

London ICV Newsletter

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Immigration and Nationality Directorate & EU Nationals

Recently the issue of detainees in custody who have been served an IM3 has caused some confusion. At the last meeting of the Programme Board it was clarified to the representatives that IM3s can be served to EU Nationals in circumstances where they have been charged with a serious crime. The IM3 form is served on a person under section 6(2) of the Immigration Act 1971, and can be served on any person who was not born in the UK who is

aged 17 years or over and who has been charged with an offence punishable by imprisonment. An IM3 is a 'notice of liability to deportation' (MPS website) and must be served at least 7 days before being acted upon by a court. *The form gives the court power to recommend the deportation of a person in addition to any sentence the court passes on the person. There are exemptions to this, but the burden of proof is on the individual to prove their*

exemption. (Sourced from Centrex document The Use of Immigration Powers Against Crime 2005) Awareness of the use of IM3s for this purpose has recently been raised amongst custody staff, which may have resulted in more of these forms being served.



Bail-Back to Custody Suites

ICVs recently requested clarification on 'bail-back' procedures, where people are bailed on the condition that they return to the police station at a specified later date. The Custody Directorate confirmed that a detainee can only be bailed back to a designated police station. The code of practice 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. Detainees bailed to return may not have their custody record re-opened but any detainees who are being held & have had a custody record opened/re-opened, can be offered a visit as normal. Details should be entered on the visit report form as normal. If your police station is operating a 'bail-back' process, the panel chair should speak to

the custody manager or Inspector to discuss how ICVs can best fit in with this process locally. People bailed to return may be given timed appointments to be seen and it is important that ICVs are aware of this and able to fit in with the local system being operated when seeking to undertake visits.



News In Brief

Smoking Policy:

Custody Directorate clarified that all MPS buildings are already non-smoking buildings, and some custody suites have facilities available for smoking in an external area of the building. As far as possible, new builds will have a secure area outside which can be used for multi-purposes such as smoking/CS spray/Taser spray decontamination. Nicotine patches can potentially be distributed to detainees, but this would be at the discretion of FMEs.

Blankets:

An audit of blankets in MPS custody suites has taken place. A new contract with suppliers will be signed in mid 2007.

The Vetting Issue



At a recent Programme Board meeting representatives requested, and were provided with, details about how the vetting of both existing and new ICVs was progressing.

Nearly 300 ICVs have gone through the process, with more than 270 visitors successfully cleared to date. There are still around 60-80 applications in the system that have been submitted recently, and by early 2007 we hope to have all existing ICVs vetted, and

their photo passes issued too.

With regards to those who are refused clearance by the Metropolitan Police Service (MPS) vetting department, a protocol is being developed with the MPS to enable someone from the MPA to sit in on the appeals panel for ICVs who choose to appeal. Please be reminded that vetting is an important part of an ICV application and accreditation process. We appreciate the form can be

seen as lengthy but it is standard practice across many police authorities now that vetting to this level is completed for all ICVs.

If you have not been vetted yet, or you have been cleared but not attended New Scotland Yard for a photo pass, please contact your administrator who should be able to advise you about what to do next, and who to contact at the MPA.

Immigration Advice Pilot Programme

From 12 June 2006 a 24-hour telephone advice pilot scheme for people detained at police stations who need immigration advice was launched by the Legal Services Commission. It will run in all police stations in England & Wales for a period of seven months until 22 January 2007.

The pilot scheme is a common-sense solution to an advice gap, one that will

help many people in genuine need of support. There has always been access to criminal legal advice for those questioned or charged at police stations through the Duty Solicitor Scheme. Duty Solicitors assist where someone is investigated in relation to a criminal immigration offence, for example, entering the UK without a passport. However, they

can't provide immigration advice on non-criminal matters such as asylum applications. The telephone service will plug this gap. Immigration calls received by the Duty Solicitor Call Centre will be filtered to ensure that crime practitioners are only called in relation to immigration criminal offences and non-criminal immigration matters will be referred to

the telephone pilot.

We believe that telephone advice will be an effective and responsive method of providing advice to these individuals. Advice will be provided by independent, accredited practitioners who will have access to Language Line, a telephone interpreting service, and will therefore be able to advise individuals whose first language is not English.

Enfield Welcome Firearms Squad

Enfield ICV Panel was pleased to host a presentation by three members of CO19 Tactical Firearms Department on Tuesday 6 June 2006 on the history and use of firearms within the Metropolitan Police Service (MPS). Members of Haringey ICV Panel and a Forensic Medical Examiner also attended the presentation.

PCs Colin Flynn and Steve Cherry gave a very interesting presentation on the history of firearms within the MPS and the work of CO19 Tactical Firearms Department in

providing an immediate armed response. This was followed by a talk by PC Jeremy Hinde on less lethal weapons, particularly the baton gun (which fires so called 'rubber bullets') and the Taser, which is an electronic stun gun. These two types of less lethal weapon are still only carried in London by armed officers. They can be used when the threat posed by the subject is significant, but he or she does not represent an imminent or immediate threat to life at that time. The Panel found the practical demonstration of

the M26 advanced Taser gun (section 5 prohibited weapon) particularly interesting. Although there were several nominations to be the "suspect", the CO19 officers had luckily brought a "cardboard suspect" along with them! Tasers are devices designed to use the effects of electricity to incapacitate individuals. They are battery powered and use a low current high voltage impulse shock to provide incapacitation.

The officers also had a number of conventional firearms with them and the ICVs appreciated the

opportunity to inspect the firearms and equipment on display at the meeting.

ICVs were then pleased to have the opportunity to informally chat with the CO19 officers about their presentations and a wide range of other policing issues. They considered the meeting to be one of the most interactive and informative training events they had attended and extended their thanks to the CO19 officers.

Story courtesy of Enfield Panel.

Detainees Dependents Welfare

Issues around detainees with caring responsibilities (child, elderly or other vulnerable person) has recently been highlighted. The role & responsibilities of social services departments in the borough of residence/arrest needs to be clarified.

Mick Farrant has suggested that this is addressed

through a policy document. Camden will be working on a policy and this could potentially be rolled out across London. More standardisation is also required across the MPS to ensure children are not detained and existing policies and practices relating to the welfare of detainees' dependents are followed. Form 57N in

relation to risk assessment is currently being reviewed and there should be a specific question on this regarding detainees with caring responsibilities.

The MPA will raise the issue of the welfare of detainees' dependents with Territorial Policing, with a view to developing MPS wide protocols.



New Structure for the London ICV Scheme

Over the past few weeks you may have seen a copy of the New Operating Structure, scheduled for implementation in Spring 2007.

A key change for ICV Panels is that from Spring 2007 Panels will be supported by an MPA employed ICV Co-ordinator. The new scheme will bring some other changes for ICVs, as the MPA seeks to roll out best practice in visiting, drawing on practices from across London and from other UK schemes. During the transitional period, the MPA will ensure that Panels and ICVs are kept informed about the proposals. The changes to the London Scheme are designed to ensure that the MPA fully meets its statutory responsibility for the ICV Scheme and is able to provide adequate support and guidance to all ICVs. They are also designed to bring the MPA Scheme up to date and to reflect best practice from the successful structures of the majority of ICV Schemes around the UK. It is hoped that the

pan-London ICV Scheme that emerges as a result of these changes will become a model of excellence in the UK.

Independence

Some ICVs have raised concerns over their independence being eroded by the MPA's proposals. It is critical that ICVs operate independently and make independent judgements when they are conducting visits - this is something to which the MPA is completely committed. As the Scheme has to date operated to a large extent as 32 semi-autonomous schemes within London, it is understandable that some ICVs have a different understanding of the term 'independent' and it is hoped that some clarification of this will be helpful. ICVs are independent members of the community at the point of recruitment, once recruited ICVs necessarily operate under a framework and model of governance established by the police authority. As such, a relationship of interdependency with the

police authority is formed, as the body that has ultimate responsibility for the scheme and that organises and facilitates the volunteering activity. ICVs operational independence as visitors is not changed by the new arrangements.

Staffing

Some existing administrators may be transferred to the MPA under an employment law referred to as TUPE. We are in the process now of identifying how many administrators will be covered.

Interviews to fill the remaining ICV Co-ordinator posts took place in the first week of September, and Rachel Harper (ICV) was part of the interview panel. It is hoped that all new and transferring staff will be in place by April 2007.

Polices

Your Panel will recently have received a copy of the MPA ICV policies on: Expenses, Misconduct, Grievance, Performance, Health & Safety and a Memorandum of

Understanding for Custody Visitors.

All policies are operational with immediate effect, with the exception of the Memorandum of Understanding, which is for guidance at the moment and will be issued to each ICV individually in the run up to the start of the new London ICV Scheme next spring. The policies refer to an ICV Scheme Handbook, which is under development and will be issued prior to April 2007.

Thanks to Mick Farrant, Samuel Wynter, Rachel Harper and Len Clark for their helpful contributions to all policies. The policies will necessarily be revised to reflect the new structure of the Scheme from April 07 and will be issued to every ICV in a folder format next Spring.



Contacts

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ICV Co-ordinator
Metropolitan Police Authority
FREEPOST LONI7808
London
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16 - 18 Whidborne Street
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E-mail: info@icva.org.uk

Who's Who at the MPA?

Lead Member for ICV

John Roberts

Chief Executive & Clerk

to the Authority

Catherine Crawford

Deputy Chief Executive & Solicitor

David Riddle

ICV Scheme Manager

Kerry McClelland

ICV Co-ordinators

Jennifer Ankrah & Emma Nuttall

ICVA National Conference 2006

The 2006 ICVA National Conference takes place on Saturday 4th November at the West Road Concert Hall, Cambridge. There will also be an evening reception for the conference on Friday 3rd November 2006 at the Fitzwilliam Museum, Cambridge.

The conference will include topics such as the Role of the IPCC, Cultural Awareness & Diversity and the Joint Review into ICVA by the APA and Home Office.

The MPA scheme has been given 22 places plus places for its ICVA Executive members. Overall 19 London Panels will be represented at the conference.

New Custody Suite Working Group

As most of you may be aware new custody centres are being built in London. This is a 2-10 year rolling programme.

Several factors such as planning permission need to be considered, as well as the facilities and needs of detainees. It has been suggested that a working group be formed for consultation.

ICVs are invited to register their interest if they wish to be considered as part of the working group with the MPS (places will be limited).

For further information contact

Jennifer on 020 7202 0096 or Emma on 020 7202 0127

Closing Date:
Monday 16th October 2006.

Training Dates 2006

Initial Basic Training:
(For new ICVs)

September 23rd
Westminster City Hall
Saturday session 10am - 5pm

November 6th and 13th
MPA
2 Monday evenings 6pm-9pm
(must attend both evenings)

Refresher Training:
(For experienced ICVs)

October
North London -
to be arranged

December
South East London -
to be arranged

Training 2007:
As yet to be finalised

New Visit Report Forms

A new ICV Visit report form has recently been designed by a team of ICVs, following consultation and feedback from Panels on the existing form. The new form is currently with the printers and we hope that it will be available to be sent out to Panels around the end of September. A comprehensive set of guidance notes, also developed by the group, will be issued with the form. Many thanks to Len Clark, Maggie Maloney, Bernard Hanks and Avril Jones for their work on this.



Next Issue.....

Please submit articles, pictures, or 'Questions for the Lead Member' by November 24th to Emma or Jennifer @ MPA.

Publication due in December 2006.