

STAFFORDSHIRE POLICE AUTHORITY
INDEPENDENT CUSTODY VISITING SCHEME
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STAFFORDSHIRE POLICE AUTHORITY
GUIDANCE TO INDEPENDENT CUSTODY VISITORS

1. OBJECTIVES

(a) The role of an Independent Custody Visitor is an important one and enables volunteers, appointed from the local community, to observe, comment and report on the conditions under which persons are detained at Police Stations. Their concern will be the welfare of persons in custody and the operation, in practice, of the statutory and other rules governing the welfare of detainees, with a view to securing greater understanding and confidence in these matters. These arrangements also provide an independent check on the way Police Officers carry out their duties with regard to detained persons.

(b) This Guidance sets out the arrangements for the appointment of Independent Custody Visitors and for the carrying out and performance of their roles

2. ESTABLISHMENT OF THE SCHEME

This Scheme has been established by the Staffordshire Police Authority in consultation with the Chief Constable of Staffordshire Police. The operation of the Scheme is the responsibility of the Police Authority (in accordance with section 51 of the Police Reform Act 2002), through the Custody Visitors Committee and the Panel Co-ordinators appointed for each Panel, and in consultation and co-operation with the Chief Constable.. The Police Authority, in consultation with the Chief Constable, has the final responsibility in all matters relating to the operation of the Scheme.

3. INDEPENDENT CUSTODY VISITORS

Eligibility

3.1. (a) Subject to the exceptions set out below, any person aged 18 or over who has had permanent residence within the UK for at least two years and who resides or is working within Staffordshire may be appointed by the Police Authority as an Independent Custody Visitor. Independent Custody Visitors should be independent persons of good character, who are able to make unbiased observations in which the community can have confidence and which the Police will accept as fair criticism when it is justified. Anyone who has been convicted of an offence punishable with imprisonment within the last five years, or who has ever served a term of imprisonment or detention, would not be suitable for this reason. Applicants are advised of this and are asked to consent to Police vetting enquiries being made.

(b) Each application will be treated on its merits, but the over-riding factor will be to prevent possible conflicts of interest for individuals, and to maintain the independence and integrity of the Scheme as a whole.

(c) Accordingly, the Police Authority will not appoint people who have, or who have had within the previous ten years, direct involvement in the Criminal Justice System. This would mean, for example, that the Authority would not appoint Magistrates, serving or former Police Officers, Special Constables, Volunteers working in a Police-related environment or Police employees, or Probation Officers as Independent Custody Visitors. Other people may be excluded, after seeking clarification with the individual applicant, if their involvement in the Criminal Justice System would create a potential for conflict of interest or would compromise independence or integrity.

(d) If a successful applicant to become a Visitor has a disability (as defined in the Disability Discrimination Act 1995 as amended) then he or she should inform the Police Authority in order to discuss any reasonable adjustments that may have to be made to accommodate the role. Similarly if an existing Visitor becomes or develops a disability (permanent or temporary) then again the Police Authority should be informed via the Panel Co-ordinator so that reasonable adjustments can be considered.

Recruitment

3.2. The Police Authority recruits Independent Custody Visitors by inviting applications from the general public. This is done by means of advertisements in local newspapers or other publicity through, for example, volunteer bureaux and Councils for Voluntary Service, and any other means which the Authority may consider suitable to attract interest and applications. Each application for the position of Independent Custody Visitor will be made by completing an application form – **Appendix 10.1**. Applicants will be asked to attend an interview to ascertain their suitability to become an Independent Custody Visitor. The Selection Panel will comprise a member of the Police Authority's Custody Visitors Committee and the relevant Panel Co-ordinator for the area, with a representative of the Chief Constable attending in an advisory capacity. All nominations and recommendations for appointment will be forwarded to the Police Authority. The Police Authority's Custody Visitors Committee will then decide which candidates to appoint on a probationary basis.

Training

3.3. Applicants will be invited to attend two information/training sessions, organised by the Police Authority, in consultation with the Chief Constable. **This is part of the selection process** but will also provide those who are subsequently appointed with the basic knowledge and skills they will need to make visits.

Refresher Training

3.4. Appropriate refresher training is provided on a biennial basis. All ICVs are expected to attend this training unless the Police Authority considers there is a good or sufficient cause for an individual ICV not doing so. The Police Authority will review the position of those that do not attend and the reason why, and consider whether there are grounds for their appointment to be terminated.

Panel Co-ordinators

3.5. (a) A Panel Co-ordinator, who is an Independent Custody Visitor for that area, will be appointed from time to time by the Panel from amongst its own members. The arrangements for the appointment or election of the Co-ordinator for each Panel, and the duration of tenure of that appointment, are for the Panel in question to decide on a local basis to reflect the wishes of the Panel members themselves, since the intention is that Panels function as autonomously as possible. As with all matters relating to the work of ICVs and Panels, though, advice or guidance is available from the Authority and the Force as appropriate.

(b) The Panel Co-ordinator will be required to (i) organise an effective rota for visits to police stations (in pairs); (ii) ensure regular visiting – and check on those who are not visiting or visiting infrequently; (iii) prepare monitoring reports; (iv) organise regular Panel Meetings – say three monthly as a minimum and ensure ICVs attend regularly; and (v) report to the Police Authority annually (via the Custody Visitors Committee). They will also be expected to keep Panel members suitably informed on relevant issues, including, as appropriate, inviting speakers to Panel meetings and any other administrative tasks to ensure the efficient operation of the Panel.

(c) The Panel Co-ordinator will need to ensure (i) visits are made to each police station with custody facilities on a regular basis; (ii) probationary ICVs are monitored by an experienced ICV for a minimum of six months (and longer if the Panel Co-ordinator feels it is required); (iii) each ICV undertakes a minimum of six to eight visits per year; and (iv) monitor the receipt of report forms and action taken.

(d) The Panel Co-ordinator for each individual Panel will receive an honorarium from the Police Authority annually and a contribution towards the administrative costs he/she incurs.

Appointment and Accreditation

3.6. (a) Newly appointed Independent Custody Visitors are asked to complete satisfactorily a probationary period (normally six months). Appointments will then either be confirmed, or not, having proper regard to the individual's involvement in and response to the initial training, and his/her performance during the probationary period, and will subsequently be renewable, for those

confirmed in appointment, by the Police Authority, after a period of three years.

(b) Following notification of their probationary appointment, the Police Authority will issue each Independent Custody Visitor with an Identity Card, signed by the Chief Executive of the Authority or the Deputy Chief Executive and Monitoring Officer, and showing the holder's photograph. For security reasons, no Identity Cards will be sent through the post, but are handed direct to each Independent Custody Visitor.

(c) Independent Custody Visitors' Identity Cards should be used only for the purpose of making custody visits. If anyone is found to be using their Card for any other purpose, it will be withdrawn and that person's appointment as an Independent Custody Visitor will be terminated.

(d) Identity Cards must be worn at all times whilst an Independent Custody Visitor is on any Police Authority premises, or is acting on Police Authority business but may be covered or removed during actual visits to detainees in cells to ensure the anonymity of individual visitors. However, identification must be conspicuous at all other times of their visit.

(e) For administrative convenience, the Identity Card will authorise the holder to visit any "designated" Police Station in Staffordshire. In practice, visits will normally be confined to the Police Division/Area for which the Custody Visitor was appointed, or another designated area. This will be confirmed to each individual on appointment. Visits outside these areas will only take place at the request of the Police Authority, or when a special visit is requested by the Police, with the relevant Panel Co-ordinators being consulted and assisting with any such arrangements.

(f) The Identity Card must be surrendered to the Police Authority when an Independent Custody Visitor ceases for whatever reason to hold such appointment.

Termination of Appointment of Independent Custody Visitors

3.7. (a) Although the work is entirely voluntary, the Police Authority has the right to terminate the appointment of any Independent Custody Visitor whose conduct, or performance, in the ICV role is not felt to be of the required standard.

(b) Unsatisfactory conduct would encompass matters such as misuse of the Identity Card, conviction for a criminal offence, breach of confidentiality, or abusing one's position as an Independent Custody Visitor, for example by consistently flouting the guidelines covering the conduct of Independent Custody Visitors during visits or flagrant non-co-operation with the Panel Co-ordinator.

(c) Independent Custody Visitors must notify the Authority if they are arrested/served with a street bail notice, charged, cautioned/issued with a

street warning notice reported or issued with a Penalty Notice for Disorder for a criminal offence.

(d) The Authority will suspend the appointment of an Independent Custody Visitor until the outcome of any criminal proceedings brought against him or her is known. If the Independent Custody Visitor is subsequently found to be not guilty, or if the charges are not proceeded with, his/her position will be reviewed by the Police Authority.

(e) Where an Independent Custody Visitor fails to make a custody visit or attend Panel meetings within a six month period, the Panel Co-ordinator will write to the person concerned to establish whether this is simply an oversight (e.g. because report forms have not been submitted) and to seek an explanation and will advise the Police Authority accordingly.

(f) Where an individual has not made any visits or attended Panel meetings within a six month period, and no good reason for this has been notified to the Panel Co-ordinator, the Police Authority will consider whether that individual's appointment should be terminated.

Complaints procedures

3.8. (a) The Authority has put procedures in place to consider complaints which may be made against individual Independent Custody Visitors by detainees, police personnel or others who may come into contact with them in the course of their duties.

(b) Depending on their seriousness, these will often be appropriately dealt with at local Panel level, with scope to refer matters to the Chief Executive or Deputy Chief Executive and Monitoring Officer to the Authority or the Police Authority's Custody Visitors Committee where appropriate. Clear feedback relating to the resolution of any complaint will be available to both the visitor concerned and the complainant. The Authority will also deal with complaints from visitors about their treatment by police personnel, their general role and conditions or any other matters relevant to their work

(c) In all cases an individual Independent Custody Visitor will be given the opportunity to put his/her case – in most cases this will be at the Panel level, with the appropriate Panel Co-ordinator. If the matter, because of its seriousness, within the context of paragraph 3.7 above, is referred to the Chief Executive or the Deputy Chief Executive and Monitoring Officer to the Authority, the Independent Custody Visitor will be invited to submit written information, in respect of the complaint(s), to the Chief Executive or the Deputy Chief Executive and Monitoring Officer. This will be considered, along with all other information which the Chief Executive or Deputy Chief Executive and Monitoring Officer considers relevant to the issues, and should he consider it appropriate, having consulted the Chairman of the Custody Visitors Committee a report will be submitted to the Custody Visitors Committee. In these circumstances the Custody Visitors Committee will then decide on the appropriate action to be taken – which may include termination of

appointment, and the Independent Custody Visitor will be advised accordingly.

(d) Complaints by Independent Custody Visitors against Police Personnel should be referred to a supervisory Police Officer or the Staffordshire Police Professional Standards Department as there are existing procedures for dealing with such matters.

Numbers of Independent Custody Visitors

3.9. The Police Authority will endeavour to appoint the appropriate number of Independent Custody Visitors to each of the Panels within the Staffordshire Police area.

4. VISITING ARRANGEMENTS

Visiting in Pairs

4.1. (a) Visitors are required to visit in pairs at all times. Any Independent Custody Visitor arriving at a Police Station on his/her own will not be granted access to the custody area to make a custody visit. It is considered that normally no more than one pair of Independent Custody Visitors should visit a Station at the same time. Larger parties risk the safe functioning of the custody area and the ICVs.

(b) Generally speaking it is unlikely to be practical, for more than one pair of Independent Custody Visitors to visit at any one time. In the unlikely event that two or more pairs of Independent Custody Visitors arrive at the same time or a pair of Independent Custody Visitors arrive whilst a visit is in progress, then the Custody Officer will require them to wait/return at a mutually agreed time or the pair can elect to defer the visit until another day.

(c) Independent Custody Visitors may not be accompanied by any unauthorised persons, and custody visits can only be made when accompanied by another accredited Independent Custody Visitor.

(d) The Panel Co-ordinator within each area will be responsible for making arrangements for visiting in pairs and for ensuring, so far as practicable, that visits are spread over different days of the week or, if visits are to be made on a single day, then to ensure that visits are not simultaneous. Visits occurring simultaneously, for instance throughout an evening, must be avoided.

(e) Panel Co-ordinators are responsible for ensuring that each Police Station within their Division receive adequate numbers of Custody Visits.

Frequency and Timing of Visits

4.2. (a) The frequency and timing of visits is a matter for individuals. However, Independent Custody Visitors are normally expected to make a minimum of six to eight visits per year (in pairs). Care will need to be taken

that visits, whilst sufficiently frequent to meet the objectives of the Scheme, do not take place so frequently that they impair the efficiency of the functioning of the Police Station concerned or the operational work of the officers attached to it. Independent Custody Visitors should bear in mind that their visits impose additional responsibilities on Custody Officers, and they should also be aware of possible delays during Custody Officers' change-over periods or at busy times.

(b) Independent Custody Visitors should arrive at the Police Station without prior notice to the Police, and should try to avoid making visits at regular or predictable times.

Attendance at the Police Station

4.3. (a) Custody Officers will only respond to Independent Custody Visitors attending in person at a Police Station. Independent Custody Visitors must be in possession of their Police Authority Identification Cards at the time of the visit or they will not be allowed into the Station. Telephone enquiries as to the custodial situation at a Police Station will not be responded to.

(b) Independent Custody Visitors should not combine making a custody visit with the conduct of any other business at a Police Station. Independent Custody Visitors should allow sufficient time to complete the visit. Visits should be to the point and business like, and should not extend to a general inspection of Police premises, concentrating only on the custody area, detainees and the facilities in relation to detainees.

Visits at the Request of the Police

4.4. Whilst visits should normally be unscheduled, there may be instances when there is particular tension within the local community, for example about the treatment or well-being of one or more persons being detained at a Police Station. In such circumstances, a senior Police Officer at that Police Station may invite Independent Custody Visitors to attend, to allay concerns. The Police Officer requesting the visit will be responsible for contacting the Panel Co-ordinator who will arrange for two Independent Custody Visitors to make the visit. Names and telephone numbers of the Panel Co-ordinators are included on the Force Intranet Custody Visitor pages.

5. VISITING PROCEDURES AT POLICE STATIONS

Note - Independent Custody Visitors are primarily concerned with overall conditions, standards and procedures at Police Stations with regard to the treatment of detainees. Immediate concerns about the treatment of particular individuals should be passed on to those in a position to take corrective action. If a detainee indicates that he/she may cause harm to himself or herself or to any other person, this must immediately be brought to the attention of Custody staff.

Immediate Access to Custody Areas

5.1. (a) Independent Custody Visitors presenting themselves at reception should normally be admitted immediately to the custody area. If access is delayed this will affect the credibility of the Independent Custody Visiting Scheme. It is inappropriate for access to the custody area to be delayed because the Custody Officer is busy. In such circumstances the Independent Custody Visitors should be admitted to the custody area (where they may observe activities as part of their visit) but invited to wait until the Custody Officer is available to discuss their visit and brief them regarding risk assessments concerning detainees and to arrange an escort for them on the visit.

(b) Independent Custody Visitors should understand that their visit commences when they are admitted to the custody area and for safety reasons they cannot always obtain immediate access to other parts of the custody area suite until the escort is available. Access to the general custody suite from the station reception should only be delayed only when the Custody Officer (or other relevant officer) considers that the Independent Custody Visitors may be placed in danger, for example if there is a disturbance in progress in the custody area. A full explanation should be given to the Independent Custody Visitors as to why access is being delayed, which should be recorded by the Independent Custody Visitors in their report.

Access to all Parts of the Custody Area

5.2. (a) Independent Custody Visitors should have access to those parts of the custody area pertaining only to the detention, care and treatment of persons in custody. This includes cells, detention rooms, charging areas, washing facilities, kitchen or food preparation areas and medical room (but not the drugs cabinet). Independent Custody Visitors will wish to satisfy themselves that these areas are clean, tidy and in a reasonable state of repair and decoration, and that bedding is clean and adequate. Relevant storage areas may also be seen and visitors should check that there are adequate stocks of bedding and other necessary items.

(b) Independent Custody Visitors should also verify that arrangements are established for the cleaning of blankets etc and for any necessary replacement of furnishings and equipment. They should also check that any CCTV systems installed to observe the custody area or individual cells are operating properly. Independent Custody Visitors may not view any stored digital images or recorded magnetic (VHS) tapes on the CCTV systems, unless invited to do so following a critical incident in the custody facility. See Section 5.14 for further guidance. They may inspect empty cells and detention rooms to check heating/ventilation systems and that cell bells and toilet flushing mechanisms are working properly. They may visit interview rooms in the custody area if unoccupied, but it is not part of their role to attend police interviews with detainees. Independent Custody Visitors may not visit any operational parts of the Station which are not associated with custody arrangements.

Security and Safety

5.3. (a) Independent Custody Visitors are not permitted to have automatic and/or unannounced access to detainees held under terrorism legislation. In such cases, under nationally agreed protocols, access is not permitted until all forensic procedures have been completed which is unlikely within the first 24 hours of detention. The nationally agreed protocols provide that unannounced visits will not be permitted because of the nature of the investigations and lengthy interviews; and when access is permitted, only the Panel Co-ordinator and one other named Visitor will be allowed access. These arrangements normally mean that in practice the Panel Co-ordinator is contacted by the Police and visits arranged in that way – a system which has been found to work well elsewhere where terrorist detainees are held.

(b) In addition to the risk of violence from detainees (see paragraphs 5.1 and 5.6) the custody staff should also be alert to any specific health or safety risks Independent Custody Visitors might face and should advise them as appropriate. For example, Independent Custody Visitors should always be told if there is a possibility of them coming into contact with detainees or cells exposed to CS spray. Whilst it remains a police responsibility to risk assess visits to detainees it is also the responsibility of Independent Custody Visitors to ask the Custody Officer if there are any issues they should know about concerning safety risks. In this way the likelihood of safety risks not being discussed will be minimised.

(c) In the interests of security and the safety of Independent Custody Visitors, the Custody Officer or a member of the custody staff will accompany them during visits. The escorting officer will, for safety reasons, keep the detainee and visitors in view to enable prompt action if necessary but where possible should normally remain out of hearing during discussions between visitors and detainees.

Access to Detainees

5.4. (a) Subject to the exceptions referred to below, Independent Custody Visitors may normally have access to any person detained at a Police Station. Detainees will fall into the following categories:

PACE prisoners

These will constitute the vast majority and are held under the provisions of the Police and Criminal Evidence Act 1984.

Home Office prisoners

These are remanded or sentenced prisoners who would normally be held in prison.

Immigration detainees

These are persons held under the Immigration Act 1971 and Immigration and Asylum Act 1999 who are subject to deportation proceedings or who are waiting to be removed from the UK as illegal entrants.

People at risk

These may be persons held under the Mental Health Act 1983 for their own protection or children taken into police protection under the Children Act 1989.

(b) Persons detained under the provisions of PACE who need, for whatever reason, to be held in hospital may be visited there with the agreement of the hospital authorities.

(c) Non-Home Office Police Forces such as the British Transport Police and HM Revenue and Customs have powers to detain people. If as a result of action by one of those agencies, a detainee is detained in a Staffordshire Police cell, then the arrangements in this Guidance remain applicable. However, if such a detainee is detained elsewhere, the arrangements made by those agencies for Custody Visiting will prevail and this Guidance does not apply.

Consent to Custody Visit by Detainee

5.5. (a) Detainees can only be visited with their consent. Following a risk assessment by the custody officer the escorting officer must make a final check that the visit to a particular detainee is still appropriate to continue before opening the cell/detention room door.

(b) The Independent Custody Visitors will then be afforded the opportunity to introduce themselves to the detainee and will complete an Introduction Form ICV2 - **Appendix 10.2**.

(c) The Independent Custody Visitors will also ask the detainee for permission to see the detainee's custody record. Subject to paragraph 5.10 below, the detainee's written consent is required for this, due to the personal and/or sensitive nature of the information contained in the record. Accordingly, it is normally necessary to obtain a second signature from the detainee on the form ICV2 indicating their full and freely given consent to such viewing. This is a safeguard both for the Independent Custody Visitor and Staffordshire Police.

Detainees who are Unable to Consent to a Visit

5.6. (a) If a detainee is not in a position to give consent to a visit, perhaps because of the effects of drink or drugs or by virtue of a mental illness, the Custody Officer may consider allowing the Visitors to observe the detainee through the cell door hatch to satisfy themselves of the general welfare and treatment of the detainee.

(b) Similar arrangements may be applied even where consent has been given, if the Custody Officer judges that the Visitors would be in danger from a violent or potentially violent detainee if they entered the cell.

Detainees who are asleep

5.7. Sleeping detainees can be woken at the discretion of the Custody Officer to seek consent to a visit. However, where that would involve interrupting the continuous period of eight hours rest provided for under PACE, the detainee should not be awoken but may be observed through the cell door hatch.

Access to Juveniles

5.8. Juveniles may be visited with their own consent. It is not necessary to obtain the additional consent of a parent or guardian. If an appropriate adult is in attendance to support a juvenile or vulnerable person, the detained person's wishes should be sought and respected as to whether the appropriate adult should be present during any visit.

Female Detainees

5.9. (a) Where a female aged 17 years or over is a detainee there is no mandatory requirement for the Police to have a female detention officer on duty to supervise her. Independent Custody Visitors must therefore be sensitive to this situation and ensure, together with the escorting officer, that the detainee is in an appropriate state to be spoken with.

(b) Girls under the age of 17 years must be under the care of a woman while being detained, conveyed or waiting to be so. This requirement comes from Section 31 of the Children and Young Persons Act 1933 which takes precedence over the Sex Discrimination Act 1975.

(c) 'Under the care of a woman' in this context means that a female Police Officer or female member of Police staff must be assigned responsibility for the care of a female detained under the age of 17 years while they are in Police custody. Subject to the risk assessment the 'carer' need not be physically present with the detainee at all times but must be readily available.

Access to Custody Record

5.10. (a) Subject to sub-paragraphs (b), (c), and (d) below, once the detainee's consent to view his/her/their custody record has been obtained, the Independent Custody Visitors should check its contents against what they have been told by the detainee. In particular, visitors will wish to verify:

- whether entitlements under PACE have been given and signed for
- that medication, injuries, medical examinations, meals/diet are recorded
- that procedures to assess special risks/vulnerabilities presented by the detainee have been properly recorded
- the timing and frequency of cell inspections of inebriated or otherwise vulnerable detainees
- the timing of reviews of the continuing need for detention

(b) If a detainee refuses consent to allow the Independent Custody Visitors to view their custody record then the record will not be made available. However, the visitors should consider asking the Custody Officer appropriate questions to satisfy themselves regarding the treatment of the detainee whilst in custody.

(c) If the detainee is competent and capable of giving consent but is not available, such as when in interview, then if the Independent Custody Visitors wish to view the detainee's custody record the consent of the detainee must be sought. Visitors would be expected to speak with the detainee face to face and should consider waiting until there is an opportunity for this to be done (and see 5.11 below)

(d) If the detainee is not capable at the time of the visit of giving a valid and meaningful consent through the effects of alcohol or illness etc, then in the interests of the detainee the Independent Custody Visitors should be allowed access to the custody record in order to provide significant safeguards to the police as well as the detainee who at that time should be considered as vulnerable.

(e) The custody record examined will be the printed version. It is not appropriate for ICV's to view the contents of custody records through computer monitor screens.

Detainees who are being interviewed

5.11. Police interviews with detainees should not be interrupted to facilitate visits. However, Independent Custody Visitors may await the completion of the interview if they wish to see the person concerned.

Restrictions on Access to Detainees (Public Interest)

5.12. (a) In exceptional circumstances the Police may judge that it is not in the public interest for a detained person to be seen by Independent Custody Visitors. Any decision to deny the Custody Visitors access to a detained person on these grounds should be taken only by an officer of Inspector rank or above. An explanation of the reasons for refusal should be given to the Independent Custody Visitors on each occasion, and recorded in the custody record. The decision to deny access should be taken in each case in the light of all relevant circumstances. Access to Independent Custody Visitors should not necessarily be denied to any particular category of detainee, or where a decision has been made that a person should be held incommunicado.

(b) It will be the responsibility of the officer in charge of the case to ensure that in appropriate circumstances the necessary authority to refuse access is obtained, and communicated in writing to the officer in charge of the Police Station where the person concerned is detained.

(c) If a custody visit is refused on these grounds, the Divisional Superintendent will arrange for the circumstances to be reported for the information of the Chief Constable, using the normal reporting system via the Superintendent, Criminal Justice Administration Department. The Chief Constable will notify the Independent Custody Visitor concerned of the circumstances.

Conversations between Detainees and Independent Custody Visitors

5.13. (a) Conversations between detainees and Independent Custody Visitors will take place within sight of but normally out of hearing of the escorting officer. If, due to a risk assessment, the Police consider that the escorting officer should remain within hearing, this decision must be taken by the Custody Officer. Independent Custody Visitors should bear in mind, however, that some detained persons may be violent or under the influence of drink or drugs and that the presence of a Police Officer may deter or prevent assaults on the Visitor.

(b) Visits should normally be conducted in English. On occasions it may be more appropriate to conduct a visit in another language spoken by the detainee and translation support is provided where necessary. If one of the Independent Custody Visitors is fluent in an appropriate language they can conduct the visit in that language. However, in such circumstances care must be taken to ensure that any other Visitor present is kept informed about what is being said.

(c) Conversations should focus on checking whether or not detainees have been offered their rights and entitlements under PACE (including receipt of the necessary paperwork) and on confirming whether the conditions of detention are adequate. Independent Custody Visitors should do all they can to encourage an open exchange with the detainee and may wish to use a checklist to ensure that they cover all the relevant issues.

(d) Independent Custody Visitors must remain impartial and must not seek to involve themselves in any way in the process of investigation. If detainees press them for advice about co-operating with the Police, making a statement or anything in relation to their defence, the Visitors should explain that it is not part of their role. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the Independent Custody Visitors must tell them that the discussions (whatever the detainee may say during the visit) and/or the relevant contents of the visit may be disclosed in legal proceedings.

(e) If the detainee's concerns are linked to not yet having received legal advice, that is something the Independent Custody Visitors may wish to take up with the Custody Officer.

(f) If an Independent Custody Visitor realises he or she know/they know or is/are known by a detainee, he/she/they must consider whether to withdraw from the visit. The decision will depend on the nature of the relationship and its likely effect on the Independent Custody Visitor's impartiality.

(g) Independent Custody Visitors must not pass messages to or for detainees or perform other tasks on their behalf as this might compromise impartiality or the interests of justice.

CCTV footage

5.14. (a) The introduction of CCTV into custody suites has impacted on the role of Independent Custody Visitors. Independent Custody Visitors should carry out their functions in person, and not by viewing either live CCTV pictures or recorded footage. Their role is fundamentally interactive with both detainees and police staff, and cannot be discharged remotely. There may also be issues about infringing the privacy of detainees who have not consented to Independent Custody Visitors observing them using CCTV. Independent Custody Visitors should, however, be able to ask the custody officer whether the CCTV is working and be given a demonstration, on request, to show that it is. If a detainee is being held in a cell or area monitored by CCTV for safety reasons then any visit by the Independent Custody Visitors will be conducted on camera – again for safety reasons.

(b) A Superintendent may authorise the showing of any stored digital images or recorded magnetic (VHS) tapes on the CCTV systems, to a community representative (e.g. – local councillor, Member of Parliament, member of Police Community Consultative Group, Independent Custody Visitor, etc.) or any relevant person (e.g. – solicitor, doctor) if the following circumstances exist:

- a death or other critical incident has occurred involving a person in police custody; and
- as a result of the death or incident serious public order is likely; and
- showing the CCTV images is likely to help prevent this public order from occurring; and

- the interests of public safety in preventing disorder outweigh the possible privacy issues caused by showing the CCTV images

Documentation

5.15. (a) The proper maintenance of contemporaneous records plays an important part in the application of the rules governing the treatment of detained persons and the process of supervision. Independent Custody Visitors will, if consent is given by the detainee, view the custody record and satisfy themselves that the record fully and properly records the action taken in connection with the detainee whilst in Police Custody. Independent Custody Visitors may not see other Police documents concerning the detainee, nor medical records not contained in the custody record.

(b) At the conclusion of the visit any custody records printed and viewed by the Independent Custody Visitors will be handed back to custody staff for appropriate disposal. They must not be taken away by the Visitors.

Medical Conditions

5.16. (a) Custody Officers are responsible for ensuring that appropriate medication is given at all relevant or required times, under the guidance of a Police Surgeon. The custody record should include all relevant information about necessary medication for a detainee and the frequency of administering it, but Visitors are not entitled to see any medical records not contained in the custody record.

(b) The medical form which is part of the custody record contains information that may be confidential and not all of it may be suitable or relevant for inspection by the Visitors. The Custody Officer will ensure that the single page containing the information pertaining to the administration of medication is handed to the Visitors.

(c) Independent Custody Visitors will wish to pay particular attention to detained persons who are suffering from any form of illness, injury or disability. They should satisfy themselves that, if appropriate, a medical examiner has been called and establish from the Custody Officer what instructions for medical treatment have been given, and, if the detainee has given his/her/their consent, confirm these by consulting the custody record showing that these instructions have been carried out.

(d) Subject to the agreement of the detainee, the Custody Officer and the hospital authorities, Independent Custody Visitors may visit detainees (but not persons released from custody) in hospital, whether or not under Police guard. subject to the agreement of the detainee, the Custody Officer and the hospital authorities. To prevent a wasted journey it should be established, via the hospital, whether the detainee is willing to talk to Independent Custody Visitors. Where a detainee in hospital is under Police guard, the Police Officer will remain at all times with the detainee. Access to the custody record can be permitted only if the detainee has given consent in the normal way.

Deaths in Custody

5.17. (a) All deaths in custody are the subject of a Coroner's Inquest to which the Police will report formally. Where a death in Police custody occurs, the Commander of the Division or Officer in charge of the Police Station will notify the Police Executive Officer on call of such a death. The Divisional Commander will also notify the Chairman of the Police Authority and the Custody Visitors Committee and the Panel Co-ordinator for the area.

(b) Following a death in custody Staffordshire Police will report to the Independent Police Complaints Commission without delay, regardless of whether any complaint is made or not.

Juveniles

5.18. Juveniles should not be placed in cells unless no other secure accommodation is available and the Custody Officer considers that it is not practicable to supervise them if they are not placed in cells. If a Juvenile is kept in a cell, Independent Custody Visitors should seek an explanation from the Custody Officer and check that this has been recorded on the custody record.

Appropriate Adults

5.19. (a) There is no barrier to Independent Custody Visitors also acting as appropriate adults in certain circumstances. Individuals must not switch between the role of Independent Custody Visitor and appropriate adult during the course of a visit to the same Police Station, since this can blur responsibilities and create confusion for all concerned.

(b) However, those fulfilling the role of Independent Custody Visitors are not prevented from acting as appropriate adults on separate and distinct occasions, preferably at completely different Police Stations. There is no compelling evidence that this kind of dual role causes significant conflicts of interest and individuals who choose to do so should be free to act in both capacities.

(c) If there is a requirement for an appropriate adult and there are difficulties in contacting and obtaining the services of parents, guardians and/or Social Services then by contacting the panel co-ordinator for the area every effort will be made to acquire the services of an Independent Custody Visitor to fulfil this role.

(d) There is no reason why Independent Custody Visitors should not also be able to act as Lay Observers, who are appointed under the Criminal Justice Act 1991 to inspect the conditions under which prisoners are transported and held.

Dealing with Issues and Complaints

5.20. (a) Where a detainee makes a complaint or raises an issue about their general treatment or conditions at the Police Station, Independent Custody Visitors should (subject to the detainee's consent) take this up as soon as possible with custody staff or other staff at the Police Station in order to seek a resolution. The same applies to similar issues identified by Independent Custody Visitors in the course of their attendance.

(b) If a detainee makes a complaint of misconduct by a police officer or a member of police staff or other persons employed by the Police (eg Civilian Detention Officers), the Independent Custody Visitors should advise the detainee to address it to the Custody Officer or another officer of at least sergeant rank who is not subject to the complaint.. However, with the detainee's consent, it may be appropriate for Independent Custody Visitors to notify the duty/independent sergeant that the detainee has stated that he/she wishes to make a complaint. In addition Independent Custody Visitors may want to remind the detainee that they can seek legal advice in relation to the complaint or ask to see a doctor if an alleged assault is involved. All such complaints must be dealt with through the formal procedures which are laid down and there is no broader role for Independent Custody Visitors. They should not involve themselves in individual cases or make representations on a detainee's' behalf.

(c) Remand or sentenced prisoners held in police stations who seek to complain about their conditions or treatment in prison should be advised that Independent Custody Visitors cannot involve themselves in such matters and that there are recognised procedures open to them such as writing to or petitioning the Home Secretary or writing to their Solicitor or Member of Parliament.

Effective working relationships

5.21. (a) For Independent Custody visiting to be effective it is essential that Independent Custody Visitors and Police staff develop and maintain professional working relationships based on mutual respect and understanding of each others' legitimate roles. Such relationships can only exist where there is politeness and consideration on both sides. On the other hand, there is a range of behaviour which has the potential to create tension and conflict and some examples are given below.

(b) Some examples of areas where problems can arise are:-

- ICVs failing to appreciate Police priorities and pressures
- Police failing to accept the status and roles and responsibilities of ICVs
- ICVs criticising Police Officers in reports without bringing that criticism directly to their notice
- Police demeaning or belittling ICVs, particularly in front of detainees

- ICVs adopting an overly adversarial approach or trying to tell or suggest to the Police what they should do
- Police unreasonably delaying or limiting access to custody areas
- ICVs making promises to, or advising, detainees about an investigation, or breaches confidentiality
- Police treating ICVs with indifference or disrespect

(c) All these issues must be seen against the background of the need to strike the right balance between establishing effective working arrangements and not developing a relationship that is too close and cosy. Where the latter occurs it becomes increasingly difficult for Independent Custody Visitors to provide the objective and constructive review of procedures and conditions which is a key part of their role.

(d) The issues of conduct and complaints which may be made from time to time are dealt with in paragraph 3.8 above. However, with sound and effective relationships between Independent Custody Visitors and police staff, it is considered and hoped, that such will be, very much, exceptions to the rule.

6. REPORTS AND FOLLOW-UP ACTION

Completion of Reports

6.1. (a) Recording the contents of a visit is one of the most important aspects of the system. Independent Custody Visitors may wish to make notes in the course of the visit, but should explain to the detainee why they are doing so.

(b) At the end of each visit, Independent Custody Visitors must complete a report of their finding on the Visitors Record Form (ICV 1) – **Appendix 10.3**. Two copies should be left at the Police Station with the Custody Officer – one for the attention of the Divisional Custody Officer/Liaison Officer, and one to be sent to The Operational and Policy Research Unit. The third copy should be sent on – as soon as possible – to the Panel Co-ordinator. The fourth and fifth copies are for the Independent Custody Visitors.

(c) Custody staff should not be present while Independent Custody Visitors discuss and complete reports and, wherever possible, they should be able to use a private area for this purpose. Details should include both specific matters (which may already have been brought to the attention of Police staff) and more general issues relating to custody conditions or procedures. All reports must be completed in English even if the visit has been conducted in another language.

Reports on Unsatisfactory Treatment and Conditions

6.2. Where an issue has been raised by a detainee or is noticed by an Independent Custody Visitor then this should be recorded in brief on the visit record (Form ICV1). Such issues should be checked by reference to the Custody Officer/Custody Record and if answered or resolved through such reference this must be made clear on the visit report. This should include

circumstances where an issue has been raised by a detainee, or is noticed by an ICV, and is subsequently answered and resolved through reference to the Custody Officer/Custody Record. Making this clear on the report should provide a balanced view of the circumstances and action

Reports on Issues Arising out of Visits

6.3. Reports on issues arising out of visits will be submitted to the Police Authority's Custody Visitor Committee by the Chief Constable and individual Panels.' The Panel Co-ordinator will arrange to submit an Annual Report to the Police Authority's Custody Visitor Committee via the Chief Executive of the Authority, and to attend, or be represented, to present the report to the Committee.

Confidentiality and disclosure

6.4. (a) Report forms should include an undertaking not to reveal the names of persons visited or other confidential information obtained in the course of a visit. Breach of this undertaking may make a Visitor liable to civil proceedings by the detained person concerned. Independent Custody Visitors also need to be aware that the unauthorised disclosure of facts concerning police operations or the security of police stations may constitute an offence under section 5 of the Official Secrets Act 1989.

(b) Conversations between Independent Custody Visitors and detainees are **not privileged** and it would be open to a Court to issue a witness summons requiring the attendance of a Visitor to give oral evidence or to produce documents, such as a report of a particular visit. Independent Custody Visitors are under no obligation to give evidence or produce documents otherwise than in response to a Court Order, but would be obliged to respond to such an Order. They should not be required by police or defence representatives to make statements or produce documents and exhibits but it will be for the Court to decide whether to order the attendance of the Visitor and/or the production of evidence.

Expenses

6.5. (a) The work is entirely voluntary, but travelling expenses will be payable to all Independent Custody Visitors on the same basis as to members of the Police Authority when travelling on Authority business. Only public transport fares, or private car mileage at the agreed rate will be paid. Expenses can also be claimed for attending training sessions and Panel meetings. Expense claims must be made on the appropriate form - **Appendix 10.4** and sent to the Panel Co-ordinator for certification for payment (at intervals agreed by the Panel).

(b) It is the responsibility of each Independent Custody Visitor to check that his/her Motor Car Insurance covers them for carrying out custody visits.

(c) The Authority are aware that each Panel will have administrative expenses (e.g. post, telephone, stationery, meeting facilities, refreshments - but excluding travel which is claimed separately) and pay an annual honorarium to each Panel Co-ordinator to cover such expenses.

Insurance

6.6. The Police Authority has arranged appropriate insurance for Independent Custody Visitors **under the age of 80**, to cover them against violent or criminal assault and any third party claims arising from a custody visit to a Police Station.

Guidance

6.7. A copy of this Guidance will be placed within the custody area of every "designated" Police Station within Staffordshire, for the information and use of police staff, and so that they may be referred to by Independent Custody Visitors and Police staff alike. It is expected that all Police staff who are likely to have any dealings with Independent Custody Visitors will be fully aware of the provisions of this Guidance and the purpose of the Scheme.

7. IMPARTIALITY AND CONFIDENTIALITY

Advice

7.1. (a) Paragraphs 5.13 and 5.20 deal with communications between Independent Custody Visitors and detainees, and issues and complaints raised by detainees. Additionally it is important to emphasise that Independent Custody Visitors must not involve themselves in individual cases to the extent of offering advice about whether or not detainees should make a statement or otherwise co-operate with Police inquiries.

(b) Such advice would be inconsistent with the Independent Custody Visitors' independence from the processes of investigation. They should therefore decline to discuss more than the conditions in which persons are detained and their treatment, even though some persons will naturally wish to ask advice about their possible defence, particularly if they have not already received legal advice. In the interests of impartiality, they should not visit friends or relations who are in custody, and paragraph 5.13 deals with situations where a detainee is known to an Independent Custody Visitor.

Contact with Persons Outside the Police Station

7.2. Independent Custody Visitors should not agree to make contact with any person outside the Police Station at the request of a detainee. Neither should they agree to pass on a message to any other detainee within the Police Station, and must immediately notify the Custody Officer of any such request. (See also paragraph 5.20)

Confidentiality

7.3. Independent Custody Visitors will acquire considerable personal information about persons in Police Custody. The great majority will not yet have appeared before a Court, and some never will. Personal information relating to detainees must be protected against improper or unnecessary disclosure. Visitors will therefore be asked to give an undertaking (included on the Visitors Record Form – **Appendix 10.3** not to release the identity of or information capable of identifying any person in Police Custody (except where a visit has exceptionally been arranged in connection with the treatment of a particular person). It is desirable, in the interests of the strict application of the principles of confidentiality, that Independent Custody Visitors do not name or otherwise identify persons in custody, even in reports to or in discussion with fellow Independent Custody Visitors or the Police Authority (see paragraph 6.4)

Breach of Confidentiality

7.4. It is important to emphasise again (see paragraph 6.4) that a breach of this undertaking may make an Independent Custody Visitor liable to civil proceedings by the detained person concerned. Independent Custody Visitors will also need to be aware that the unauthorised disclosure of the facts concerning Police operations or the security of Police Stations may constitute an offence under Section 5 of the Official Secrets Act 1989.

8. PUBLICITY

General

8.1. (a) It is generally desirable that the role and aims of the Scheme should be promoted to the public. Independent Custody Visitors must, however, bear in mind that the purpose of publicity is to inform the public about the Scheme and not to draw attention to individual cases or to themselves.

(b) Independent Custody Visitors should not discuss the cases of individuals with whom they come into contact during visits to Police Stations, and under no circumstances should individual contacts or specific events be discussed except in general, anonymous terms, which support any explanation of the purpose of the Scheme. Any invitation to speak to the press, or local groups or organisations (other than the local Police Community Consultation Committee), about any aspect of Custody Visiting, **except the general role and scope of the scheme**, should be discussed first with the Chief Executive of the Authority or the Deputy Chief Executive and Monitoring Officer and should not be undertaken by individual Independent Custody Visitors except with the consent of the Chief Executive or Deputy Chief Executive of the Authority, who will have consulted with the Chairman of the Custody Visitors Committee and the Chief Constable.

(c) Independent Custody Visitors should remember that they are accountable to the Police Authority, and not to the Press or individual members of the public.

Confidentiality for Independent Custody Visitors

8.2. Independent Custody Visitors' names, addresses, or telephone numbers are given to individual Panel Co-ordinators in strictest confidence, and are given to other Independent Custody Visitors purely for convenience in making personal contact. Such details should not be divulged to any other person outside the Panel.

Guidance on Publicity and Dealing with Media Enquiries

8.3. (a) Under no circumstances should Independent Custody Visitors make themselves available to respond to requests for specific information from the Press, other organisations or individuals **about individual cases or events at local Police Stations** which may involve the Independent Custody Visitors Scheme or its personnel.

(b) In the case of the Press, local radio or organisations' publications, etc., there is no reason why interviews concerning **the role and scope of the Independent Custody Visitors Scheme** should not be publicised in general terms. This may include quotations and personal comments of a positive nature. The inclusion of personal photographs in any such articles is a matter for personal discretion.

(c) It is suggested the advice of the Chief Executive of the Authority or the Deputy Chief Executive and Monitoring Officer should be sought not only before an interview/talk is given, but before any articles are submitted for publication by individual Independent Custody Visitors.

(d) It is a question of personal preference for the Independent Custody Visitors themselves to decide whether or not to reveal their own identities in these matters. Anonymity can lead to misunderstanding in the media, and where possible Independent Custody Visitors should be prepared to reveal their identities. They need to be aware, however, of the possibility that they might be contacted directly by members of the public and that they are actually accountable, first and foremost, to the Police Authority. There is no necessity to reveal full personal addresses

(e) A response to enquiries received from the Press should be provided only by Panel Co-ordinators and then only if they are satisfied that the required information is of a sufficiently **general nature** to enable a reply to be made and following consultation with the Chief Executive of the Authority or the Deputy Chief Executive and Monitoring Officer..

(f) Independent Custody Visitors should inform their Panel Co-ordinator and the Chief Executive of the Authority or the Deputy Chief Executive and

Monitoring Officer of their intentions in relation to publicity in order that there is co-ordination locally.

9. INFORMATION

Staffordshire Police Headquarters

Cannock Road,
Stafford,
ST17 0QG

Telephone: 0300 123 4455

STAFFORDSHIRE POLICE CUSTODY FACILITIES

Those marked with 'O' are open all of the time.

Those marked with 'R' are opened as required.

Those marked with 'D' are Designated under PACE for 24 hour operation.

Those marked with 'ND' are not designated limiting detention time to 6 hours.

Custody Facility	Status
NORTHERN AREA	
Northern Area Custody Facility (NACF), Crown Road, Festival Park, Etruria, Stoke on Trent. ST1 5NP	O & D
Leek Police Station, Fountain Street, Leek. ST13 6QT	R & D
Longton Police Station, Sutherland Road, Longton, Stoke-on-Trent. ST3 1HH	R & D
CHASE DIVISION	
Stafford Police Station, Eastgate Street, Stafford. ST16 2DQ	O & D
Cannock Police Station, Wolverhampton Road, Cannock. WS11 1AH	O & D
Rugeley Police Station, Anson Street, Rugeley. WS15 2BA	R & D
Wombourne Police Station, High Street, Wombourne. WV5 9EE	R & D
TRENT VALLEY DIVISION	
Burton Police Station, Horninglow Street, Burton on Trent. DE14 1PA	O & D
Tamworth Police Station, Spinning School Lane, Tamworth. B79	O & D

7BB	
Lichfield Police Station, Frog Lane, Lichfield. WS13 6HS	R & D
Uttoxeter Police Station, 32 Balance Street, Uttoxeter. ST14 8JE	R & ND

Alan Wallis
Chief Executive of the Police Authority
(File Ref: OX287Z)