. The future of policing and all those involved in the independent custody visiting process will not escape the disruption. ICVA will assist in the transition of custody visiting from current police authorities to proposed police commissioners.

In the light of such change, the association is delighted to announce that it has secured Home Office funding for a further 12 months and is ready to provide consistent, ongoing support in the months ahead as it continues to strive for improvements in custody visiting nationally. The association acknowledges proposed future changes envisaged in the accountability of custody visiting locally and seeks to assist both police authorities and any new Commissioners in the transition period to ensure that their scheme is operating effectively.

This will be a year in which ICVA seeks to look to the future in relation to proposals for Police Commissioners and any new partnerships that need to be developed. The main focus for this year will be to strengthen existing partnerships and to develop protocols between organisations it works with in the criminal justice system and to enhance working relationships between partners in the delivery of national preventative mechanisms.

ICVA continues to be acknowledged in training excellence and its national training programme has proven very successful to date. Increasingly it has been supporting

authorities in looking at improvements in their schemes following the new codes of practice. The establishment of regional meetings and the new training and development package on offer to police authorities will retain ICVA's existing membership, general knowledge of organisations and the need for ICVA services.

Key customers of the association are police authorities made up of members, administrators of schemes and volunteers and service requirements include publicity, training, support, information, advice and policy.

Customer demands are increasing with respect to advice and information, training and support as a result of the amendments to the codes of practice and the issues arising from joint inspections of custody suites across the country. It is also anticipated that amendments to the detention periods of Terrorism Act detainees will mean that the complexity of the requests for advice and training will grow significantly. The role of ICVA as an NPM will also ensure that its experience in the area of human rights and the dignity of detainees takes on additional significance.

The association continues to provide advice and support internationally to organisations that are looking to develop schemes that monitor police detention.

Opportunities for ICVA at this moment in time can be grouped into three categories:

- **Within custody visiting** - human rights and dignity agenda, the role of custody visiting in relation to the national preventative mechanism, expansion of its services to members.
- **Partnership opportunities within the UK** - examples within the UK include the IPCC, Lay Observers,

Independent Monitoring Boards and Appropriate Adult Schemes, other National Preventative Mechanisms. There are also networking relationship opportunities with government (HMIC/HMIP, Prisoner Escort Custody Services), the police service and other groups with an interest in the criminal justice system (the Law Society, Howard League for Penal Reform). These provide the association with an opportunity to look at the way in which it delivers its training service for example and how it can maximise its resources.

- **Extending the remit of ICVs** - in addition to the existing statutory roles & responsibilities there may be opportunities for ICVs to expand their roles. These include access to CCTV, expanding the role of the custody visitor to look at the detained person from the time of arrest, ICV involvement in visiting terrorist detainees, acting as appropriate adults, lay observers and assisting police forces on the outcome of inspection.

### Major improvements planned

The association now has the opportunity of enhancing the quality and direction of its service and to this extent will use the next 12 months to promote the need for quality and effectiveness in custody visiting schemes across the country and to ensure communication between schemes and their communities. It will look to lobby for the extension of the remit of custody visitors and to provide excellence and leadership in the area of training of volunteers with a view to extending the training to other NPMs in the UK.

### Future aims and priorities

ICVA has identified key priorities for delivery in 2011/12:

- To promote quality and effectiveness in the delivery of custody visiting schemes
- To provide excellence in the delivery and promotion of national preventative mechanisms within the volunteer sector
- To provide guidance and policy support to all stakeholders
- To promote awareness and communication between schemes and their communities
- To provide support to all schemes in their role to safeguard the respect and dignity of those held in custody
- To provide excellence and leadership in the training of volunteers
- To improve and align the custody visiting criteria with the OPCAT protocols, Codes of Practice and the European Human Rights legislation
- To establish or to strengthen existing working protocols between organisations it works with in the criminal justice system
- To highlight the recommendations of HMIP/HMIC joint inspections and IPCC findings on custody matters and seek to influence change
- To ensure the efficient and effective running of the association in the delivery of its objectives.

### Future Activities

To support delivery of the association's priorities it has identified key activities:

- To produce national standards through the development of a working group
- To produce a national template to assist authorities in achieving Investors in Volunteers Status
- To provide a benchmarking assessment form in order to see if schemes are "fit for purpose" and to provide a health check against the codes of practice and national standards
- To assist in the transition of custody visiting from current police authorities to proposed Police Commissioners
- To meet with relevant bodies and NGOs with a view to sharing resources and information for the voluntary sector
- To consider a national training programme for the voluntary sector in relation to the promotion of OPCAT competencies
- To review arrangements and protocols for detainees held under TACT and to provide visiting protocols for any changes to detention times
- To work with Government Offices nationally to support them in their delivery of custody visiting
- To provide an up to date modern website to inform all stakeholders
- To provide an annual conference and attend regional conferences to disseminate information, good practice and support to custody visiting and visitors
- To produce 'Visiting Times' to provide information and exchange of views to custody visitors locally
- To set up a working party to look at a proposal for a National Custody Visiting Day or to consider a NPM awareness day
- To provide schemes with information from the European Union, OPCAT and other human rights sources to enable good practice and improvement in schemes
- To produce a new DVD with revised Codes of Practice & National Standards
- To roll out a national training programme, which may also be offered to other NPM's or NGO's within the Criminal Justice System
- To seek accreditation of training or Approved Training with Formal Certification
- To continue in the delivery of training for schemes nationally and internationally
- To continue delivery of cultural awareness programmes
- To lobby for further ICV involvement from the point of arrest and to review CCTV
- To lobby for visits by ICVs to places of safety, hospitals (section 136), border agencies UK and holding centres
- To re-establish the Volunteers in the Criminal Justice System working party
- To provide feedback to members on inspections
- To meet with HMIC/HMIP and IPCC regularly to discuss outcomes of inspections and reports



# Recruits

## New Visitors to Kent



Kent Police Authority has taken a fresh approach to recruitment by taking to the small screen with a video campaign on YouTube, a video sharing website on which users can upload and share videos with the public.

The video showed footage of two custody visitors with a detainee, explaining their role and what a visit involves. ICV, Liza Tuffrey, spoke about the invaluable experience of being an independent custody visitor and how the skills she had learned can be transferred into the workplace.

This simple, yet effective approach has proved an effective way of reaching new audiences. Advertised in Policing Kent magazines, the multimedia drive has attracted an excellent response, with 44 people expressing an interest in becoming independent custody visitors as a direct result. 22 new ICVs have been recruited as a result of an advert in Policing Kent magazine, which attracted an overwhelming response, with more than 120 application packs issued.

The YouTube video can be viewed here: [http://www.youtube.com/results?search\\_query=independent+custody+visiting&q=f](http://www.youtube.com/results?search_query=independent+custody+visiting&q=f)

## Let's Talk



The Northern Ireland Policing Board has launched its latest Human Rights Annual Report through a 'let's talk' styled event which, as well as highlighting the findings from the report, gave stakeholders the opportunity to debate and discuss issues surrounding policing and human rights.

In the Foreword of the Human Rights Annual Report, Acting Chair of the Board, Brian Rea wrote:

"The findings of this latest report, which covers 14 key policing areas such as Training, Public Order, Professional Standards and Use of Force, shows that the PSNI are continuing to make real progress in embedding human rights across the service.

"The 5 recommendations coming out of the report, which cover training issues and treatment of suspects, compares very favourably with the 20 from last year, however the Thematic Reviews have now become an integral part of the Board's human rights monitoring work and findings from these carry as much weight."

The report can be read in full here. [http://www.nipolicingboard.org.uk/final\\_pdf\\_-\\_human\\_rights\\_annual\\_report\\_2010.pdf](http://www.nipolicingboard.org.uk/final_pdf_-_human_rights_annual_report_2010.pdf)

## Human Rights Report

The recently launched Human Rights and Democracy: The 2010 Foreign & Commonwealth Report is now available online at [www.fco.gov.uk/hrdreport](http://www.fco.gov.uk/hrdreport) where you can read, print, search, share and comment on either the whole report, or the individual sections that you are interested in. You can also ask Jeremy Browne (Minister with responsibility for human rights policy in the FCO) your questions on the report or find out more in the Get Involved section.

As the Foreign Secretary said at the March launch, the FCO identified 26 countries of concern for the 2010 report and is providing quarterly updates so you can follow human rights developments in these countries, as well as what actions the UK is taking. These updates appear below the 2010 report on section pages for the countries of concern.

In December the Foreign and Commonwealth Office marked International Human Rights Day with a message of support sent to human rights defenders around the world by Foreign Secretary, William Hague. Recipients included the Chinese Nobel Peace Prize winner Liu Xiaobo, and those detained in Burma and Iran. The Foreign Secretary's statement and video message can be found at [www.fco.gov.uk/en/news/latest-news/?view=News&id=361232682](http://www.fco.gov.uk/en/news/latest-news/?view=News&id=361232682)

Jeremy Browne, FCO Minister with responsibility for human rights policy, also wrote an article looking back on his human rights activities over the last 7 months.

Ambassadors and other bloggers wrote to mark the day, with international contributions from ambassadors around the world.



# Seeking **SAFER DETENTION**

Draft Safer Detention Guidance is currently open for consultation, with responses requested by June 2011. The new guidance is designed to revise and update the first Guidance on the Safer Detention and Handling of Persons in Police Custody produced by ACPO in 2006, which identified the standards expected in the handling of persons who come into police contact.

This guidance is produced by the National Policing Improvement Agency (NPIA) on behalf of the Association of Chief Police Officers (ACPO) and the Home Office who have worked closely with stakeholders and practitioners and will continue to do so in ensuring that the document remains relevant, up to date and continues to make best use of the changing good practice and lessons learnt.

The NPIA was established by the Police and Justice Act 2006 and is required to develop policing doctrine, including practice advice, in consultation with ACPO, the Home Office and the Police Service.

ICVA is currently preparing its response to the consultation and would urge police authorities to be proactive about expressing their views, based on developments and experience since initial guidance was introduced. Responses should be submitted to Anna Akerman at [anna.akerman@npia.police.uk](mailto:anna.akerman@npia.police.uk) by close of play on Monday 13th June 2011.

Excerpts from the draft guidance follow, and outline why dealing effectively with people who come into contact with the police is a key element in:

- Building community confidence
- Ensuring the successful outcome to the investigation of crime
- Engaging support in building safer, more secure neighbourhoods
- Promoting a safer working environment for staff.

The new guidance aims to achieve these objectives by setting out both the legal framework within which the police must operate to tackle crime and the protections and safeguards for the public.

It focuses on practical issues and sets out to provide a definitive guide on how police forces should put in place strategic and operational policies to help raise the standards of custodial care for those that come into contact with the police. The guidance recognises that the core task of the police is to uphold law and

order and to tackle crime and disorder effectively. The evidence gathering process is essential to this. Ensuring that a detainee receives the appropriate level of care to determine their fitness to be detained and fitness to be interviewed is a key element in obtaining the best quality of evidence to assist in prosecuting offenders.

The ACPO 2006 Guidance on the Safer Detention and Handling of Persons in Police Custody identified the standards expected in the handling of persons who come into police contact. It has been established that these standards can only be delivered by having strategic policies which support and drive operational good practice and effective training. Recognition is given to the varying demands on individual police forces and the way in which they deal with the detention and handling of persons in their custody.

This guidance seeks to revise and bring up to date the 2006 document; in doing so it will incorporate and apply a considerable wealth of learning taken from the implementation and practical use of original guidance since 2006. It has drawn together legislative changes, IPCC recommendations, HMIC report findings, and other ACPO Guidance that relates to and affects the way in which people may be detained and dealt with in police custody and during transportation. It also provides a level of flexibility needed to meet local requirements while providing an overarching framework under which standards in custodial care may continually improve.

### MANAGEMENT CONSIDERATIONS

In order to achieve a level of strategic level engagement that is necessary for the safe delivery of custody, senior management should consider the following controls (HMI (2009) Expectations for Police Custody):

- There is a policy focus on custody issues at a chief officer level that covers:
- Development and maintenance of the custody estate
- Staffing of custody suites and contractual arrangements with staffing agencies
- Necessity for adequate and appropriate training and refresher training
- Management of the risks of custody
- The requirement to meet with the mental and physical health and well-being needs of all detainees
- The requirement to meet with the diverse needs of detainees.
- There is an effective management structure for custody that ensures that policies and protocols are in place and implemented and that there are mechanisms for learning from adverse incidents, rubbing points or complaints and in particular from the monitoring trends
- The force holds partnership arrangements and effective working relationships with commissioners and providers of health services, immigration

services, youth offending service, criminal justice teams, CPS, courts and other law enforcement agencies.

### PRINCIPLES OF SAFER DETENTION

1. There is a strategic focus, supported by the Chief Officer group, which promotes the safe and decent delivery of custody.
2. Detention is appropriate, authorised and lasts no longer than is necessary. All rights relating to PACE and the PACE Codes of Practice are adhered to.
3. Whilst in Police custody, detainees are treated in a way that is dignified and takes account of their human rights and diverse individual needs.

Custody staff are respectful in their day-to-day working and are aware of and responsive to any particular risks and vulnerabilities relating to:

- those who have consumed alcohol
  - those who have consumed or packed drugs
  - those with mental ill health or learning disabilities /difficulties
  - women
  - black and minority ethnic detainees
  - children and young people
  - those with disabilities
  - foreign nationals
  - immigration detainees
  - those with different religious needs
  - older detainees
  - detainees of all sexualities
  - transsexual and transgendered detainees
  - otherwise vulnerable detainees.
4. Detainees have access to health and social care services appropriate to their physical and mental health needs. They receive emergency medical care where necessary and are provided with appropriate medication or support according to their needs.
  5. Any force used within a custody suite is proportionate and lawful.
  6. All Custody Officers and staff have undergone appropriate and adequate training. Police, Contract and Healthcare staff understand their role their legal responsibilities, and are operationally competent.
  7. All areas of the custody suite that are used by detainees are clean and safe. Custody facilities are kept in a good state of repair, are fit for purpose and meet with fire safety standards.

**ICVA will report back on the outcome of the consultation in the next edition of Visiting Times.**

# How Many Visits?

The answer is relative and dependent on both location and circumstances. For example, Manchester has a central detention unit with 38 cells and Staffordshire has recently also centralised its custody arrangements.

**Jean Snowhill, business manager at Hampshire Police Authority shared experience in the local area:**

**“In Hampshire we have a sliding scale of frequencies based on the DP throughput and this is reviewed annually. This is because historically Hampshire has retained a high number (14) of custody suites, some of which only have 5 or 6 cells.**

The frequency of custody visits has been a topic of discussion at numerous police stations recently, so what is the ideal number?

“The new facility in Southampton will come on stream shortly and we are trying to work out visit frequency. Currently the old facility has 19 cells and is visited once per week. The new facility will have 36 cells and ICVs are keen to visit more often than once per week, particularly as another suite will be closed so they will lose visits there.”

**Ian Smith OBE responded:**

“It is reasonable for a visit to take place more than once a week as long as there is coordination, so that visits do not take place simultaneously or on the same day. It is also imperative that should there be a large number arrested on a given day - for example at a public order event - then there may be reason to revisit during the same day.”

The views of police authorities in other areas are welcomed.



## All Aboard

ICVA is delighted to inform VT readers that every police authority and joint policing board in the UK now has independent custody visiting schemes in place.

The association welcomed the announcement of Grampian Joint Police Board's recently launched scheme. This followed a report by the Accounts Commission and HM Inspectorate of Constabulary for Scotland (HMIC), which emphasised the importance of delivering an effective custody scheme.

**ICVA**  
the independent custody  
visiting association

# A RIGHT ROYAL VISIT



The Queen and The Duke of Edinburgh visited Warwickshire in March to open a new one-stop justice centre - the largest civil and family court to be built in England and Wales for more than 100 years.

The Warwickshire Justice Centre, which opened its doors last summer, is a new base for Warwickshire's police, Probation Service, Magistrates' and Crown Courts.

They viewed an empty cell and the Judges' Bench in the crown court at the formal opening of the Warwickshire Justice Centre in Leamington Spa.

At a ceremony attended by Lord Chancellor and Secretary of State for Justice, Jack Straw and Lord Chief Justice, Lord Phillips of Worth Matravers, The Queen unveiled a plaque at the Manchester Civil Justice Centre.

Diana Taulbut, chair of South Warwickshire Custody Visitors' Panel, was invited to attend the opening and was presented to both the Queen and the Duke of Edinburgh.

Diana Taulbut said:

"This impressive new facility houses Crown and Magistrates Courts, CPS, YoT, Probation, Police, Victim and Witness Support, and of course contains custody facilities. It's the first in the country to bring all these together under one roof. The old police station forms the rear of the building: the old cell block was completely refurbished and doubled in size, lovely new facilities for everyone, including the staff.

The Queen was shown round custody and looked round cell 35 with Custody Inspector, Lee McIntosh.



# Northern Ireland ICVs Look to the Future



Northern Ireland's annual independent custody visiting conference took place in March 2011, hosted by the Northern Ireland Policing Board (NIPB).

Chaired by Brian Rea, Acting Chairman of the Board, excerpts of the comprehensive itinerary was as follows:



## THE ROLE OF THE REGULATION & QUALITY IMPROVEMENT AUTHORITY (RQIA)

**Dr Ian Carson - Chair and Glenn Houston - Chief Executive** of RQIA spoke about the role of this dedicated National Preventative Mechanism (NPM), which can be divided into three main areas:

- Register and inspect a wide range of independent and statutory health and social care services
- Work to assure the quality of services provided by the Health and Social Care Board, HSC Trusts and agencies through our programme of reviews
- Undertake a wide range of responsibilities for people with mental illness and learning disabilities.

### Places of Detention

RQIA is responsible for the oversight of health and social care in prisons, children's secure accommodation and mental health and learning disability facilities.

The organisation was designated as a national preventative mechanism by the UK Government in April 2009 and reports to the UK co-ordinating body of the Convention Against Torture on the prevention of inhuman and degrading treatment annually.

The RQIA published an Independent Review of Child and Adolescent Mental Health Services in Northern Ireland in February 2011, which can be viewed at [www.rqia.org.uk](http://www.rqia.org.uk).

Baroness May Blood of Blackwatertown shared her personal experiences of volunteering before ICVA took the floor.

## GOOD PRACTICE, LEARNING POINTS & DEVELOPMENTS IN GREAT BRITAIN

**Ian Smith OBE, Chief Executive of ICVA** focused on the today and tomorrow of good practice and what it means for ICVA and custody visiting.

Local practice must improve national standards and what we do needs to show that we not only adapt national standards to local needs but build on them to develop excellent service delivery. Two recent examples are the self introduction where something that started locally is now a code of practice and the refocusing of custody visiting on the human rights and welfare of detainees.

Ian Smith went on to illustrate how ICVs in different areas of Northern Ireland have made a real difference and implemented practical change, by highlighting weaknesses in the system and ultimately improving conditions for detainees.

### Tyrone/Fermanagh

In carrying out a visit 2 members of the team discovered that the Custody Sgt was the only person on duty in the suite. Further investigation revealed that the Sgt was not a regular member of custody staff and had not completed any of the required mandatory training (i.e. first aid). This was escalated to the duty Inspector and the suite was subsequently closed before any detainees were received.

### Belfast/Antrim

Members of the Belfast/Antrim team have, since April 2010, identified that 4 detainees did not receive their Rights when received into custody. The team has also discovered that 5 reviews of custody were not carried out in line with PACE and checks on 2 detainees were not completed in line with the designated Care Plan. All of these have been reported to the Board and the relevant senior officers in PSNI.

### North West

Team members identified that the staff fridge in a suite was being used to store forensic samples (i.e. blood/urine) as well as detainee meals and staff personal items. This was immediately escalated and a specific fridge for forensic samples has now been supplied.

### Down/Armagh

Following a conversation with an immigration detainee it became clear that he had not had a shower for 3 days. The two ICVs insisted that this was provided to the detainee prior to them leaving the suite.

### In closing...

Ian Smith concluded the presentation by congratulating the Board for its commitment to the scheme and the officers for their efforts to develop the scheme as a beacon of good practice, but most of all to the visitors whose tireless endeavours make the scheme a reality.

## RESULTS OF CUSTODY VISITOR SURVEY 2011

The survey aimed to obtain the views of custody visitors on a range of policy, support and practical issues in order to help the Policing Board (the Board) provide a high quality service to its custody visitors.

36 custody visitors returned questionnaires (a 67% response rate) and results were mostly positive.

### Attitudes to custody visiting

Overall respondents have a positive attitude to custody visiting. However, one in five respondents (19%) stated 'no' when asked if 'Custody staff welcome our visits'. Respondents stated that Detainees benefit the most from custody visiting.

### Training, Resources and Support

At least six out of seven respondents agreed with each of the eight statements relating to the training, resources and support they receive. Six respondents did not agree with some of the statements.

### Visits and Working Arrangements

The majority of respondents were happy with the scheme's working arrangements. However over one out of five respondents (22%) did not believe 'we see a sufficient proportion of detained persons held in custody' and one out of four respondents (25%) did not 'obtain feedback about issues raised from Custody visits'.

### Awareness of Specific Scheme Aspects

Over nine out of ten respondents were aware of Self Introduction, changes to the ICV Handbook and Investing in Volunteers. However, just over half of respondents (56%) were aware of the Operational Protocol to the Convention Against Torture (OPCAT) National Preventive Mechanism (NPM).

### Overall Service

Six out of seven respondents (86%) were very/fairly satisfied with the way the Board runs the custody visiting scheme.

## A REVIEW OF 2010/11 AND CHALLENGES IN 2011/12

Kevan Downer, Service Monitoring Manager for NIPB reported on continuous improvement in standards within PSNI Custody Suites over the previous 3 years, with current 82% satisfactory YTD and a marked decrease in refusal rates by detainees since self introduction was introduced.

Northern Ireland was the first UK scheme to receive an Investors in Volunteers (IIV) Award in 2010 and has since advised police authorities in GB on how to achieve IIV status. However it is still a concern that some absolute rights under PACE are being ignored.

### Future challenges include:

- Managing the same number of visits (1200) on a reduced budget
- Revised station assignments
- Increase the % of detainees we talk to & reduce the number of incomplete visits
- Increase knowledge of NPM
- New Policing Board - lead Member?
- New volunteers.

Delays are rising, which is a challenge for PSNI as they seek to reduce the number of suites. In addition there is no dedicated immigration facility and there are examples of detainees being held for up to a week; UKBA also outsource their detention to PSNI.

Some grey areas require attention, particularly at weekends when the pubs shut and a number of arrests are made with detainees held in police vehicles before the detention is authorised.



# POLICE CUSTODY Reports

Police custody reports published as part of the ongoing programme of inspections by HMIC and HMIP include Avon and Somerset, North Wales, Kent and West Midlands. The main points from each of these follow, while all can be read in full at ICVA web news or at [www.hmic.gov.uk](http://www.hmic.gov.uk).

## AVON & SOMERSET

Police custody reports in North Wales, Avon and Somerset were published in January.



According to the Chief Inspectors, police custody facilities in Avon and Somerset were positive in some respects but improvements were needed, particularly in safety. The inspection covered ten designated custody suites at Southmead, Broadbury Road, Trinity Road, Staple Hill, Bath, Weston-super-Mare, Bridgwater, Taunton, Minehead and Yeovil. A further seven non-designated suites were also visited.

### Strengths include:

- the authority has a clear influence in developing high-profile collaborative projects, such as the forensic science consortium, which provide better value for money

- the independent custody visitor scheme is well-managed and extensive
- there is visible support - including financial support - for neighbourhood policing and the deployment of police community support officers, and;
- call-handling for emergency and non-emergency calls is much improved.

### Areas for improvement include:

- target setting, monitoring and scrutiny needs a more rigorous and robust approach across all areas of core police business
- despite improvements in recent years, crime and detection rates are unsatisfactory when compared to other forces
- more effective scrutiny of shift patterns and overtime, and their financial consequences, is needed to modernise the workforce, and;
- the policing plan fails to convey clearly to the general public the Authority and Constabulary's priorities and why and how they are chosen.

## NORTH WALES

The North Wales inspection covered six custody suites at Mold, St Asaph, Holyhead, Dolgellau, Caernarfon and Wrexham. The inspection found that North Wales Police had a good strategic grip on custody and had good overall facilities and some areas of excellent practice, with the exception of those at Wrexham.



#### Inspectors were pleased to find that:

- there were positive and appropriate interactions between staff and detainees
- the force had invested in the estate, which was generally in good condition with the exception of Wrexham
- there was good work with more vulnerable detainees, such as children, those with mental health problems and drug users
- there was excellent nursing provision and good clinical care; and
- DNA and forensic matters were handled well.

#### However, there were some concerns:

- the custody suite at Wrexham was in poor condition with limited in-cell sanitation and taped over call bells
- there were some delays in response times for forensic medical examiners
- at times, custody staff were too risk-averse; and
- the force was obliged to act as a place of safety for those with mental health problems on too many occasions and for too long, and needed to strengthen relationships with the local health board and health care providers.

## KENT

Police custody facilities in Kent, published in March, were positive in many respects, with some excellent provision.



The inspection covered nine custody suites serving Gravesend, Gillingham, Maidstone, Sittingbourne, Tonbridge, Canterbury, Margate, Dover and Folkestone. Additional cells in standby suites at the Bluewater shopping centre and Longport were also visited.

Overall, there were some areas of excellent practice. However there were also areas for improvement.

#### Inspectors were pleased to find that:

- there was clear strategic leadership and a clear strategy for improving the estate, supported by the police authority;
- staffing levels were, in the main, adequate;
- there was a positive approach to balancing detainees' rights against case progression;
- cells were generally clean and free from graffiti;
- staff were aware of diversity issues and routinely questioned detainees about any dependencies;
- primary health care services were extremely good with well-developed clinical governance arrangements and robust medicines management; and
- mental health diversion services were excellent.

#### However, there were some concerns:

- there was scope to improve recording of the use of force and analysis of that data to identify trends or issues for attention;
- the overall approach to initial risk assessment and hand-over of details or risk was mixed and there was a lack of privacy at booking-in desks;
- there were ligature points in some cells; and
- too many detainees were still held in police stations as a place of safety under Section 136 of the Mental Health Act.

#### Nick Hardwick and Dru Sharpling said:

"Overall this inspection identified some good, and indeed some excellent, aspects of custody provision in Kent. However, this report sets out a number of findings and recommendations which we believe will assist the Chief Constable and Police Authority to improve the quality of custody provision further."

## WEST MIDLANDS

The West Midlands Police Custody Report was also published in March 2011, with facilities described as positive in many respects though certain issues, such as safety, required attention.



The inspection covered 17 designated custody suites serving Birmingham West and Central, Birmingham South, Birmingham West, Birmingham North, Wolverhampton Central, Dudley, Sandwell, Walsall, Solihull and Coventry. Additional cells in standby suites were also visited.

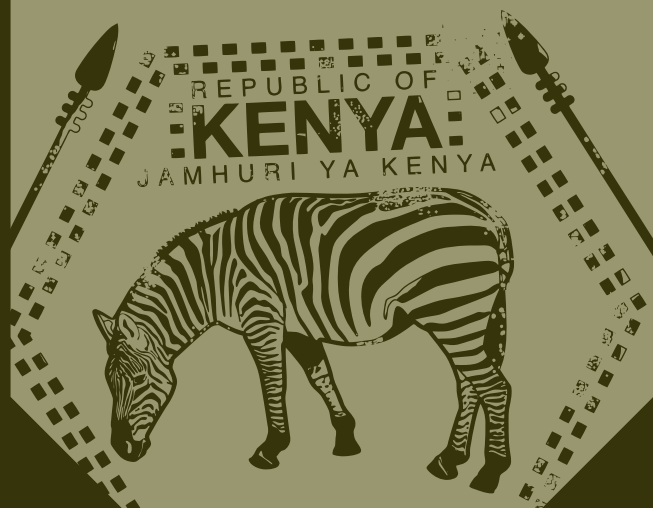
#### Inspectors were pleased to find that:

- there was clear strategic leadership, well supported by the police authority, and an active independent custody visitors scheme
- the recent move to a centralised model had brought greater oversight and improved service delivery
- staffing levels were good, interactions with detainees were impressive and staff felt valued and empowered
- health care provision was good, with strong governance, robust medicines management and reasonable waiting times
- substance misuse services were generally good; and
- partnerships generally worked well.

#### However there were some concerns:

- despite significant investment across the custody estate, virtually every cell failed to pass the safety examination as there were numerous ligature points as well as inconsistent health and safety monitoring
- there was a mixed approach to risk assessment, both on arrival and at the pre-release stage, when only the most vulnerable were assessed
- data on the use of force was not used effectively to identify trends; and
- there were problems providing appropriate adults for vulnerable detainees.

# Human Rights KENYA REPORT



A workshop for East African national human rights institutions on the implementation of torture prevention standards took place in Kenya in October 2010.

Professor Rachel Murray of the University of Bristol has completed a report on the workshop, funded by a four year research grant from the Arts and Humanities Research Council to examine the implementation of human rights standards.

The aim of this workshop was to bring together, for the first time, key individuals from the East African national human rights institutions and the African Commission, with international and regional experts, to examine the use of standards on torture prevention by these bodies and to identify ways in which cooperation between them could be strengthened.

The event brought together key individuals from the East African NHRIs; the African Commission; the African Union; the Network of African NHRIs; the Office of the High Commissioner for Human Rights; the UN Subcommittee on Prevention of Torture (SPT); and non-governmental organisations to discuss the following topics:

- The role of NHRIs in the prevention of torture and other ill-treatment
- The mandates of the SRP and CPTA
- How to strengthen communication and collaboration between the East African NHRIs and the African Commission
- An examination of which standards and mechanisms are used by the NHRIs in their work to prevent torture and other ill-treatment
- The prevalence of torture and other ill-treatment, in particular during pre-trial detention
- How to strengthen efforts by the NHRIs and the African Commission to address torture and other forms of ill-treatment, in particular during pre-trial detention.

## THE ROLE OF MECHANISMS TO PREVENT TORTURE AND OTHER ILL-TREATMENT

The aim of the first day was to examine the role NHRIs play in the prevention of torture and other ill-treatment and to identify possible areas of synergy and collaboration between the activities of the NHRIs and those of the African Commission.

## USE AND IMPLEMENTATION OF STANDARDS TO PREVENT TORTURE AND OTHER ILL-TREATMENT

Day two of the workshop focused on examining the use and implementation of standards to prevent torture and other ill-treatment in practice, in order to identify instruments and standards that are perceived to be most useful to national actors in their efforts to prevent these forms of abuse.

## CONCLUSION AND RECOMMENDATIONS

Discussions at the workshop centred around two broad themes:

1. how to build a cooperative relationship between African NHRIs and the African human rights system; and
2. how African institutions can improve the rate of implementation of standards to prevent torture and other ill-treatment at the national level?

Extensive conclusions and recommendations included the following points:

To States:

1. Torture should be criminalised under domestic law in accordance with international human rights law.
2. Pre-trial detention should be used as an exception not the rule. Alternatives to use of pre-trial detention should be especially promoted.
3. Where pre-trial detention is used it should be for the shortest time possible.
4. Access to legal advice promptly after arrest must be guaranteed under domestic law and respected in practice.
5. Persons charged with a criminal offence should be brought to trial in a reasonable time and have full access to a lawyer throughout.
6. Victims of torture and their families should have full access to appropriate remedies and reparation.
7. Training on human rights should be provided on an on-going basis for law enforcement personnel, lawyers and judges.
8. Independent oversight mechanisms to monitor the treatment of persons deprived of their liberty and conditions of detention should be established and maintained. These oversight mechanisms must be guaranteed access to all places of detention, including pre-trial detention facilities.
9. Those States that have not yet signed and ratified the UNCAT and/or the OPCAT should do so as a matter of urgency.
10. When establishing or reviewing oversight mechanisms, including national preventive mechanisms established in accordance with the OPCAT, States should ensure that NHRIs, civil society organisations and other relevant stakeholders have an opportunity to participate fully in the process to decide their form and mandate.



# ICV scheme befriends facebook

The Northern Ireland Policing Board is in the process of developing a dedicated facebook page for its independent custody visiting scheme, due to go live by the end of May 2011.

The aim of the page is to encourage the sharing of relevant information (NOT of individual custody visits) including photos, PowerPoint slides, our Handbook, invites and so on.

The NIPB page will be a "closed group" where people will have to become a 'friend' in order to access the content, with all friend requests authorised by scheme administrators.

It is hoped that this will reduce bureaucracy and encourage volunteers to participate online. ICVA chief exec, Ian Smith has offered to become a friend and provide advice on the page. If other schemes are thinking of following suit, please let us know - or add us as a friend!



## Revised Rights



A revised Notice of Rights and Entitlement Notice has been produced by the Home Office Policing Powers and Protection Unit.

in police custody. The new notice will replace the current version and is being translated prior to online publication.

The notice, which includes information on a detainee's rights ranging from legal to medical help, must be given to all persons

The revised section on independent custody visitors follows.

## Independent Custody Visitors



There are members of the community who are allowed access to police stations unannounced. They are known as independent custody visitors and work on a voluntary basis to make sure that detained people are being treated properly and have access to rights.

You do not have a right to see an independent custody visitor and cannot request that an independent custody visitor visit you. If an independent custody visitor does visit you while you are in custody they will be acting independently of the police to check that your welfare and rights have been protected. However, you do not have to speak to them if you do not wish to.

# Ask ICVA

**WELCOME TO VT'S Q&A COLUMN ON ISSUES OF IMPORTANCE TO YOU... PLEASE SEND YOUR QUERIES ON ANY ELEMENT OF CUSTODY VISITING VIA EMAIL: VISITINGTIMES@ICVA.ORG.UK OR POST: ICVA PO BOX 1053 COLNE BB9 4BL**

**IN THIS ISSUE... TRANSFER OF ICVS TO PCCS... CONFLICTS OF INTEREST .... SELF INTRODUCTION**

## TRANSFER OF ICVS TO PCCS

**Q** Regarding the recent report on the new PRSR Bill, can you please clarify how ICVs will be affected regarding their transfer from authorities to PCCs?

**A** The change for ICVs is in Schedule 15, Part 3, paragraph 163 (page 171 lines 27-35). If anyone is confused by the reference to 'local policing body', see section 102: "elected local policing body" means -  
(a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the police and crime commissioner for the area;  
(b) in relation to the metropolitan police district, the Mayor's Office for Policing and Crime;

## CONFLICT OF INTEREST?

**Q** Hello, I have a question about conflict of interest.

I am an ICV and have just been offered a position on a Youth Offending Panel. "A Youth Offender Panel consists of two volunteers recruited directly from the local community, alongside one member of the youth offending team (YOT). The panel will meet with the young person, and their parents or guardians, to talk about the reasons for the offending behaviour and to agree a tailor-made contract aimed at putting things right."

Would taking up this position (a member of the panel) be considered as a conflict of interest? My understanding is the ICV must not be linked within the criminal justice system... however the offender has already been convicted at court and sent on to the panel. Any advice on this matter would be very much appreciated.

**A** There are automatic disqualifications to becoming an independent custody visitor and these are set out in paragraph 18 of the Codes of Practice and state:

'18. In appointing independent custody visitors, care must be taken to avoid any potential conflict of interest. For example, serving police officers and other serving members of police or police authority staff will be unsuitable for that reason. The same will apply

to special constables, justices of the peace and members of the police authority. All other applications must be considered on their merit.'

You will see that the Youth Offending Panel volunteer has not been included specifically so it is for each police authority to decide all other appointments on merit and whether in their opinion there is a conflict locally.

My advice is that you contact the police authority and tell them your circumstances for them to take a decision.

## SELF INTRODUCTION

**Q** Are you aware that the NPIA 'Guidance on the Safer Detention and Handling of Persons in Police Custody' mentions on page 89 that:- 'It is the responsibility of the custody officer to ensure that the detainee is informed of the function of the ICV and to ascertain whether they are prepared to speak to them'?

As far as I can see the latest publication of this was in 2006, obviously before self-introduction was piloted. I assume that ICVA will liaise with NPIA to amend this for the next publication. Our force is currently cutting through its myriad of policies and procedures and referring back to this guidance in the first instance with insertions for improved practice. Questions were raised over self introduction on this basis.

Do you have any ICVA guidance on this subject?

**A** Guidance on the Safer Detention and Handling of Persons in Police Custody was issued in 2006 and as you correctly point out, the codes of practice were only issued in 2009 and supercede this document.

Codes of practice are of course statutory as they underpin the Police Reform Act 2002. You are right that there are a number of issues that should be discussed as a matter of urgency with the police service, not least the fact that for the first time, the police MUST have regard to these codes of practice (see paragraph 1).

ACPO were involved in the drafting of the codes and are supportive of the visitors being given an opportunity to self-introduce if they wish. Please highlight the above to your police service and provide them with a copy of the codes of practice paragraph 40 which states:

### "Access to Detainees

40. Subject to the exceptions referred to in paragraph 43, independent custody visitors must be allowed access to any person detained at the police station. However, detainees may only be spoken to with their consent, and the escorting officer is responsible for establishing whether they wish to speak to the independent custody visitors, which may be established by \*self-introduction by the independent custody visitors themselves (in the presence of the escorting officer) or by the escorting officer. "

\*Guidance on the Safer Detention and Handling of Persons in Police Custody is now out for consultation and ICVA will be including the recommendation re self introduction in its comments.

## ACCESS TO CUSTODY

**Q** I wonder if you could provide some clarification on a point for me please.

Custody visitors must have immediate access to the custody area and immediate is classed within 5 minutes; where a delay has occurred, reasons must be provided.

We have received ICV report forms giving the reason for the delay as 'busy at front desk' and this has prompted some discussion and debate about what we should be monitoring?

Would you say the clock should start ticking from:  
1 when the custody visitors arrive at the front desk; or  
2 when they tell the front desk staff (even though ICV notice the delay in the telephone call to the custody suite); or  
3 when the front desk staff put the call through to the custody suite.

If we start the clock from 1 or 2 above we are monitoring far more than just the custody suite and could potentially also be monitoring staff attitudes. I however, had thought we were monitoring the custody suite to ensure they weren't 'getting their house in order' and would therefore start the clock from 3.

I look forward to your comments on this.

**A** This is an interesting area, and in terms of recording information on ICV report forms, the points of record are: time arrive at station/front desk, time arrive in custody suite, time visit commences, time visit ended.

As you say from these times ICVs' main concern is that access to the custody suite is immediately facilitated, even though once there, there may be a delay in facilitating the visit, if the custody officer is busy with more immediate tasks.

However, when training new visitors, it should be pointed out that if they are arriving into a busy front desk area, they may have to wait before they are able to have the attention of the front desk staff, who should without delay inform the custody suite that ICVs are present.

In practical terms, ICVs need to focus on there being an immediate access to the custody suite from the point that front desk staff (where and when appropriate) are made aware that ICVs are present. However, if there are occasions when having made front desk staff aware of their presence, there is then a delay by the front desk staff in communicating with the custody suite, then ICVs will need to record this in the body of their report, (rather than the timings part of the report). This will then allow

the PA to address these issues, with the relevant liaison staff to advise/train front desk staff of the requirement to notify the custody suite without delay once they are aware that ICVs are present at the station.

## VIEWING CUSTODY RECORDS

**Q** I wondered if you could help - we are trying to impose a no-printing policy for detention logs for environmental /use of resources reasons, and the ICVs are being given time to view the logs on the computer screen.

Can you advise what exactly an ICV should be checking on the detention log and in what detail? For some reason it is taking much longer to do this than when they have a paper copy - however I am not sure if they need to go into quite the amount of detail that they are.

Many thanks

**A** Currently there is a move to good practice for viewing custody records, where ICVs are provided with paper copies of the detention log for each detainee as appropriate. This allows the ICVs the time and space to consider the areas they wish to clarify, enabling them to then have concise (if any) outstanding issues, which they want, or need, to further clarify with the custody sergeant, prior to completing their report form.

ICVs should be checking that all rights have been given and recorded in a timely/ appropriate manner. Also, that issues of health and wellbeing have been effectively addressed and that areas identified as part of the risk assessment have been properly carried through to the practical management of the individual's detention. It may be that having viewed the detention log, ICVs want to further clarify information by means of viewing other parts of the CR, for example risk assessment documentation etc.

Paragraph 51 of PRA 2002, section A paragraph 3 is the primary reference (supplemented by the codes of practice paras 52 & 53).

Nationally, the viewing of custody records has been one area which ICVs have not always carried out as fully or effectively as needed, and the fact that some of your visitors are checking and using the documentation to provide the PA with a full and accurate picture of detention at a given time, is a sign of an effective scheme.