

# London Independent Custody Visitors Handbook

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# Foreword

I have been asked to write a few words of introduction to the Metropolitan Police Authority's guidance to independent custody visiting within London. I am pleased that the Metropolitan Police Authority has decided to re-issue the guidelines in the light of the many changes that have occurred in custody visiting in the last two years.

The Safer Handling Of Detainees, the adoption of the OPCAT protocols, in which custody visiting has been designated as one of the national preventative mechanisms and of course, the many differing communities and visiting demands that this brings to the visitors in London has brought about a need to revise the guide.

This guide, when used in conjunction with the Codes of Practice and National Standards, provides all custody visitors who intend to make a visit to a place of detention with comprehensive guidance on what they may see and how they are expected to behave during the course of the visit.

The Metropolitan Police Authority recognises that Independent Custody Visitors need to be appropriately supported, adequately prepared, skilled and equipped to deal with carrying out visits in often difficult situations. They have been innovative in the past two years in providing training for their ICV chairs and extending their cultural awareness and diversity training to volunteers across London. They have also developed an excellent modular training programme that continues to grow.

In all places of detention where people are deprived of their liberty, for whatever reason, there is a potential risk to both the detainee and the detention staff. ICVs are in a unique position to make recommendations that will be taken seriously and lead to positive improvements in the treatment of detainees and to the places in which they are detained. None of this is possible however, without the volunteers that assist the authority to deliver better conditions in police custody. The Metropolitan Police Authority has found new and innovative ways of advertising for their visitors including the piloting of a page on Facebook and the production and airing of a radio advert.

As Chief Executive of the Independent Custody Visiting Association I am the first to acknowledge that historically many sections of the codes of practice and the national standards are as a result of recommendations made by ICVs within London. Since Independent Custody Visiting became statutory in the Police Reform Act of 2002 and the Safer Handling of Detainees 2006, I am delighted that the Metropolitan Police Authority has shown that they wish to move their independent custody visiting scheme forward.

In conclusion I would like to pay tribute to the officers of the MPA & MPS in producing these revised guidelines and to the hard work of all the volunteers, who make custody visiting work.

**Ian Smith O.B.E**  
**Chief Executive**  
**ICVA**





# Introduction

I am pleased to welcome you as an Independent Custody Visitor and hope that you will find this volunteering experience a truly rewarding one.

The Metropolitan Police Authority (MPA) holds the Met to account for policing in London, and to ensure an efficient and effective police service. Promoting equality and diversity and working in partnership with local communities are important to the MPA. We want to ensure all those who live and work in the capital are treated fairly and with respect by the police.

The Independent Custody Visitors scheme enables you, our volunteers to make unannounced visits to people held in police custody to check that the rules governing their treatment and welfare are being observed.

You will be playing a vital role in helping safeguard an individual's rights and entitlements whilst they are detained. You are making a key contribution in maintaining public confidence in the police.

Let me take this opportunity, on behalf of Londoners, to thank you for your contributions. The ICV scheme could not continue without your dedication, commitment and support.

**Kit Malthouse AM**  
**Vice chair Metropolitan Police Authority**  
**and Deputy Mayor for Policing**



# GLOSSARY OF KEY TERMS

## A

**AA** = Appropriate Adult

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## B

**BOCU** = Borough Operational Command Unit

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## C

**CARB** = Collision/Accident Report Book

**CCTV** = Closed Circuit Television

**CID** = Criminal Investigation Department

**CJU** = Criminal Justice Unit

**CPS** = Crown Prosecution Service

**CPU** = Case Progression Unit

**CrimInt** = Criminal Intelligence System

**CSU** = Community Safety Unit

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## D

**DAT** = Drug Action Team

**DVU** = Domestic Violence Unit

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## E

## F

**FLO** = Family Liaison Officer

**FoI** = Freedom of Information

**FoIA** = Freedom of Information Act

**FME** = Forensic Medical Examiner

**FPN** = Fixed Penalty Notice

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## G

## H

## I

**IAG** = Independent Advisory Group

**ICV** = Independent Custody Visitor

**ICVA** = Independent Custody Visiting Association

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## J

## K

## L

## M

**MDT** = Mobile Data Terminal

**Merlin** = Missing persons & Related Linked Indices (The Link INdices referred to being: Children Come to Notice, Youth non-recordables,

Prostitute Cautions and Taken into Police Protection.)

**MPA** = Metropolitan Police Authority

**MPS** = Metropolitan Police Service

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## *N*

**NSPIS** = National Strategy for Police Information Systems (includes the new computerised system for custody records)

**NSY** = New Scotland Yard

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## *O*

**OCU** = Operational Command Unit

**OH** = Occupational Health

**OIC** = Officer In Charge/Officer In Case

**OPCAT** = Optional Protocol to the Convention against Torture

**OPS** = Operations

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## *P*

**PACE** = Police and Criminal Evidence Act

**PCSO** = Police Community Support Officer

**PCCG** = Police Community Consultative Group

**PNC** = Police National Computer

**PPO** = Prolific and Persistent Offenders

**PYO** = Persistent Young Offender

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## *Q*

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## *R*

**ROTI** = Record of Taped Interview

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## *S*

**SC** = Special Constable

**SIO** = Senior Information Officer/Senior Investigating Officer

**SLO** = Stores Liaison Officer

**SMT** = Senior Management Team

**SNT** = Safer Neighbourhood Team

**SOP** = Standard Operating Procedures

**SRO** = Station Reception Officer

---

## *T*

**TIC** = Taken Into Consideration

## *U*

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## *V*

**VCC** = Volunteer Cadet Corps

**VDU** = Visual Display Unit

**VIW** = Vulnerable and Intimidated  
Witness/Victim Informant Witness

**VO** = Violent Offender

**VSS** = Victim Support Scheme

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**W**

**WP** = Witness Protection

**WOW** = Wanted on warrant

**X**

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**Y**

**YOT** = Youth Offender Team

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**Z**

**NB: THIS IS NOT AN EXHAUSTIVE LIST - CUSTODY  
VISITORS MAY ALSO WISH TO ADD OTHER TERMS  
THEY COME ACROSS**





**Metropolitan Police Authority**

## **LONDON ICV SCHEME HANDBOOK**

### **1. INTRODUCTION AND OBJECTIVES**

Custody visiting (formerly known as 'lay visiting') owes its origin to Lord Scarman, whose report on the Brixton disorders in 1981 recommended a system of independent, unannounced inspection of procedures and detention in police stations by local community members. The main objectives at that time were to counteract growing mistrust of the police and to increase their accountability to the general public. Despite Lord Scarman's recommendation of a statutory arrangement, custody visiting did not become statutory until 2002 when responsibility was given to police authorities to have in place an effective independent custody visiting scheme.

The purpose of custody visiting is to enable members of the local community to observe, comment and report on the conditions under which people are detained at police stations and the operation in practice of the statutory and other rules governing their welfare, 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 those detained.

Visiting arrangements are carried out with the consent of all parties involved. However in specific circumstances, when detainees are unable to give their consent because of language, understanding or health difficulties, non-consensual checks will take place in the interests of the individual detainee, public openness and confidence.

In carrying out visits, independent custody visitors should be guided by the Home Office Codes of Practice (2003) governing custody visiting (see Appendix J) and the National Standards for custody visiting (see Appendix K). Visitors in London should also be mindful of relevant MPA policies, guidance and practice.

### **2. ESTABLISHMENT OF THE SCHEME**

Custody visiting existed in London prior to the establishment of the Metropolitan Police Authority (MPA) in 2000, with the first 'lay visiting' scheme established in Lambeth in 1983. More London groups were set up in 1985, in north Westminster and Hammersmith and Fulham, based on the Lambeth model. The Police Reform Act 2002 (paragraph 51) gave police authorities' statutory responsibility for independent custody visiting in their area, by which time independent custody visiting (ICV) panels were already operating in all London boroughs.

The MPA established the existing London scheme in consultation with the Commissioner of the Metropolitan Police. The MPA, in consultation with the Commissioner, has the final responsibility in all matters relating to the operation of the scheme. The MPA's Communities, Equalities and People committee through its Community Engagement and Citizen-Focus sub-committee holds the oversight and scrutiny function with regard to independent custody visiting in London.

### **3. MANAGEMENT OF THE SCHEME**

To achieve its objectives, the MPA, in conjunction with the Commissioner sets a frequency for visits to custody suites in London, against which performance is measured, monitored and published annually.

The agreed visit frequency sets the minimum number of visits deemed appropriate to individual designated stations. In exceptional circumstances, additional visits may be deemed appropriate for a short period, in response to local activity, custody visitor concerns and special visits requested by the police (see 5.7). Any increase or decrease to the agreed frequency of visits should only take place with the express agreement of the panel Chair and the MPA, in consultation with the borough Commander.

The MPA has 23 members who scrutinise and support the work of the MPS and ensure that there is an efficient and effective police service in London. The MPA holds the Commissioner to account on behalf of Londoners, for the way that London is policed. It sets the overall strategic direction and priorities for policing and sets and manages the MPS budget. Members have link boroughs, for which they have a particular responsibility and take a special interest.

The MPA has appointed an ICV Scheme Manager and a team of ICV Coordinators to manage the independent custody visiting scheme on a daily basis. Broadly speaking, the ICV Scheme Manager has responsibility for strategic oversight and development of the scheme, whilst the ICV Coordinators manage the operational elements of the scheme, including providing direct support to ICV panels.

Each of the individual panels appoints its own Chair and Vice Chair after nomination by their fellow visitors. The Chair works closely with the designated ICV Coordinator to ensure the smooth functioning of the panel.

## **4 INDEPENDENT CUSTODY VISITORS**

### *4.1 Eligibility*

Subject to the exceptions set out below, any person over 18 and residing within London may be appointed by the MPA as an independent custody visitor. Due to restrictions relating to the MPS vetting process, all applicants must have resided in the UK for three years prior to application.

Independent custody visitors should be persons of good character who are able to make unbiased observations in which the community can have confidence. 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, may not be suitable for this reason. Applicants will therefore be required to include on their application form details of any convictions, other than those which are spent by reason of the Rehabilitation of Offenders Act 1974, and to agree to undergo police vetting.

The MPA will not appoint MPA members or staff, magistrates, serving police officers, police volunteers or special constables as independent custody visitors. Other people may also be excluded, after discussion with the individual applicant i.e. if they have a direct involvement in the criminal justice system such as solicitors or probation officers.

Each application will be treated on its merits, but the overriding factor is to prevent possible conflicts of interest for individuals, and to maintain the independence and integrity of the scheme as a whole.

#### *4.2 Recruitment*

The MPA will recruit volunteers to be independent custody visitors by inviting applications from the public. This will be done by means of advertisements or other publicity in local newspapers, volunteer bureaux and Councils for Voluntary Service, and any other means that the MPA may consider suitable.

The MPA is keen to recruit volunteers from across a diverse range of communities, to ensure the scheme reflects London's diversity. Efforts will be made to ensure that local panels reflect the makeup of the community in which they operate.

#### *4.3 Application, interview and vetting process*

Interested parties will be sent an application pack containing background information on custody visiting, an application form, an equal opportunities monitoring form, independent custody visitor role description and person specification. All suitable applicants will be required to attend an interview. Occasionally applicants may be asked to join a waiting list, prior to interview, if the panel they wish to join is oversubscribed.

The interview panel will consist of MPA staff and experienced independent custody visitors who will identify potentially suitable applicants based against the person specification. Selection will be based on an applicant's suitability as detailed in the person specification, and will be in line with equal opportunities.

An unsuccessful applicant may seek feedback from the interview panel as to the reasons for the panels' decision. This should be done through the MPA, with the ICV Coordinator responsible for giving feedback. However applicants should be aware that the decision of the interview panel is final.

An unsuccessful applicant may not re-apply to become an independent custody visitor within two years of notification.

Due to the sensitive nature of the role of independent custody visitors and the level of access given to police premises to enable them to carry out their role, the MPA

deems it is essential that all independent custody visitors be vetted to a certain level, referred to as Initial Vetting Clearance. The MPA has established a Vetting Protocol with the MPS to ensure that the vetting process for ICVs is as clear and transparent as possible. The vetting process can take some time and ICVs will only be accredited after successful completion of vetting checks. If an ICV is refused vetting clearance s/he cannot be accepted on to the scheme.

#### 4.4 Initial Training

Successful applicants will be required to attend a training session organised by the MPA within six months of their acceptance on the scheme. Training will be organised as a one-day (Saturday) course or two weekday evenings – with both options, participants are required to attend the entire course. Training will provide those who are subsequently accredited with the basic knowledge and skills they will need to make visits. Independent custody visitors will be expected to participate in additional training on an ongoing basis, including ‘refresher’ training sessions delivered at panel meetings.

#### 4.5 Appointment, accreditation and ICV identity cards

Successful applicants who are invited to join the scheme will be required to sign and return to the ICV Coordinator a copy of the custody visiting Memorandum of Understanding as a condition of their accreditation.

*ICVs must sign and return to the ICV Coordinator a copy of the custody visiting Memorandum of Understanding.*

This agreement outlines the key criteria of the independent custody visiting scheme, what the MPA expects from independent custody visitors and what custody visitors can expect from the MPA, in terms of training and support.

Following notification of their appointment and successful completion of the security vetting process, the MPA will issue each independent custody visitor with an ICV identity card which includes the holders photograph.

The identity card will authorise the holder to visit any ‘designated’ custody suite in London. In practice visits will normally be confined to the borough for which the independent custody visitor was appointed, or another previously agreed area, which will be confirmed to each individual on appointment. Custody visits outside these areas will only take place with prior approval of the panel Chair and the ICV Coordinator. In the event of a special visit requested by the MPS (see 5.7), visitors will be contacted through the panel Chair or the ICV Co-ordinator for the area.

*ICV identity cards are the property of the MPS and can be used only for the purpose of custody visiting.*

ICV identity cards must 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 persons’ appointment as an independent custody visitor may be terminated.

The ICV identity cards remain the property of the MPS and must be returned to the MPA when a custody visitor leaves the scheme. In circumstances where an ICV identity card is not returned to the MPA, for whatever reason, steps may be taken by the MPS to recover the card from the custody visitor.

#### 4.6 *Assessment period*

On appointment, independent custody visitors will serve an initial assessment period, usually lasting 6 months. During the assessment period the independent custody visitor will be expected to complete their initial training and a minimum of six custody visits. The first three visits should be with either the panel Chair or Vice Chair, the next three with other experienced visitors.

The panel Coordinator will arrange to include the new visitor in the panel's visiting rota, thus enabling the individual to complete their probationary visits.

After three months, the Chair should give some indication of how s/he feels the new ICV is doing. This will usually be done informally and may, if appropriate, take the form of a phone call to the new ICV. If the Chair has any serious concerns, these should be made clear and should be noted by both the Chair and the new ICV. The Chair should discuss his/her concerns with the ICV Coordinator.

*During their 6 month assessment period ICVs need to complete their initial training and a minimum of 6 visits.*

At the end of the six-month assessment period the ICV Coordinator will arrange an assessment review meeting. This meeting will involve the individual independent custody visitor, the panel Chair and the ICV Coordinator.

#### 4.7 *Assessment review meeting*

*A review meeting is held at the end of the six-month assessment period. The purpose of this meeting is to review the ICVs performance and identify any training needs they may have.*

The purpose of this meeting is to review the performance of the newly appointed independent custody visitor, and in doing so identify any specific training needs. During the meeting, new ICVs will be given the opportunity to comment on their experiences and to review the past six months. The Chair will give them feedback on their progress, including any areas that may need attention.

The meeting will focus on the new ICVs' performance as a whole during the preceding six months

This will include a review of:

- attendance at panel meetings (should not have missed more than one meeting)
- completion of initial training (ideally within the first three months and definitely within the first six months)
- conduct (during visits, at panel meetings, with fellow ICVs, with police)

- visits (arriving on time, developed confidence in conducting visits, made correct checks, raising issues with the police as required, accurate completion of visit report forms etc)

Following the meeting, the appointment will be confirmed in writing, where applicable and will subsequently be renewable subject to a review after a period of three years.

If there are concerns about the suitability of a new independent custody visitor, his/her assessment period may be extended, or if those concerns are significant, his/her accreditation may be revoked. If the assessment period is extended, this will be for a single fixed period only. Usually the extension will be the result of minor concerns about visiting practice, conduct or attendance at panel meetings – or if the ICV has not completed initial training. If this happens the new ICV will be made aware of what s/he needs to work on in the intervening period. A further meeting will be set to review progress.

If there are serious concerns over an ICV's conduct, s/he will be informed that s/he has not passed his/her assessment period and will be given the reasons. This will usually happen if there are serious concerns over his/her visiting practice, conduct or attendance at panel meetings and there has not been sufficient improvement after the informal review at three months. If this happens the ICV will be told that his/her accreditation will be revoked. If s/he feels this decision is unfair, s/he can appeal against it.

#### 4.8 *Monitoring and review of performance*

It is important that the performance of independent custody visitors is reviewed on a regular basis following the successful completion of the assessment period, and that the key factor in maintaining an appointment is the continuing ability and willingness of an individual to carry out the role effectively. Therefore after three years the ICV Co-ordinator in conjunction with the panel Chair for the visitor's area will arrange for all individual independent custody visitors to attend a meeting to review their performance.

The meeting will usually be between the ICV Coordinator, Chair and the ICV being reviewed. In the case of the Chair, the ICV Scheme Manager will conduct the review. The ICV Co-ordinator will bring to the discussion any comments received from the MPS where relevant. The meeting will focus on giving the ICV an opportunity to reflect on the last three years, their experiences and their continued desire (or not) to commit to the panel. Further training needs will be considered at this meeting.

The three-year review will follow a similar format to the assessment review, in terms of looking at issues such as:

- attendance at panel meetings
- completion of refresher training
- conduct (during visits, at panel meetings, with fellow ICVs, with police)
- visits (number of visits undertaken, reliability, timekeeping, visiting practice)

#### *4.9 Re-accreditation of custody visitors*

At the end of the meeting a decision will be made based on an assessment of the factors above and the individual's willingness to continue as an ICV. If a joint decision is made for the ICV to continue he/she will receive written confirmation that accreditation has been renewed for a further three years.

If the ICV wishes to continue but concerns have been raised by the Chair or ICV Coordinator, these will be discussed with the ICV at the meeting and where possible an action plan will be agreed about how to go forward.

Another review date will be set for three months time to assess progress against any agreed/requested actions. At that meeting a final decision will be reached as to whether or not it is appropriate for the ICV's accreditation to be renewed. The ICV has the right of appeal against this decision.

The same pattern of formal review will be followed with each ICV every three years. At the end of nine years service, in addition to this review meeting, the ICV Coordinator may request that they or the panel Chair observe some visits that the ICV undertakes as part of the re-accreditation process.

#### *4.10 Circumstances when re-accreditation cannot be considered*

ICVs cannot be considered for re-accreditation if they:

- have not made any visits in the past six-month period
- have not attended any panel meetings in the past six-month period; or
- are currently suspended

Under any of these circumstances, ICVs will receive written confirmation that their accreditation has expired and that it is not possible to renew it. In the first two situations ICVs may choose to reapply to the scheme at a future date. If an ICV is currently suspended, an assessment cannot reasonably be made as to whether or not their accreditation can be renewed.

#### *4.11 Termination of appointment*

Although the role is voluntary, the MPA has the right to terminate the appointment of any independent custody visitor whose conduct is not felt to be of the required standard, or if misconduct has occurred. Misconduct will encompass (but is not limited to) matters such as misuse of the ICV identity card, conviction of a criminal offence or abusing one's position, for example by consistently flouting policies, guidelines or the Memorandum of Understanding.

Independent custody visitors must notify the MPA if they are arrested, cautioned or charged with a criminal offence. In the case of any offences committed within the London area the MPS will notify details of the offence to the ICV Scheme Manager. In such circumstances, the MPA will suspend the appointment of that independent custody visitor until the outcome of any criminal proceedings is known. If the independent custody visitor is subsequently found to be not guilty, they may be

reinstated. In the case of a caution the MPA will review the appointment of the independent custody visitor in light of the offence.

Where a visitor fails to make a visit within a six-month period the ICV Coordinator will write to the person concerned to establish whether this is simply an oversight (e.g. because report forms have not been submitted), or seek an explanation. Where no good reason has been notified to the Chair or the ICV Coordinator, the ICV Coordinator will inform the ICV in writing that their appointment will be reviewed by the MPA.

Similarly, where a visitor fails to make the minimum number of visits expected of them during the year, *and* no good reason for this has been notified to the Chair or the ICV Coordinator, the ICV Coordinator will inform the individual in writing that their continuing appointment will be reviewed by the MPA.

#### *4.12 Misconduct, grievance and performance procedures*

All independent custody visitors will be issued with the MPA's ICV scheme policies on misconduct, grievance and poor performance. For full details of these policies, please see Annex A, B, C and D.

## **5. INDEPENDENT CUSTODY VISITING ARRANGEMENTS**

### *5.1 Number of independent custody visitors*

The MPA in consultation with the Commissioner will appoint sufficient independent custody visitors to ensure that visits can be made in line with the agreed visiting frequency and in accordance with agreed rotas.

### *5.2 Visiting rotas*

The ICV Coordinator in conjunction with the panel Chair is responsible for drawing up visiting rotas in advance. The ICV Coordinator will circulate the rota to all visitors in advance.

Visit rotas will randomly pair custody visitors together. Each pair will be responsible for visiting identified designated stations during an agreed time period. Partners or close relatives serving on the same panel will not normally be paired. The MPA does not consider such pairing to be good practice as it could be seen to jeopardise the operational independence and the integrity of cross checking function, provided by having two independent custody visitors visit at all times. Custody visitors cannot request who they are paired with and cannot refuse to be paired with another visitor.

*ICVs will be paired randomly together on the visiting rota and it is the responsibility of both ICVs to visit the designated station during the agreed time period.*

Independent custody visitors will be assigned to one local ICV panel and will normally make visits in their local area. ICVs can request to be assigned to the panel

in the borough in which they live or work. ICVs wishing to make visits in areas other than their designated area within London *must* first discuss this with the ICV Coordinator and the Chair of their panel.

In such circumstances, the panel chair for that borough *must* always be contacted prior to undertaking any visit. If the permission of the panel Chair cannot be sought, then the visit *cannot* be undertaken. This will ensure that custody visits are not made simultaneously at the same police station.

*If a detainee is known to one or both of the ICVs, the custody visitor(s) concerned should inform their visiting partner of this and of the nature of the relationship. If a detainee is well known to the ICV(s), the visit should not normally go ahead.*

### 5.3 Visiting in pairs

Independent custody visitors are required to visit in pairs at all times. Any independent custody visitor arriving at a police station on their own will not be granted access to the custody area to make a custody visit. With the exception of training visits, no more than two independent custody visitors should visit together, as larger parties could constitute an additional burden on custody staff at the police station.

Independent custody visitors must not be accompanied by any unauthorised persons. Custody visits can only be made when a visitor is accompanied by another independent custody visitor accredited by the MPA.

If it becomes apparent that a detainee is known to one or both of the independent custody visitors, the custody visitor(s) concerned has a responsibility to inform their visiting partner of this and of the nature of the relationship. Custody visitors should then make a decision as to the appropriateness of visiting (or continuing a visit) to that individual. If the detainee is well known to the custody visitor, the visit should not normally go ahead. As in any other circumstances, solo visits should not be undertaken.

### 5.4 Panel Chairs

Each year, the MPA will seek to ensure that two Independent Custody Visitors in each borough are elected by their panel to act as Chair and Vice Chair respectively. The panel Chair has a clear role, set out in a role description (see Appendix F).

The Chair plays a significant role in the organisation and oversight of the local panel. They will provide leadership and have a pivotal role in team building within their panel. They will provide support for panel members and be the panel link with the local police. They will have a lead responsibility for bringing forward custody issues in the borough and for liaison with other local bodies involved in community safety.

A Vice Chair will support the Chairs in his/her role within the panel and stand in for the Chair as required during periods of absence. The main purpose of the role is to provide additional support and continuity for the panel particularly if/when the Chair is absent. A separate role description does not exist, as many of the responsibilities

will be shared with Chairs. Specific dedicated duties for the Vice Chairs should be negotiated with the Chair.

In order to safeguard the integrity of the panel, the MPA considers it to be good practice for the Chair and Vice Chair not to have any formal relationship to each other outside of the panel (i.e. are not related, married or domestic or business partners)

The panel Chair in consultation with the ICV Coordinator will be responsible for arranging regular meetings for independent custody visitors to discuss issues arising from visits and other relevant matters. These meetings will also provide an opportunity to draw up rotas and facilitate local training. A representative from the local police will be asked to attend part of these meetings. This will provide an opportunity for the police to feedback on action taken as a result of custody visits, and a chance to discuss matters of mutual concern.

Panel Chairs and Vice Chairs will also be invited, on a rotating basis, to sit on the selection panel for new ICVs and may occasionally be asked to attend information evenings.

The performance of Panel Chair and Vice Chair will be monitored as part of the process outlined in paragraph 4.8.

#### 5.5 *Frequency and timing of visits*

The normal frequency for 24/7 operational custody suites in London is one visit per week. Any variance needs to be agreed by the Chair and the MPA in consultation with the borough Commander.

*ICVs are expected to carry out a minimum of 12 visits per year. These should be evenly spread throughout the year.*

Overflow stations, mobile custody suites, short-term holding facilities, bail to return facilities and high security suites may be subject to different frequencies. Frequencies for these facilities may be agreed locally in consultation with the MPA and the borough Commander.

The frequency and timing of custody visits are a matter for the individuals, within the framework of the rota for their area. However, each independent custody visitor is usually expected to make a minimum of *twelve* visits per year. Where this is not practicable, for instance due to numbers of ICVs significantly outweighing the number of custody suites in a borough, an alternative agreement will be reached which visitors will be asked to adhere to. Each ICV is expected to attend a minimum of 80% of his/her scheduled visits which should be evenly spaced throughout the year.

Care needs to be taken that custody visits, whilst sufficiently frequent to meet the agreed visiting frequency, do not take place so frequently that they impair the efficiency of the administration of the custody suite concerned, or the operational work of the officers and staff attached to it. Independent custody visitors should bear in mind that custody visits impose an unexpected additional responsibility on custody



officers and they should also be aware of possible delays during officers shift change over periods.

Independent custody visitors should arrive at the police station without prior notice. An exception is made for ICVs visiting the high security suite at Paddington Green (see protocol 6 of *Protocols for Special Situations* in Appendix G for more information).

*The times and days of visits should be varied in order to gain an accurate picture of the custody suite.*

Panels are expected to ensure that the times and days of visits are varied to cover Monday to Sunday from 00:00hrs to 24:00hrs and should try to avoid making custody visits at regular or predictable times. It is anticipated that the majority of visits will take place between 08:00 and 24:00. However panels should, where possible, try to ensure that a small number of visits take place between 00:00 and 08:00 each year.

Times and days that visits are made will be monitored by the MPA and panels may be asked to try to vary these if there is insufficient variation or an obvious pattern is emerging which could lead the police to 'expect' custody visits at particular times/days.

#### *5.6 Attendance at the police station*

Custody officers will only respond to independent custody visitors attending in person at a police station. Telephone enquiries about the custodial situation at a police station will not be responded to and visitors should not attempt to make such enquires.

To emphasise their impartiality, independent custody visitors should not combine making a custody visit with the conduct of any other business at a police station.

#### *5.7 Custody visits at the request of the police*

While custody visits should normally be unscheduled, there may be instances when there is particular tension within the local community about the treatment or well being of one or more people detained at a designated police station. In such circumstances, the duty officer or a member of the borough's senior management team may invite independent custody visitors to attend, to allay public concern.

The police officer requesting the custody visit will be responsible for contacting the ICV Coordinator during office hours, who will then contact two independent custody visitors to request that they make a special custody visit.

Outside office hours, contact will be made directly with the Chair of the panel who will assume this responsibility. Names and telephone numbers of the Chair, Vice Chair and ICV Coordinator relevant to each designated police station should therefore be kept in the appropriate custody office for this purpose.

## 5.8 *Effective working relationships.*

For the independent custody visiting scheme to be effective it is essential that independent custody visitors and police personnel develop and maintain professional working relationships based on mutual respect and understanding of each other's legitimate roles.

*ICVs are required to observe the ten principles of public life and the values and behaviours of the Metropolitan Police Authority (Appendix S & T)*

Such relationships can only exist where there is politeness and consideration on both sides. Certain types of behaviour have the potential to create tension and conflict.

Some examples of how custody visitors may cause difficulties are given below:

- failing to appreciate police priorities
- engaging in excessive petty criticism
- criticising officers in reports without bringing that criticism directly to their notice
- adopting an overly adversarial approach.
- concentrating on finding fault and trying to catch the police out
- becoming involved in an investigation or advising the detainees on that investigation
- criticising police action or questioning their judgement in areas outside the visitor's remit
- telling, or suggesting, to the police what they should do
- making promises to a detainee on behalf of the police
- breaching confidentiality

Equally police personnel may cause difficulties if they:

- fail to accept independent custody visitors' status and recognise their responsibilities
- demean or belittle visitors
- treat visitors with indifference or disrespect
- unreasonably delay or limit access to custody areas
- are insufficiently positive when introducing visitors to detainees

Police officers of all ranks, police staff, and staff of the MPA and all those engaged in a voluntary capacity supporting the MPA and MPS (e.g. special constables, ICVs etc) are required to observe the principles laid down by Parliament for all who serve the public in any way (see Appendix T). MPA staff and volunteer ICVs are also required to observe the values and behaviours of the MPA (see Appendix S).

All these issues must be set against the need to strike the right balance between establishing effective working arrangements with the police and developing a relationship that is too close or familiar, and could therefore be perceived to be insufficiently independent.

## 6. INDEPENDENT CUSTODY VISITING PROCEDURES AT POLICE STATIONS

### 6.1 Immediate access to the custody area

On arrival at the public enquiry counter, independent custody visitors must identify themselves and explain the purpose of their visit. At this point, they should be admitted immediately to the custody area. However, independent custody visitors must accept that they may have to wait their turn to receive attention in the reception area. Some police stations may provide a facility to phone through to the custody suite from the reception area. Where this is available and custody visitors have been given the number, they may use this facility to make their presence known to staff in the custody suite.

*ICVs should be given immediate access into the custody area. Access should only be delayed where the ICVs may be placed in danger.*

However, if access is delayed at the point of request, this will affect the credibility of the independent custody visiting scheme. It is inappropriate for access to be delayed because the custody officer is busy. In such circumstance the independent custody visitors should be admitted to the custody area and invited to wait until the custody officer, or another staff member/officer who has been authorised by the custody officer, is available to escort them on the custody visit. Access should be delayed only where the independent custody visitors may be placed in danger, for example if there is a disturbance in progress in the custody area. If delays occur, a full explanation should be included by the independent custody visitors in their report and endorsed by the custody officer as appropriate.

### 6.2 Access to the custody area

Independent custody visitors will be allowed to inspect all parts of the custody area a detainee has access to e.g., cells, showers or washing facilities, detention rooms, charging areas and medical room (this does not include access to locked drug cabinets). Independent custody visitors will need to check that any CCTV systems installed to observe the custody area or individual cells are operating properly (see 6.15). Independent custody visitors will wish to satisfy themselves that the general areas and cells are clean, tidy and in reasonable state of repair and decoration, and that bedding in cells is clean and adequate. If custody visitors feel there is a need to move anything in order to examine it more closely i.e. a detainee's mattress or blanket, they should ask the escorting officer to do this. Custody visitors should avoid touching anything themselves whilst inside a cell, in accordance with health and safety guidelines.

*ICVs can inspect all parts of the custody area to which a detainee has access e.g. cells, showers or washing facilities and medical room (excluding locked drug cabinets).*

It is not always necessary to inspect stores, but visitors should establish that suitable arrangements exist for adequate stocks of mattresses and blankets, and for the cleaning of such items, and for regular replacement of necessary furnishings and equipment. Similarly, food preparation areas and stores can be inspected.

ICVs may inspect empty cells and detention rooms to check heating/ventilation systems, and that cell buzzers and toilet flushing mechanisms are working properly. They may visit interview rooms in the custody area if unoccupied. Independent custody visitors may not visit CID rooms or other operational parts of the station.

### 6.3 *Security and safety*

In the interests of security and the safety of independent custody visitors, police officers/staff will accompany them from the public enquiry counter to the custody office and at all times during custody visits.

The custody officer, or another officer authorised by the custody officer should ensure that custody visitors are familiar with emergency alarms, routes and exits, and how accidents should be reported and recorded, in accordance with the appropriate risk assessment for each station or custody facility in their borough. This information should normally be provided to independent custody visitors at a panel meeting and should compliment information provided during initial training.

ICVs should also be mindful of the generic risk assessment produced by the MPA for custody visiting and any additional guidance.

### 6.4 *Access to detainees*

Subject to paragraph 6.5 and 6.11 set out below, independent custody visitors may have access to any person detained at a police station under the provisions of the Police and Criminal Evidence Act 1984. They may visit persons remanded to police custody in accordance with section 128 of the Magistrates' Court Act 1980, as amended, remand and sentenced prisoners held in police cells under section 6 of the Imprisonment (Temporary Provisions) Act 1980 and persons detained under the powers of the Immigration Act 1971. Persons held under the Mental Health Act 1983 for their own protection or children taken into police protection under the Children Act 1989 may also be seen by custody visitors.

If the escorting officer judges it to be too dangerous for the independent custody visitors to enter a cell the ICVs may wish to talk to the detainee through the wicket in the cell door.

### 6.5 *Consent to custody visits by detainees*

Detained persons are not obliged to speak to independent custody visitors or to answer questions. The officer or gaoler who is escorting the independent custody visitors is responsible for establishing whether or not each detainee wishes to see the independent custody visitors, and will make an introduction to each detainee explaining the purpose of the independent custody visiting scheme<sup>1</sup>.

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<sup>1</sup> Where self-introduction has been agreed, ICVs will be responsible for establishing whether the detainee wishes to speak with them

Where practical, in order to preserve the privacy of detainees who may not wish to be visited, detainees will be asked by the custody officer within earshot, but out of sight of independent custody visitors, whether or not they wish to receive a visit.

It should be recorded on each detainee's custody record whether or not they consent to a custody visit. Whether or not detainees agree to see the independent custody visitors, the escorting officer should normally seek permission from each detainee for the independent custody visitors to have access to their custody record. Any agreement should be recorded in the custody record (see 6.9 below).

As far as practicable, the police officer must be out of hearing during the visit, but must remain in sight of independent custody visitors for their safety.

#### *6.6 Detainees who are unable to consent to a custody visit*

If a detainee is under the influence of drink or drugs to such an extent that they are unable to give consent or otherwise, or is for some other reason unable to indicate willingness or otherwise to be seen, the escorting officer should, if the independent custody visitors so desire, allow them access unless it is considered that their safety could be at risk.

If the detainee is not suitable to be roused due to use of drink or drugs, the escorting officer should allow access if the independent custody visitors wish to satisfy themselves of the detainees wellbeing. ICVs should usually try to observe the detainee breathing. If the ICVs have cause for concern over the wellbeing of the detainee in these circumstances, they should request for them to be roused.

#### *6.7 Detainees who are asleep or resting*

Sleeping detainees can be woken at the discretion of the escorting officer to seek consent to a visit. However, where that would involve interrupting the continuous period of eight hours rest provided under PACE, the normal procedure should be not to wake the person but to observe them breathing through the wicket. This procedure also applies to detainees resting under the eight hour rule.

When escorting officers apply their discretion in relation to sleeping detainees not in a period of eight hours rest, they will take into account the potential for disturbed detainees to become violent.

#### *6.8 Access to vulnerable people*

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 remain during any custody visit.

*Juveniles may be visited with their own consent – it is not necessary to obtain additional consent of a parent or guardian.*

## 6.9 Access to custody record

If any detainee, including a juvenile, refuses access to the custody record, independent custody visitors will not be allowed to see it. If a person is incapable of giving consent by virtue of mental illness or disability, asleep and not to be roused, or incapacitated through the influence of drugs or alcohol, access to the custody record should be allowed if the independent custody visitors so desire. Except where a detainee objects, independent custody visitors will be shown the parts of the custody record relating to the provision of welfare while within police detention.

## 6.10 Detainees who are being interviewed

If a person is being interviewed, the interview will not be interrupted. If the independent custody visitors wish to see the person later in the visit after the interview has been completed they may do so.

## 6.11 Restrictions on access to detainees

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 independent custody visitor's access to a detained person should be taken only by an officer of the rank of Inspector or above. An explanation of the reason 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.

*As far as practicable, the escorting officer must be out of hearing during the visit, but must within sight of the independent custody visitors.*

Access by independent custody visitors should not be denied to any particular category of detainee, or where a decision has been made that a person should be held incommunicado.

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 custody suite where the person concerned is detained.

When a custody visit is refused on these grounds, the duty officer will arrange for the circumstances to be reported for the information of the borough Commander. If the panel is concerned about a decision and the MPS does not adequately address this in the view of the panel, the matter should be referred to the MPA and progressed to either the Superintendent or Commander who has responsibility for the MPS Custody Directorate for a response.

## 6.12 Conversations between detainee and independent custody visitors

Where practical, escorting officers will be out of hearing of the visit, but must remain within sight of both independent custody visitors and detainees. Independent custody

visitors should bear in mind that some detained persons may be violent or under the influence of drink or drugs and that the presence of the escorting officer may deter or frustrate any potential assault on independent custody visitors.

Independent custody visitors should be aware that the detainee may be from a background where there may be cultural sensitivities concerning how they interact with someone of a different gender or who they perceive to be of a markedly different age or social standing to themselves. ICVs themselves should endeavour to treat all detainees cordially and with respect, in accordance with principles of equality during any interaction.

### 6.13 Documentation

The proper maintenance of police records plays an important part in the process of supervision of detainees and in the application of rules governing their treatment.

Independent custody visitors will therefore wish to satisfy themselves that the custody record fully and properly records the action taken in connection with detainees while in police custody. Code C paragraph 2.1 of PACE requires the police to update records as soon as is practicable.

*ICVs can view a detainee's custody record (with consent) but ICVs cannot see other documents concerning a detainee or the FME report.*

Independent custody visitors may not see other police documents concerning the detainee or the Forensic Medical Examiners (FME) report. The custody record, which the ICV is entitled to see with the detainee's permission, should include all *relevant* information about necessary medication for a detainee and the frequency of administering it. Custody officers are responsible for ensuring that medication is given at appropriate times and this should be noted on the custody record.

### 6.14 Medical conditions

*ICVs do not have the right to be informed of any medical information about a detainee including health conditions.*

Independent custody visitors do not have the right to be informed of any medical information about detainees including health conditions. Where a detainee has a highly contagious condition that is known to the police, the detainee will be held in isolation and the police will advise the ICV against visiting, but there is no need for the ICV to be

informed of the details of the detainee's condition. ICVs should also be aware that the police may not be aware of a detainee's medical condition as the detainee may be unaware themselves, or may choose not to disclose information on any medical condition to the police.

Where a detainee has disclosed that they have an illness, injury or disability, or this is apparent, Independent custody visitors will wish to: satisfy themselves that medical treatment has been given or if appropriate, a health care professional or forensic medical examiner has been called;

- establish from the custody officer what instructions for medical treatment have been given and;

- confirm by consulting the custody record, that these instructions have been carried out

In situations where it is deemed *necessary and appropriate* (please refer to protocol 2 of the *Protocols for Special Situations* document for more details) Independent custody visitors may visit detainees (but not persons released from custody) in hospital, whether or not under police guard, subject to consultation with both the police and the hospital authorities. To prevent a wasted journey it may be advisable to establish via the hospital whether the detainee is willing to talk to the independent custody visitors. Where a detainee in hospital is under police guard, the police officer will remain at all times with the detainee.

As per 6.11, any decision to deny independent custody visitor's access to a detained person should be taken only by an officer of the rank of Inspector or above. An explanation of the reason for refusal should be given to the independent custody visitors on each occasion and recorded in the custody record.

#### 6.15 CCTV

Custody visits must be carried out in person and not by viewing either live or recorded CCTV footage. However independent custody visitors may ask the custody officer whether the CCTV is working and be given a demonstration if necessary. Not all custody suites currently have CCTV.

#### 6.16 Deaths in custody

All deaths in custody are referred to the Independent Police Complaints Commission (IPCC) and are the subject of a coroner's inquest to which the police will report formally. When a death in police custody occurs, the borough Commander or officer in charge will notify the MPA. It is also considered to be good practice for the officer in charge to directly notify the panel Chair following a death in police custody.

The ICV Scheme Manager will also get in touch with the panel Chair to ensure that they have been informed – *this is for information purposes only*. Independent custody visitors have no formal role following a death in custody or a 'near miss' situation. Please refer to protocol 1 of the *Protocols for Special Situations* in Appendix G for more information.

#### 6.17 Juveniles

Juveniles should only be placed in cells when no other secure accommodation is available and the custody officer considers that they cannot be properly supervised unless placed in a cell. 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.

#### 6.18 Legal framework governing the treatment of detainees

Independent custody visitors should satisfy themselves that detainees have had their statutory rights explained to them and they have been given the written notice of



those rights. Detainees are asked by the police to sign a document which confirms that they have been given their rights. They should also be satisfied that detainees have received those facilities to which they are entitled under PACE Code C.

The PACE codes are available via the Home Office website at: <http://police.homeoffice.gov.uk/operational-policing/powers-pace-codes/pace-code-intro/>. Independent custody visitors, who do not already have a copy of PACE Code C, should ask their ICV Coordinator to provide them with a copy.

### 6.19 Complaints by detainees

It is important to distinguish between complaints by detainees about their general treatment or conditions of detention, and a complaint of misconduct made by a detainee against a police officer. The former may encompass such complaints as: the detainee has not been notified of his/her statutory rights or has not received his/her entitlements under PACE. Such complaints are clearly for independent custody visitors to pursue with the custody officer, or other senior officers at the time of the visit.

### 6.20 Complaints of misconduct against a police officer

In order to maintain their strict impartiality, independent custody visitors should not take up individual cases or make representation on behalf of detainees.

*ICVs must maintain strict impartiality. If a detainee complains about misconduct and/or assault by a police officer ICVs should tell the detainee about the complaints process,*

However, where a detainee, during the course of a visit, complains about misconduct and/or assault by a police officer, the independent custody visitors should first establish if the detainee wishes the complaint to be pursued.

Independent custody visitors should initially advise that it is in the best interests of the detainee to make the complaint to the duty Inspector at the time, otherwise evidence may be lost and there will be a delay in the complaint being investigated. The independent custody visitors may wish to remind the detainee that they can seek legal advice before making the complaint. If a complaint of physical assault has been made, the independent custody visitors may wish to remind the detainee that they can ask to see a doctor. (NB: upon receipt of a formal complaint involving allegations of physical assault, the duty Inspector will, in any event, arrange for the detainee to see a Forensic Medical Examiner)

The MPS will notify the independent custody visitors, through the MPA's Communities, Equalities and People committee or its sub-committee, of the outcome of any such complaint, in general terms, if asked to do so by the manager of the ICV scheme.

### 6.21 *Appropriate adults*

It is imperative that custody visitors who are also appropriate adults *never* perform both roles at once, switch between the two roles or visit the same detainee as an ICV and an appropriate adult.

*ICVs who are also appropriate adults must never perform both roles at once, switch between the two roles or visit the same detainee as an ICV and an appropriate adult.*

Police personnel must not ask independent custody visitors to act as appropriate adults at any time during a custody visit. It is not compatible with their role as independent custody visitors to take on any task which requires them to become directly involved with an individual detainee, particularly in circumstances which might lead to them being called as witnesses when the detainee's case comes to court.

Even where the police have been unable to obtain the services of an appropriate adult and the juvenile or other detainee has been detained in police custody for an unacceptable length of time, independent custody visitors must refuse to act as an appropriate adult.

### 6.22 *Lay observers*

The Criminal Justice Act 1991 makes provision for the contracting out of the courts escort and custody service.

Section 81(1)(b) of the Act requires the appointment of a panel of lay observers who will inspect and report to the Secretary of State on the work of the contractor. Lay observers will be responsible for inspecting the condition at both Crown court and magistrate court cells within their area. In addition they will inspect conditions at police cells when those cells are being used to hold remand and sentenced prisoners in the contractors' custody. They will also inspect the conditions in which remand and sentenced prisoners are conveyed and will have access to prisons within the area, solely to perform that inspection.

This does not affect the role of independent custody visitors, who will continue to have access at all times to:

- all PACE detainees;
- persons held under immigration regulations;
- remand and sentenced prisoners (*not* in the contractors custody) and;
- all areas of police stations in which detainees may be held (except interview rooms and medical rooms when in use)

Additionally, independent custody visitors will be allowed access to remand and sentenced prisoners in the contractor's custody at police stations when they have become the responsibility of the custody officer.

### 6.23 *Remand and sentenced prisoners*

From time to time, due to operational constraints experienced by the prison service, ICVs may see remand and sentenced prisoners housed in police cells for short

periods of time. Remand and sentenced prisoners held in police cells have different rights to detainees subject to PACE, however for visiting purposes ICVs should consider sections 8 and 9 of PACE (S8: *Conditions of Detention* & S9: *Care and Treatment of Detained Persons*) as a minimum standard and seek to ensure that all detainees are treated with regard to these provisions under PACE.

If a prisoner requests something outside of entitlements provided under PACE, ICVs should report their request to the officer in charge. Certain normal rights and entitlements for convicted or remand prisoners may not be feasible within a police setting, so custody visitors should avoid promising anything, but should simply undertake to report the request.

Remand and sentenced prisoners may seek to complain about conditions in prisons or the treatment they have received there. Independent custody visitors must not involve themselves in such matters. There are recognised grievance procedures which prisoners should be aware of such as writing to, or petitioning, the Home Secretary, or writing to their solicitor or Member of Parliament.

The contractors for the court escort services also have their own procedures for recording complaints about their staff. Any complaint alleging a criminal offence will be reported to the police and the HM Prison Monitor Service immediately.

Any complaint made to the contractor, which amounts to a police complaint, will be referred to the police for investigation as at present.

#### *6.24 Detainees held under the Terrorism Act (2000)*

With the agreement of the MPA and the Commissioner, a few independent custody visitors (usually the Chair/Vice Chair and a few experienced visitors from the panel(s) with high security suites in their area) are also granted access to persons detained by the police under anti-terrorism legislation. A higher, additional level of vetting clearance is required for these roles. Access should be granted regardless of whether or not these individuals are held incommunicado. As with any custody visit, solo visits must never be made to high security suites under any circumstances.

A protocol has been developed which covers the role of independent custody visitor in relation to detainees held under anti-terrorism legislation. For more information, please refer to protocol 6 in the *Protocols for Special Situations* in Appendix G.

#### *6.25 Detainees who have been subjected to CS Spray or Taser*

Independent custody visitors may in the course of their visits encounter detainees who have been sprayed with CS spray or have been subject to Taser during their arrest. Independent custody visitors may wish to assure themselves of the health and well being of such persons, but they should bear in mind the advice contained in protocol 8 of the *Protocols for Special Situations (Appendix G)*. If independent custody visitors believe that the detained person is suffering due to the after effects of CS spray they should bring this to the notice of the custody officer who has responsibility for seeking medical assistance.

## 6.26 *Persons detained under section 136 of the Mental Health Act (1983)*

Independent custody visitors have access to persons detained under section 136 of the Mental Health Act 1983. The Act states that persons who appear to be suffering from mental disorder and to be in immediate need of care or control can be held for up to 72 hours in a place of safety, one of which is a designated police station.

Where ever possible, people suffering from mental health problems will not be detained in a police station, but will be taken to a hospital as a more appropriate place of safety. If this is not possible, MPS policy is for those people to be assessed by a doctor and an approved social worker as soon as possible after arrival at the police station. Every effort will be made for assessment to be carried out as expeditiously as possible.

## 6.27 *Other categories of detainee*

From time to time independent custody visitors will encounter detainees held in police custody who do not come under PACE. These include some of the categories mentioned above. Usually these detainees are held in a police cell for a restricted period of time before being move to more suitable accommodation.

Any detainee held in a police cell can normally be seen by independent custody visitors and should, for the purposes of this visit, be considered to be entitled to the same treatment as detainees held under PACE. In these circumstances PACE Code C, sections 8 and 9 should be considered to be a *minimum standard* in terms of rights and entitlements. Additional rights and entitlements will be granted within the confines of what is possible in the police custody environment.

## 7. IMPARTIALITY AND CONFIDENTIALITY

### 7.1 *Advice*

Independent custody visitors must not involve themselves in individual cases by offering advice about whether or not detainees should make a statement or otherwise cooperate with police inquiries. Such advice would be inconsistent with the independent custody visitor's independence from the processes of investigation. Independent custody visitors should therefore confine their discussion to the conditions in which people are detained and their treatment, even though some people will naturally wish to ask advice about their possible defence, particularly if they have not already received legal advice.

*ICVs must remain impartial. They must not involve themselves in any detainee's case nor offer advice or guidance in relation to it.*

If this arises, independent custody visitors must always explain that they cannot involve themselves in any detainee's case, nor offer any advice or guidance in relation to it and that their sole responsibility is to ensure that the detainee is being treated in accordance with their rights and entitlements.

In the interests of impartiality, independent custody visitors should not visit friends or relations who are in custody.

If a detainee begins to disclose any information concerning their case, the custody visitor should immediately stop them and re-iterate their role. If the detainee persists, it is the independent custody visitors' responsibility to inform the detainee that they cannot discuss the case and that they are *required to report anything said to them about the case to the officer in charge*.

#### 7.2 *Contact with people outside the police station*

Independent custody visitors must not agree to any request from a detainee to make contact with anyone outside the custody suite. Neither must they agree to pass on a message to any other detainee within the police station. Independent custody visitors must immediately notify the custody officer of any such requests.

#### 7.3 *Independent custody visitors giving evidence in criminal proceedings*

Conversations between independent custody visitors and detainees are not privileged and a court could issue a witness summons requiring the attendance of independent custody visitors to give oral evidence or to produce documents such as a report on a particular custody visit. Independent custody visitors are under no obligation to give evidence or produce documents other than in response to a court order.

#### 7.4 *Confidentiality*

Independent custody visitors will acquire considerable personal information about people in police custody. The great majority will not yet have appeared before a court, and many never will. Personal information relating to detainees must be protected against improper or unnecessary disclosure.

*ICVs are required to demonstrate confidentiality and personal information about detainees must be protected against improper or unnecessary disclosure.*

Independent custody visitors will therefore be asked to give an undertaking (included on the custody visit report form and the Memorandum of Understanding) not to release the identity of, or information capable of identifying anyone in police custody.

Very occasionally, in *exceptional circumstances only*, it may be appropriate to disclose information on the treatment and welfare of a specific individual. This is a decision for the MPA to take and will only be considered in circumstances where a visit has been arranged in connection with the treatment of a particular individual and community reassurance is a major issue.

It is in the interests of the strict application of confidentiality, that independent custody visitors *do not* name or otherwise identify persons in custody reports to or in *even in discussion with fellow independent custody visitors or the MPA*.

## 7.5 Breach of confidentiality

Breaches of confidentiality may make independent custody visitors liable to internal misconduct procedures and 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. INDEPENDENT CUSTODY VISITOR REPORTS AND FOLLOW UP ACTION

### 8.1 Completion of independent custody visitor reports

On completion of a visit, independent custody visitors must complete a custody visiting report form, recording their observations. Independent custody visitors are asked to ensure that they *complete all sections of the form, in accordance with Appendix L 'Visit report form guidance'*.

*Any issues should be included on the report form and raised with the officer in charge at the time of the visit. Any actions taken to resolve issues should also be recorded on the report form.*

The top copy of the report must be sent to the ICV Co-ordinator at the MPA as soon as possible using the freepost envelope provided (or using the police service's internal mail where this has been agreed). The second copy must be left in the custody suite for the attention of the officer in charge. The third copy can be filed in the custody area if required. Where this is not required the third copy should be sent to the ICV Coordinator along with the top copy. Independent custody visitors should not keep personal copies of the reports.

Report forms will be kept on record by the MPA for a period of three years.

### 8.2 Reports on unsatisfactory treatment and conditions

If independent custody visitors discover any aspects of the treatment of detainees, or conditions at the station, which are unsatisfactory, they should be included on the report *and raised with the officer in charge at the time*. This is an important part of the visit process. Any action that the custody officer takes should be recorded in the custody record and any actions the police agree to take can be noted on the visit report form before the custody visitors leave the custody suite.

### 8.3 Reports on issues arising out of custody visits

The ICV Coordinator in consultation with the panel Chair will call regular meetings of independent custody visitors (see 5.4). These will allow the discussion of visiting arrangements for the borough, and for any concerns to be brought to the attention of the police representative in attendance from the borough.

In consultation with the panel Chair, the ICV Coordinator may on behalf of the panel, follow up any urgent issues arising out of visits with the police in between meetings.

It is expected that the independent custody visitor panel Chair will report on custody visits in general terms to their local consultative group or community safety board meeting. Such reports will usually be given orally.

Panel chairs or vice chairs should only write or speak on behalf of the panel when explicitly mandated to do so by the panel – this includes the use of panel headed notepaper where relevant.

#### 8.4 *Escalation of issues*

Every effort should be made to resolve issues locally – i.e: during the custody visit, or if this is not possible, by the next panel meeting. Occasionally it may not be possible to resolve an issue locally and in these circumstances, once local resolution has been exhausted, the issue may be escalated to the MPA. The ICV Scheme Manager will, where appropriate, direct significant issues arising out of custody visits to the MPA's Communities, Equalities and People committee or it's sub-committee or to the MPS Custody Directorate. The process that should be followed to in these circumstances is set out in Appendix P. Please refer to this Appendix before raising an issue outside of your borough.

### **9. MPA PROVISION FOR INDEPENDENT CUSTODY VISITING**

#### 9.1 *Expenses*

The role of independent custody visitors is entirely voluntary, but travelling and other out of pocket expenses accrued on authorised MPA business can be claimed by all independent custody visitors. Public transport fares, or private car mileage at the agreed rate and other related expenses including telephone calls, will be paid. Independent custody visitors using their own motor vehicles to and from their visits are advised to inform their insurers about their role. Travel expenses can also be claimed for attending training sessions, and independent custody visitor meetings. Claims must be made on the appropriate form. For full details, please refer to the MPA's *ICV Scheme Expenses Policy* at Annex E.

#### 9.2 *Insurance*

The MPA has arranged appropriate insurance for ICVs, covering them in respect of any claim or injury arising from their role (such as assault during a custody visit), and any liability to a third party (if for example an ICV was responsible for an accident that injured a detainee). It has also arranged personal accident insurance covering ICVs for any accidents that occur while they are carrying out their duties or going to or from a police station.

Should an accident or injury occur during a custody visit, it must be brought to the attention of the officer in charge and recorded in the accident book at the police

station. ICVs must also notify the MPA of any accident or injury, as soon as practicable.

### *9.3 Handbook availability*

A copy of this Handbook will be given to all custody managers and should be placed within the custody area of every designated custody suite within the MPS district, for the information of custody staff and independent custody visitors.

## **10. PUBLICITY GUIDELINES**

### *10.1 Publicity*

The purpose of publicity relating to the independent custody visiting scheme is to raise awareness by informing the public about the scheme. Independent custody visitors must not seek to use publicity to draw attention to individual cases or to themselves.

Invitations to speak to the press about any aspect of independent custody visiting should be discussed with the MPA. In consultation with the ICV Coordinator, the Chair may act as the spokesperson to local media in matters concerning the local panel. This can be seen as part of the Chairs role in community reassurance. Any other issues must be referred directly to the MPA.

In dealing with the media, it should be reiterated that the Chair (or any independent custody visitor) should not discuss the cases of individuals with whom they come into contact during custody visits. Under no circumstances should individual contacts or specific events be discussed except in general, anonymous, terms that support an explanation of the purpose of the scheme.

Independent custody visitors must not, under any circumstances, use the MPA logo or MPA letterhead without explicit written permission from the ICV Scheme Manager to do so.

### *10.2 Confidentiality in relation to visitors*

Independent custody visitor's names and telephone numbers are given to ICVs by the MPA in the strictest confidence, purely for convenience in making contact to arrange visits. Such details must not be disclosed by ICVs to any other person, with the exception of the Chair/Vice Chairs contact details which should be given to the local police in the context of 5.7 above.

## **11. Other information**

Additional information required by independent custody visitors should be available through the other ICV policies and guidelines produced by the MPA. If an ICV has a question not covered by any of these documents they should contact the ICV Coordinator responsible for their area.





**Metropolitan Police Authority**

## APPENDIX A

# MPA Independent Custody Visiting Scheme Procedures for dealing with allegations of misconduct

## Introduction

- i. The purpose of this document is to set out a clear and transparent procedure for dealing with any allegation of misconduct against an independent custody visitor (ICV), so that all parties are aware of what steps will be taken should such a situation arise.
- ii. Section 51 of the Police Reform Act 2002 requires the MPA to make arrangements for detainees to be visited by independent custody visitors. The MPA is also required to have regard to the National Standards and to the Code of Practice on independent custody visiting. That Code provides that a police authority can remove an independent custody visitor's accreditation because of misconduct or poor performance and that the procedures for considering possible removal must follow the principles of natural justice and be publicised. Finally, all ICVs are required to sign a memorandum of understanding which lays out the performance and behaviour expectations for visitors and the support they can expect from the police authority.
- iii. This document forms part of the London ICV Custody Visitor Handbook, a set of documents that sets out standards, policies and guidelines for all MPA independent custody visitors (ICVs).
- iv. Acceptance of and adherence to these standards and policies, is the basis for a custody visitor's continued involvement in the London ICV scheme.
- v. In signing the Memorandum of Understanding, all custody visitors agree to have regard to and so far as possible abide by the standards and policies of the MPA ICV scheme and the London ICV scheme Handbook, and to adhere to the Codes of Practice and National Standards for the duration of their time as custody visitors.
- vi. Separate documents set out the procedures for dealing with poor performance, complaints and grievances which should not be confused with misconduct.

## What constitutes misconduct?

1. In the context of custody visiting, misconduct encompasses but is not limited to:
  - Conviction for a criminal offence
  - Arrest or charge for an alleged criminal offence

- Disclosure of confidential information
- Misuse of identification cards, MPA/MPS logos or other MPA/MPS property or funds
- Failure to adhere to the National Standards or to the Home Office Code of Practice as it relates to custody visiting
- Failure to adhere to the MPA ICV scheme's operating procedures and scheme guidelines
- Failure to adhere to the Memorandum of Understanding with regard to treating fellow ICVs, detainees, MPS officers and staff and MPA staff with due respect and courtesy
- Action which brings the MPA, the London ICV Scheme or the ICV panel in to disrepute

### **Procedures for dealing with misconduct**

2. An allegation of misconduct against any ICV must be reported to the ICV Scheme Manager. The MPA will have sole responsibility for investigating allegations of misconduct and deciding on appropriate outcomes. If the allegation is made to the Chair of the local ICV panel, the Chair should inform the MPA immediately.

2.1 The ICV against whom the allegation of misconduct is made will be informed in writing of the allegation by the ICV Scheme Manager and given the opportunity to respond within 14 days

2.2 Once the ICV has responded to the allegation of misconduct, or once 14 days have elapsed, the ICV will be invited to attend a meeting with the ICV Scheme Manager and the relevant ICV Coordinator. The ICV has the right to have a friend attend the meeting with him/her. This person should act as an observer, but may ask for clarification during the meeting.

2.3 Before the meeting, the ICV Scheme Manager may seek to establish the validity of any allegation of misconduct by contacting any third party, or securing any documentation which is considered pertinent to the allegation. The ICV will be informed of any contact with third parties and given copies of any documentation relevant to the allegation prior to the meeting.

2.4 If, following the investigation, the ICV Scheme Manager considers that there has been misconduct by the custody visitor, he or she will decide on the appropriate action to be taken up to and including the removal of accreditation. The ICV will be informed of the Scheme Manager's decision within 7 working days of the meeting.

2.5 The role of the ICV Scheme Manager in this process may be undertaken by any other member of MPA staff designated by the Chief Executive of the MPA.

2.6 If the custody visitor fails to respond to correspondence and other reasonable attempts to discuss the issue with him/her, the MPA reserves the right to remove his/her accreditation without appeal.

2.7 As the responsible body, the MPA shall have absolute discretion over the sanction to be imposed or action to be taken, up to and including withdrawal of

accreditation. If the decision of the ICV Scheme Manager is to withdraw accreditation, the local custody manager(s) shall be informed and the custody visitor shall be required to return the ICV ID pass, which provides access to custody suites, to the MPA immediately.

2.8 If at any time during the proceedings the custody visitor formally resigns as an ICV, no further action will be taken. However, if at any time the MPA considers that there may be a criminal case to be answered, the matter shall be referred to the police

### **Temporary suspension**

3. Only the MPA has the authority to suspend a custody visitor. Depending on the nature of the allegation of misconduct, the MPA may deem it appropriate to temporarily suspend the ICV whilst the investigation takes place.

3.1 The panel chair however has the authority to instruct the ICV to immediately desist from any planned visits under the following circumstances:

- If the situation that warrants this decision takes place outside of normal office hours or the chair is unable to contact the ICV Coordinator or Scheme Manager.
- If he/she believes that failure to do so would be detrimental to the operation of the panel, the relationship with the local police or the scheme as a whole.

3.2 If this authority is invoked, the chair should inform the ICV Scheme Manager and relevant ICV Coordinator by phone/email as soon as possible and no later than 12 hours after the action being taken. The chair's decision remains valid until such a time as the MPA confirms or revokes the decision OR up to a maximum of 10 days (to allow for holiday periods/sickness absence of MPA staff).

3.3 The decision to temporarily suspend a custody visitor will be made by the ICV Scheme Manager (or other member of MPA staff designated by the Chief Executive of the MPA). If the MPA suspends a custody visitor, the ICV Scheme Manager will write to the custody visitor directly informing him/her of the suspension. Such correspondence will include:

- The reason for the suspension
- The length of suspension (this can be until the matter is resolved)
- What the suspension means (see below)
- That the panel chair and local custody manager(s) have been informed of the suspension
- The suspension is not prejudicial to the outcome, it simply allows for a period of investigation.

3.4. If a custody visitor is suspended, s/he will be required to:

- Immediately cease visits to police stations as an ICV
- Cease attending panel meetings, AGMs or other panel activities for the duration of their suspension

- Hand his/her MPA ICV identity pass to the panel chair or ICV Coordinator within 7 days of notification

### **Allegations against the Chair/Vice chair**

4. If allegations of misconduct are made against the chair of the panel s/he may be required by the MPA Scheme Manager to stand down as chair until such time as the allegations are resolved according to the procedures set out above.

4.1. If the chair stands down, the vice chair shall assume the role of chair pro tem and the words 'vice chair' shall be substituted for the word 'chair' in the above procedures.

4.2. Should allegations of misconduct be made against the vice chair, s/he may be required by the ICV Scheme Manager to stand down from his/her role until such a time as the allegations are resolved according to the procedures set about above.

### **Appeals procedure**

5.1 If a decision is made to withdraw the accreditation of a custody visitor as a result of misconduct, the custody visitor has the right to appeal to the MPA except where 2.6 applies. The appeal should be made in writing to the Chief Executive, who will make the final decision regarding accreditation.

5.2 Notification of intention to appeal should be made in writing and within 14 days of the custody visitor being informed of the decision to withdraw their accreditation.

5.3 The Chief Executive's decision is final and there is no internal right of appeal beyond this point. The custody visitor will be informed of the decision in writing within 14 working days of appeal being acknowledged.

### **Criminal proceedings**

6. If at any time the MPA considers that there may be a criminal case to be answered, the matter shall be referred to the police. If this occurs the custody visitor will remain suspended from their duties as an ICV and any MPA investigation will also be suspended pending the outcome of these investigations.

6.1. Any information or fact obtained by members of the local ICV panel or by the MPA relating to the allegations may be made available to any outside body who may be involved in any civil or criminal proceedings with regards to the allegation. The local ICV panel should refer any information of this nature to the MPA at the earliest opportunity.

6.2. In the case of possible or pending criminal proceedings as a result of allegations of misconduct or otherwise, the custody visitor will be suspended from their duties as an ICV with immediate effect, until such proceedings have concluded. Suspension in these cases should not be seen as prejudicial, but as a necessary temporary measure due to the nature of the ICV role.

6.3 If an arrest and charge is made as a result of allegations of misconduct or otherwise, the custody visitor will remain suspended until such criminal proceedings have concluded.

6.4 Should the custody visitor be convicted of an offence as a result of allegations of misconduct or otherwise, accreditation will automatically be reviewed and will normally be withdrawn.

**Issued June 2010**  
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**Metropolitan Police Authority**

## APPENDIX B

### **MPA Independent Custody Visiting Scheme Complaints and Grievance Procedure**

This document sets out the MPA's policy and practice in dealing with custody visitor grievances and for complaints against MPA staff and Members. The MPA undertakes to deal with any grievance brought to its attention in a transparent and fair manner.

#### **What is a grievance?**

1. A grievance is a formal statement of complaint. A custody visitor may resort to taking out a grievance where there is an issue that they have attempted to resolve locally or informally on a number of occasions, but feel that resolution has been unsuccessful.

#### **Who can a grievance be taken out against?**

1.1 This procedure applies to a grievance taken out against:

- The panel chair or vice chair (as the people responsible on a local level for the operation of the local panel)
- Another custody visitor

#### **Complaints against MPA staff or Members**

ICVs are also entitled to make a formal complaint against:

- Employees of the MPA (as the party responsible for the management of the independent custody scheme)
- MPA Members (as representatives of the Police Authority)

Complaints against MPA staff and Members are dealt with through the MPA complaints procedure, which can be found on the MPA website or can be requested by calling 020 7202 0202.

#### **Procedure for handling a grievance**

2. The MPA must be informed of any grievance relating to independent custody visiting in writing.

2.1 The person making the grievance should clearly and succinctly state:

- Why they wish to take out a grievance
- Who the grievance is directed against

- What attempts have been made to resolve the situation before it got to this point and how/why they failed
- What outcome would they ideally like from the process
- Their name and contact details (including email where possible)

2.2 The MPA will respond to notification of a grievance within 5 working days. This initial response will acknowledge the receipt of the grievance and ask for any further information if necessary.

2.3 At the same time, the MPA will notify the person(s) against whom the grievance is being lodged, of the grievance and the steps that will be taken in attempting to resolve it. They will also be given the opportunity to submit any information or evidence relevant to the grievance.

2.4 Within a further 14 days the MPA will initiate a full discussion or meeting with the custody visitor making the grievance, during which, proposals for ways in which the grievance could be resolved will be set out by the MPA. If a meeting takes place, the custody visitor may have a friend accompany them if they wish. This person should act as an observer, but may ask for clarification during the meeting.

2.5 Resolutions may include (but are not limited to):

- Mediation meeting(s) between the parties concerned
- The MPA's intervention to correct a misconception or misunderstanding
- Further investigation to ascertain more information in order to attempt a resolution

2.6 The MPA may also judge the grievance to be insubstantive and if this is the case, no further investigation will take place. Such a decision will be taken by a member of the senior management team, in consultation with at least one MPA Member.

2.7 All discussions or meetings will be followed up by written confirmation, from the MPA, of what was agreed and the next steps. The Chair of the panel and the person against whom the grievance is being taken will be kept informed at each stage of the process by the MPA.

2.8 Further action to resolve a grievance will not be taken without the custody visitor's written consent to such action.

### **Appeal process**

3. Should the MPA fail to resolve the grievance to the satisfaction of the custody visitor making the grievance OR if the MPA, fails to uphold a grievance, the custody visitor has the right of appeal to a Grievance Appeals panel.

3.1. The Grievance Appeals panel is made up of a member of the senior management team of the MPA and at least one Member of the Authority. If the grievance process breaks down OR a grievance is not upheld, contact details for this panel will be given automatically.



3.2. The Grievance Appeals panel will hear the grievance and attempt to resolve it. The decision of this panel on the matter will be final and there is no right of appeal beyond this point.

**Revised: March 2007**





**Metropolitan Police Authority**

## APPENDIX C

### **MPA Independent Custody Visiting Scheme Procedures for dealing with Poor Performance by Panels**

#### **Introduction**

- i. The MPA has a statutory responsibility to deliver custody visiting in London to an agreed standard. The MPA delivers the independent custody visiting scheme in London through a series of local structures called panels
- ii. All custody visitors become a member of their local panel. The panel is based in the area in which the custody visitor lives or works.
- iii. The MPA values the contribution made by panels and would not be able to meet its statutory obligation to ensure that an effective custody visiting scheme is in place, without the commitment and dedication of the custody visitors who make up a panel.
- iv. All panel chairs are asked to urge their panel members to adhere to the Home Office Code of Practice, National Standards and MPA guidelines that govern the scheme.
- v. Failure to adhere to these may threaten reputation of the scheme or jeopardise the relationship between custody visitors, the police and the MPA.
- vi. Panel chairs have an obligation to inform the MPA as soon as possible, if they feel that their panel is running into difficulty in terms of performance.
- vii. If a panel appears to be failing to perform or to uphold the Code of Practice, National Standards or MPA guidelines that govern the scheme, the MPA has an obligation to intervene in order to safeguard the welfare of its custody visitors, its reputation and its statutory responsibilities in relation to the scheme.

#### **Definition of poor panel performance**

1. A Panel may be considered to be performing poorly if any or several of the following things are occurring:
  - Regular panel meetings are not taking place
  - Panel meetings are consistently poorly attended
  - Regular visits are not taking place
  - Visit report forms are not being returned to the MPA

- Insufficient panel members are in place to carry out the required number and frequency of custody visits in the panel area
- The panel fails to come within 10% of its performance target over a year. Performance targets for panels should be set on the basis of one visit per week to each designated custody suite in the panel's operational area<sup>2</sup>
- The panel fails to produce an annual report
- The panel cannot or does not elect a Chairperson to support its functioning
- Home Office Codes of Practice, National Standards or MPA guidelines are being routinely flouted or ignored

### **Procedures for dealing with poor panel performance**

2. The MPA will make every effort to support panel Chairs in ensuring that performance issues are resolved.

2.1 This is likely to include meeting with the chair – and other panel members where appropriate - to discuss the issue(s) and agreeing an action plan to ensure that the panel gets back on track.

2.2 The MPA will monitor the progress of the panel and offer further assistance if required.

2.3 If the chair is unable or unwilling to address the performance of the panel, the MPA may take any of the following courses of action to ensure the welfare of its custody visitors, its reputation and its statutory responsibilities:

- Suspend the operation of the panel
- Request the resignation of the chair (from their role as chair)
- Appoint a new chair from within the panel members
- Request a neighbouring chair or vice chair to take temporary responsibility for chairing the panel
- Request neighbouring panels to make arrangements to undertake visits to the police stations in the area of the poorly performing panel

2.4 Any of these measures may be taken by the MPA on a temporary or permanent basis.

2.5 The chair and all panel members will be informed of any decision taken.

2.6 If a decision is taken to suspend the panel, to request neighbouring panels to cover the visits, or if the chair is required to resign, the MPA will inform the local police of the change in arrangements.

2.7 The chair/panel has the right of appeal against such a decision. An appeal should be made in writing to the MPA within 14 days of the chair/panel being notified of the decision. The MPA Lead Member and the Chief Executive, or their delegated representative will consider the appeal.

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▪ <sup>2</sup> Visits to non-designated stations and stations brought into use for special operations should also be included in the rota where applicable, but will usually be visited less frequently, subject to local agreement.

### **Permanent changes to Panel arrangements**

3. A decision to permanently alter the arrangements for the functioning of a Panel under paragraph 2.3 above shall only be taken by the relevant MPA committee having responsibility for the ICV service following a report by the Chief Executive of the MPA.

3.1 In the preparation of the report the Chief Executive will consult with the Independent Custody Visitors Association (ICVA) and may also consult with other experienced panel chairs.

3.2 All the members of the panel concerned will be supplied with a copy of the report and will have the opportunity to submit representations in writing, individually or collectively, to the MPA committee.

**Revised March 2007**





**Metropolitan Police Authority**

## **APPENDIX D**

### **MPA Independent Custody Visiting Scheme Procedure for dealing with poor performance by individuals**

#### **Introduction**

- i. The purpose of this document is to set out a clear and transparent procedure for dealing with any allegation of poor performance against a custody visitor, so that all parties are aware of what steps will be taken should such a situation arise.
- ii. Section 51 of the Police Reform Act 2002 requires the MPA to make arrangements for detainees to be visited by independent custody visitors. The MPA is also required to have regard to the National Standards and to the Code of Practice on independent custody visiting, made by the Home Secretary. That Code provides that a police authority can remove an independent custody visitor's accreditation because of misconduct or poor performance and that the procedures for considering possible removal must follow the principles of natural justice and be publicised.
- iii. The MPA values the contribution made by custody visitors and without the commitment and dedication of its custody visitors, would not be able to meet its statutory obligation to ensure that an effective independent custody visiting scheme is in place.
- iv. The MPA has a statutory responsibility to ensure that custody visiting in London is carried out to an agreed standard.
- v. Custody visitors are asked to adhere to the Home Office Code of Practice, National Standards and MPA guidelines that govern the scheme.
- vi. Failure to adhere to these may threaten reputation of the scheme or jeopardise the relationship between custody visitors, the police and the MPA.
- vii. The MPA may take action to remove the accreditation of any custody visitor who fails to adhere to the Codes of Practice, National Standards or MPA guidelines, whether through misconduct or poor performance.
- viii. Only the MPA has the authority to remove a custody visitor's accreditation.

## Definition of poor performance

For the purpose of this document, the MPA considers poor performance to be an individual's repeated failure to:

- Attend scheduled visits without advance notice or a good explanation
- Attend panel meetings without advance notice or a good explanation
- Attend trainings without advance notice or a good explanation

Other failures or allegations will generally be treated as matters of misconduct. A separate document sets out the procedure for dealing with misconduct.

### **Failure to make visits**

1. The panel chair has a responsibility to discuss any failure of an individual custody visitor to participate in the effective running of the panel with that person, as soon as it becomes apparent there is an issue around their performance.

1.2. Every effort should be made locally to address issues of poor performance or perceived lack of commitment to the scheme.

1.3 Individuals should be given the opportunity to improve their performance or demonstrate their commitment. Such opportunities should be documented and it would be usual for the chair to write to the custody visitor outlining their concerns and action required, following any discussion. If the chair judges that performance hasn't improved, despite local attempts to address this, the matter should be referred to the MPA, along with copies of any correspondence.

1.4. If a custody visitor fails to attend 2 or more consecutive scheduled visits without notice **and** does not notify the chair of the panel of the reason OR there is a repeated pattern of this behaviour over a number of months, they may be referred to the MPA who will consider whether or not to withdraw their accreditation.

1.5. Once the matter has been referred, the MPA will write to the custody visitor to establish whether this has been an oversight and to seek an explanation for their behaviour.

1.6. If the custody visitor fails to respond and subsequently misses a visit without a good explanation, the MPA will consider that they are unable to fulfil the criteria to be a custody visitor. The MPA will write to the custody visitor and withdraw their accreditation.

1.7. Where a custody visitor has not made any visits within a 6 month period and no good reason has been offered to the chair of the panel or the ICV Coordinator, the MPA will consider that they are unable to fulfil the criteria to be a custody visitor and will write to the custody visitor and withdraw their



accreditation. In these circumstances the custody visitor will not have the right of appeal and the decision is final.

### **Failure to attend Panel meetings**

*2. Regular attendance at panel meetings is considered an essential requirement of being an independent custody visitor.*

2.1. The panel chair has a responsibility to discuss any failure of an individual custody visitor to participate in the effective running of the panel with that person, as soon as it becomes apparent there is an issue around their performance

2.2. Every effort should be made locally to address issues of poor performance or perceived lack of commitment to the scheme.

2.3. Individuals should be given the opportunity to improve their performance or demonstrate their commitment. Such opportunities should be documented and it would be usual for the chair to write to the custody visitor outlining their concerns and action required, following any discussion. If the chair judges that performance hasn't improved, despite local attempts to address this, the matter should be referred to the MPA, along with copies of any correspondence.

*2.4. Where a custody visitor fails to attend 2 consecutive panel meetings **and** fails to notify the panel chair of the reason for their non-attendance, OR there is a pattern of frequent non-attendance without notice over a period of months, the chair will notify the MPA who will write to the custody visitor seeking an explanation.*

2.5. If no response is given and the custody visitor continues to fail to attend meetings, the MPA will consider that they are unable to fulfil the criteria to be a custody visitor and will write to the individual and withdraw their accreditation.

2.6. In exceptional circumstances, a custody visitor can gain his or her panel's agreement to not attend meetings on a regular basis. Any such decision must be made in discussion with the MPA and needs to be ratified by the MPA.

2.7. If an agreement of this nature has been made, the custody visitor must undertake to report any issues arising from their previous visits back to the panel chair prior to the panel meeting, so that these can be raised and dealt with effectively.

2.8. Failure to do so may result in the MPA considering whether or not the custody visitor is able to fulfil their role effectively, which may lead to withdrawal of the custody visitor's accreditation.

### **Failure to attend training sessions**

3. The MPA has a responsibility to ensure that all custody visitors receive adequate training to enable them to carry out their role effectively. This

includes basic training, refresher training and training around specific areas or issues.

3.1 Attending basic training is a key requirement and all new custody visitors must undertake this as part of their probationary period within the first 6 months of their appointment. If the custody visitor chooses to attend evening training sessions, a commitment must be made to attend BOTH sessions. If for any reason the ICV cannot attend the second session, they should sign up for the next available training session and must attend it in full.

3.2 In addition, the MPA has the right to request that any custody visitor, individually or as part of their panel, attends further training at any point during their custody visiting, should this seem necessary or appropriate.

3.3 If a custody visitor fails or refuses to attend a designated training course, without good reason, the chair should seek to establish the reasons for this and attempt to resolve the issue with the custody visitor concerned. If this attempt at local resolution fails the issue should be brought to the attention of the MPA, who will write to the custody visitor seeking an explanation.

3.4 If no response is given and the custody visitor fails to attend a subsequent designated course, the MPA will consider that they are unable to fulfil the criteria to be a custody visitor and will write to the individual and withdraw their accreditation.

#### **Process of de-accreditation on the grounds of poor performance**

4. The MPA will write to the custody visitor concerned, informing them that the MPA is considering removing their accreditation, and stating the reasons why.

4.1 The custody visitor has 14 days from the date of the letter to provide an explanation of his/her performance or to make a submission why her/she should not have accreditation removed.

4.2 The ICV Scheme Manager will consider the explanation or submission received from the custody visitor and may contact the custody visitor to discuss – or to convene a meeting if necessary. The MPA may also contact the chair of the custody visitor's panel during this process.

4.3 Once all factors have been considered the ICV Scheme Manager will make a decision and notify the custody visitor of this in writing.

#### **Right of appeal**

5 Within 14 days of such notification the custody visitor may appeal against the decision. The appeal should be in writing and should state the grounds on which the appeal is made.

5.1 The appeal will be considered by a member of the MPA senior management team who will notify the custody visitor of his/her decision as soon as practicable. Appeals will be considered on paper unless the custody visitor requests a meeting and the senior manager considers that it would be

unjust to make a decision without a meeting. There is no further right of appeal beyond this point.

#### **Notification and requirements**

6. Where a decision is made to de-accredit a custody visitor, the MPA will notify the panel chair and the local police.

6.1 The custody visitor will be asked to return their security pass either to the chair or to the ICV Coordinator responsible for their panel, within 14 days. Failure to comply may result in the local police being asked to make arrangements to collect the pass, which remains the property of the MPS.

6.2. Should the custody visitor not respond within the first 14 day period, the MPA will automatically write to them, confirming their de-accreditation.

Revised: March 2007





## Metropolitan Police Authority

### APPENDIX E

## MPA Independent Custody Visiting Scheme Expenses Policy

The MPA is keen to ensure that finance is not a barrier to volunteering as an independent custody visitor (ICV) and therefore encourages ICVs to claim out of pocket expenses incurred in the course of their duties.<sup>3</sup>

The purpose of this policy is to set out which expenses can be claimed by London independent custody visitors, where appropriate, the applicable rate for each type of expense and the process for claiming expenses.

### Travel expenses

1. Travel expenses incurred by all independent custody visitors when travelling on MPA business will be reimbursed in full. Eligible travel expenses include travel to/from home or work to the following:

- A local police station to conduct a visit
- Panel meetings
- Relevant meetings with the MPA
- MPA training session
- MPA or ICVA conferences
- Other ICV business, pre-agreed with the ICV Scheme Manager

1.2. Only public transport fares or private car/motorcycle mileage at the MPA rate will be paid. Car hire charges will not be payable. Taxi fares will only be paid in the following circumstances: a) where the ICV has a physical disability which makes the use of other transport difficult or impossible or b) where a visit to custody is taking place very late at night and in an area where the ICV feels unsafe or there is no access to public transport. In the case of the b), where practicable, this should always be agreed with the MPA in advance of the visit. A receipt must be provided for taxi fares.

1.3. The car mileage rate for ICVs is 40p per mile (the same as the rate paid to MPA Members). The motorcycle mileage rate is 24p per mile.

1.4. In addition the above and in line with the MPA's environmental policy, an allowance of 10p per mile is claimable for ICVs who travel by bicycle

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<sup>3</sup> Volunteers who are in receipt of benefits should inform their Jobcentre or benefits advisor that they are volunteering. Out of pocket expenses claimed by volunteers should not normally be treated as income but it is advisable to check the position with your advisor.

1.5. Public transport travel expenses should be submitted with a valid receipt, tube or bus ticket. With Oyster pre-pay ICVs are advised to get a print out of their Oyster card usage statement to submit as a receipt. This can be requested at any tube station, or printed via the Internet.

1.6. Where ICVs have a pre-existing season ticket covering the relevant zones of travel, or a Freedom Pass, London transport travel expenses should not be claimed. During times of travel where Freedom Passes are not valid, standard fares may be claimed as set out above.

1.7. Where ICVs are considering using their cars for longer journeys (i.e.: round trip of 60 miles or over) and intend to claim mileage costs i.e.: to attend an ICVA conference/event outside of London etc, they should always seek prior agreement with the MPA beforehand. In these circumstances, the MPA may determine that it would be cheaper for the ICV to travel by public transport & reimburse them for the standard rail or coach fare. If a prior agreement hasn't been made, these expenses may not be paid.

1.8. The congestion charge will not be reimbursed by the MPA. ICVs choosing to use their cars to cross this zone on MPA business do so at their own expense.

1.9. Car parking costs will be paid on production of a valid receipt or ticket, where it is not possible to park for free whilst undertaking MPA business. Parking tickets or fines will not be paid and owners park their cars at their own risk.

1.10. ICVs using their own vehicles on MPA business are advised to inform their insurers about their duties.

### **Telephone calls**

2. Costs of telephone calls made in relation to custody visits or panel meetings can be reimbursed to all independent custody visitors.

2.1. Calls should be made from landlines whenever possible and copies of itemised bills should be attached to the claim with the relevant calls marked. If an itemised bill cannot be produced a written note of the numbers called, reason for the call & cost should be submitted.

2.2. Calls from mobiles should only be claimed in exceptional circumstances e.g.: waiting for your partner outside a police station, and again should be supported by itemised bills. If an itemised bill cannot be produced a written note of the numbers called, reason for the call & cost should be submitted.

### **Internet usage**

3. The MPA will not routinely pay costs relating to Internet usage or broadband charges for ICVs.

3.1. An exception will be made for panel chairs who routinely use the Internet to communicate with their panel and the MPA. Please see the section below for details.

### **Care of Dependents**

4. Where ICVs have sole responsibility for the care of dependents, the MPA can, where necessary, make a contribution to the cost of care to enable ICVs to attend meetings or trainings.

4.1. Payment can be claimed in respect of children aged 16 or under and in respect of other dependants where there is medical or social work evidence that care is required. Proof of need for dependent care may be required and will be discussed with ICVs on a case-by-case basis.

4.2. Only actual costs of a childminder, babysitter or other carer will be met, up to a maximum limit of £8 per hour for childcare or £15 per hour for care for dependent adults, evidenced by receipts.

4.3. An allowance will not be paid to a member of the claimant's household.

4.4. Costs and arrangements for dependent care must be agreed in advance by the ICV Scheme Manager.

### **Other miscellaneous expenses**

5. There may be occasions where other out of pocket expenses might be incurred by ICVs in the course of their role e.g.: overnight accommodation or meals when attending a conference outside London.

5.1. In these situations the MPA will give prior notice to the ICVs concerned of what items can be claimed for and the claim limit for each item where relevant i.e.: up to a maximum of £x amount for an evening meal etc.

5.2. All claims of this kind must be accompanied by a valid receipt, or they cannot be paid. Only actual costs will be met.

5.3. No other category of expenses is claimable by independent custody visitors in the course of their duties.

### **Expenses for ICV Panel Chairs**

6. In addition to the above and in recognition and appreciation of the necessary additional work that panel chairs undertake, the MPA will reimburse panel chairs for the following types of expenses, with the production of a valid receipt:

- Postage – postage costs incurred in communicating with the panel or the MPA. Actual costs will be payable and should be accompanied by a receipt.
- Internet - a fixed annual allowance of £100 per year to support internet usage, printing and stationary costs incurred by panel chairs. Claims should be submitted with proof of Internet usage/broadband subscription. Other receipts (i.e.: for stationary) should be maintained by the volunteer in this instance and submitted at the end of the year to support the claim.

### **Payment of expenses**

7. All expense claims must be submitted on an MPA claim form and accompanied by receipts as detailed above. The only items that do not need to be accompanied by a receipt are mileage claims (cars/motorcycles/bicycles).

7.1. Claims should be submitted no later than 3 months from the date the expense was incurred and ideally should be submitted every month where the claim is for a significant figure (e.g.: in cases where the claim amounts to £25 or more). Claims submitted outside of the 3 month timeframe will not normally be paid, unless an extension has been agreed with the MPA.

7.2. Any large claims i.e.: for hotel accommodation, meals etc should be submitted within 14 days of the event.

7.3. Claims must always be submitted on the correct form, which will be supplied by the MPA. A copy of the claim form should be retained for the ICV's own records.

7.4. Where possible, ICVs are recommended to give their claim form and receipts to the ICV Coordinator at panel meetings, avoiding delays associated with the post.

7.5. When claims are submitted the MPA will ensure, as far as possible, that all ICV claims are processed internally within 5 working days of receipt.

7.6. Once claims are processed at the MPA they are sent to the MPS for payment. The MPS is contracted to manage all payments on behalf of the MPA. From 1<sup>st</sup> April 2007 all ICV expenses will be sent to the MPS with a 14-day payment request. There may occasionally be some delays in the MPS issuing cheques or payment via BACS to volunteers, but every effort will be made to ensure that all ICV expenses payments are processed within this period.

7.7. If the MPA is aware of any delays they will notify the ICVs concerned. Similarly, if ICVs have still not received payment for their expenses within 30 days of submitting them to the MPA, please inform us and we will contact the MPS finance department.

#### **Summary of rates payable for standard expenses**

<b>Item</b>	<b>Rate</b>	<b>Limits</b>	<b>Receipt</b>
Car	40p per mile	Journey outside London - check with MPA first	N/A
<b>Motorcycle</b>	24p per mile	Journey outside London - check with MPA first	N/A
<b>Bicycle</b>	10p per mile	N/A	N/A
<b>Child minding</b>	Actual cost	Max - £8 per hour	Required
<b>Adult dependent care</b>	Actual cost	Max - £15 per hour	Required
<b>Telephone &amp; postage</b>	Actual cost	N/A	Required
<b>Internet usage</b>	£100 per annum	Panel Chairs who regularly use the internet to communicate with the MPA &/or their Panel	Proof of usage required

Revised March 2007





## **Metropolitan Police Authority**

### **APPENDIX F**

#### **ROLE DESCRIPTION – ICV PANEL CHAIR**

##### **Summary**

The main responsibility of the ICV Panel Chair is to work with the ICV Coordinator to ensure that the objectives of the ICV scheme are achieved - namely to provide an independent check on custody arrangements and to secure greater confidence for the community. Specific responsibilities are set out below.

##### **Custody Visits**

- Work with the ICV Coordinator to ensure that a suitable rota for custody visits is devised and that the agreed number of visits is carried out.
- Oversee the work of the custody visiting panel to ensure that visiting practices comply with the Codes of Practice, National Standards and the London ICV Scheme handbook and that the frequency and pattern of visits meets the requirements.
- Ensure that visit reports are accurate and that issues are reported appropriately and effectively, raised at the appropriate level, and followed up in a timely fashion.
- Raise with the MPA any issues about custody conditions or the treatment of detainees that are not resolved satisfactorily at a local level, or matters which have implications for visiting practices generally

##### **Panel Meetings and membership**

- Work with the ICV Coordinator to ensure that panel meetings are properly convened and chair these meetings, facilitating the participation of all panel members
- Work with the ICV Coordinator to ensure that panel members are appropriately qualified for their role, through participation in recruitment, assessment and identification of training needs.
- Encourage panel members' participation in ongoing training and learning opportunities.
- Work with the ICV Coordinator to ensure that, as far as possible, the panel's composition reflects that of the local community.

##### **Community confidence**

- Produce together with the ICV Coordinator, an annual report on the work of the panel, including setting objectives for the coming year.

- Represent the panel in relevant local community forums such as the local Community Police Engagement Group (CPEG), and to take opportunities to inform the community about the ICV scheme and its outcomes.
- Be the first point of contact for the police in relation to special visits for community reassurance purposes.
- Help to raise awareness about the work of the panel, and, in consultation with the ICV Coordinator, to act as a spokesperson for the local media in matters concerning the local panel.

### **Development**

- ICV panel chairs are expected to maintain up to date knowledge of the scheme and to share best practice.
- Chairs are expected to participate in MPA run training and information sessions, including Chairs training, as well as to attend bi-annual Chairs meetings, cluster or other similar meetings.



**Metropolitan Police Authority** Working together for a safer London

## **ICV PROTOCOLS FOR SPECIAL SITUATIONS**

**May 2006**

**Presented by ICVs Len Clark and Rachel Harper  
in consultation with the MPS Custody Directorate.**

## **Foreword**

These protocols were developed by independent custody visitors in London in discussion and co-operation with the Custody Directorate and seek to build on mutual understanding between custody visitors and the police without compromising the independence of custody visitors.

The protocols are intended to ensure that an effective, transparent working relationship is maintained with the police in all situations that may arise in custody suites and that ICVs are aware of where their responsibilities begin and end in these situations. It is important in custody visiting to ensure that there is a mutual understanding of roles and expectations on both sides and this is even more critical when it comes to issues like deaths in custody or visiting detainees who have been subject to restraint.

The MPA would like to thank Rachel Harper and Len Clark for the work they have put into developing these protocols.

### **ICV Protocols for Special Situations**

- No. 1. Death in Custody and “near miss” situations.
- No. 2. Custody Visits to Detainees in Hospital.
- No. 3. Mobile Custody Suites.
- No. 4. High Profile Detainees.
- No. 5. Access to Custody.
- No. 6. Detainees Held Under Anti-Terrorist Law at a High Security Suite.
- No. 7. Opening and Closing of Custody Suites.
- No. 8. Visiting Detainees Subjected to Restraint by CS Spray or Taser.

NB: The protocols are intended to clarify and standardise ICV practice in the Metropolitan Police area. Slight local variations in administrative details may be appropriate.

## **No. 1. Death in Custody and “near miss” situations.**

ICVs have no immediate role following a death in custody.

The custody suite will be treated as a crime scene and therefore it may not be possible for ICVs to enter (because of contamination, destruction of evidence, etc.)

Detainees will be moved out of the custody suite. They could be possible witnesses. Once they have been moved to alternative custody facilities, statements need to be taken from them before visitors may be allowed to see them. The Senior Investigating Officer would need to agree to visits being made.

In the interest of public reassurance it is good practice for the Borough Commander or Senior Management Team to inform the panel chair (and /or vice chair as arranged) as soon as possible that a death has occurred. Panels should regularly ensure that their Custody Manager has up to date contact details.

Where detainees have been moved to a custody facility in a different borough it is good practice to inform the chair of that panel. The chairs of both panels should decide whether a special visit should be arranged. The situation should be flexible allowing the chairs and the Borough Operational Command Unit (BOCU) to decide what is most appropriate to do in any particular case.

The panel should be seen as a key body to be updated by the Borough Operational Command Unit on MPS learning points for ICV information during the investigation. At the conclusion of the coroner’s inquest it is good practice for the panel to be advised of the relevant key points which they should be able to discuss with a representative of the Senior Management Team or the Borough Commander. This also applies if a detained person dies in hospital or following release from custody.

The panel chair should inform and update the MPA ICV Scheme Manager and equally the MPA Scheme Manager should inform and update the panel chair with any relevant information the MPA is made aware of.

It is not the role of panel members to inform the public. In the event of the incident becoming high profile the chair should seek guidance from the MPA before giving statements or talking to the media. The chair should ensure all panel members are aware of the correct procedure.

NB. Near miss or “successful intervention” situations, which happen at times other than at a visit, are not relevant to the panel. Notification of such incidents at times other than visits extends the ICV role beyond “random, unannounced visits”.

It would seem useful for panels to be advised of very serious incidents for general discussion at panel meetings, for information or for learning points. This would be a local decision and panels have no remit to take any action over such issues.

The ideal forum at which to discuss such incidents would be at the local Custody Users meetings or similar and chairs should check how these are organised in their own boroughs and ask to be included.

## **No. 2. Custody Visits to Detainees in Hospital.**

NB: A hospital visit should only be made in exceptional circumstances. Visitors should consult their chair from the custody suite.

At the beginning of a visit the Custody Officer should inform the ICVs if any of the detainees have been taken to hospital and given a brief explanation of the reason.

Custody visitors may inspect the custody record of a detainee who has gone to hospital if they feel further clarification is required. In the case of straightforward health issues the detainee is in the care of medical professionals and the visitors need take no further action.

The detainee may be visited in hospital if the information given by the custody officer or details in the custody record give cause for concern. The ICVs must then decide whether to make a hospital visit.

The Custody Officer must ensure that the officers escorting/guarding the detainee are informed that the visitors are coming. Visitors do not turn up at a hospital without this arrangement having been made.

At the hospital the visitors should consult appropriate medical staff to establish that the detainee is fit to be seen. Consent needs to be obtained from the detainee in the usual way.

The hospital visit should take place after the original visit has been completed and the report form for that visit handed in to the custody officer.

A separate report should be made documenting the hospital visit using the front sheet of the ICV report forms. This report should be distributed in the usual way with Custody Officer's copy being returned to the police station where the original visit took place.

### **No. 3. Mobile Custody Suites.**

The British Transport Police (BTP) have a vehicle which is used as a temporary custody unit and is intended to deal with low-level disorder offences. It can be deployed anywhere in the country, including the London boroughs. The MPS occasionally need to use the mobile custody suite vehicle. The BTP are responsible for the vehicle at all times.

Although the vehicle is not classed as a “designated custody suite” the BTP agree to ICVs visiting when it is in their borough. ICVA is aware of this arrangement.

Visitors need to establish whether they are visiting BTP detainees or those held by the MPS. The MPA will notify the panel in the case of the MPS using the vehicle and the BTP will notify panels directly or through the ICV Scheme Manager when they will be using the vehicle.

#### Visits to detainees held by the MPS in a Mobile Custody Suite

An officer or a driver from the BTP will always be with the vehicle even though local MPS officers are using it.

The normal checks should be made to ascertain that detainees are being treated according to PACE bearing in mind the logistical limitations of the vehicle.

Detainees should be held in for no longer than six hours and there are strict controls on the type of detainee who can be held in the mobile custody facility. It should not be used for holding vulnerable or intoxicated people or for juveniles.

A named officer from the MPS Transport Operational Command Unit (OCU), Sgt Paul Smithers, will inform the ICV Scheme Manager at the MPA who is then responsible for seeing panels are informed when and where the MPS will be using the vehicle locally.

A visit by two visitors may take place in a mobile custody suite following the same procedures as at a police station and using the standard report forms.

Panels will need to organise who from the panel will do the visit, as it will be in addition to the weekly visit.

A visit report form should be completed and submitted as usual, with the police copy being sent to the local officer who usually receives the panel's reports. Any matters of concern arising from the visit should be raised at the panel meeting.

### Visits to detainees held by the BTP in a Mobile Custody Suite.

Panel will be advised in advance by the MPA or BTP when BTP will be using the vehicle in their borough and visits may be made noting slight variations in procedure from the above.

The BTP do not use the vehicle for –

- violent detainees
- those believed to be under the influence of drink or drugs
- anyone who is likely to need medical attention
- vulnerable or “at risk” detainees
- those likely to be held longer than six hours.

The BTP do not hold juveniles in the vehicle.

At the end of the visit a completed copy of the report form should be left in the folder provided in the vehicle, the top copy should be sent to the MPA who will forward a copy on to BTP.

The panel chair should be advised of any concerns arising from a visit to a Mobile Custody Suite, which can then be addressed with an appropriate representative of the BTP. For simple concerns or clarification the panel should receive a written response. To address more serious concerns a representative of the BTP will be invited to the panel meeting.

Panels concerned should ensure they have passed their current contact details to the BTP.

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NB: There may be occasions when, for operational reasons, public awareness of the intended use of a mobile custody facility may not be desirable. ICVs are expected to respect confidentiality when they are given details and locations of the vehicle in their area.



#### **No.4. High Profile Detainees.**

In line with the role of the ICV Scheme to reassure the public, it is important that panels are aware when their activities may be of particular significance and there may be media interest. Someone of high profile or detainees connected with a high profile case could generate interest and attention when it is known they are in a local custody facility.

A detainee may be defined as “high profile” if the alleged crime is receiving media attention or if he or she is a figure well known to the public

It is good practice that the MPS senior management team should consider calling the ICVs to visit as part of the borough’s Community Confidence Strategy. It is necessary for officers to be aware of the definition of high profile detainees and of the need to inform the panel.

When the panel is advised of a high profile detention a “normal” visit should be carried out by the chair and vice-chair or experienced visitor. The visit should be conducted in the usual manner with no special reference to any of the detainees. The custody and cell numbers should be the only identification. All other detainees will be offered a visit following the usual procedures. A visit report form should be completed exactly as with any other visit.

It may be helpful to see that the escorting officer is experienced in escorting visitors, as the visit should be conducted to the highest professional standard.

Individual visitors do not talk to the media or make any statements. Panels should see that the MPA are aware of any media interest and it is the role of the MPA to take responsibility for any comment.

## **No. 5. Access to Custody.**

With the present high levels of security in MPS premises it is essential that there are robust measures in place for monitoring access to police stations.

An ICV must have been cleared through the MPA/MPS central vetting procedure and must have been issued with the official, approved ID card. The staff at a police station have the right to deny entry to anyone unable to produce the correct ID. Visitors who have been cleared and issued with the official ID are able to visit custody suites in their own borough and, when agreed that it is necessary, can make a visit in another borough.

ICVs arriving at a police station should present their ID cards to the Station Reception Officer who should be familiar with the ICV role and know how to respond. They should grant immediate access and escort visitors to the custody suite or ring for someone to collect them.

In the case of the receptionist clearly being too busy to attend to them, visitors should be aware of the internal phone situated in the reception area and carry the number to contact the custody suite directly and ask for someone to collect them.

Visitors should not arrive in the custody suite without the Custody Officer being advised of their arrival in order to confirm that it is safe for them to enter.

Any delay or difficulty at reception should be recorded and raised at the panel meeting.

Access into the custody suite may only be delayed if the Custody Officer considers the ICVs would be in danger. Visitors must be advised of the reason for the delay and record it. The Codes of Practice state an officer of "Inspector or above" is responsible for denying access but in practice visitors should be initially advised by the most senior Custody Officer present. If the delay is long or the reason given is unsatisfactory then visitors should ask for the Duty Inspector.

Once in the custody suite the ICVs should be acknowledged but should accept that they may be required to wait until the Sergeant is free to attend to them. They should present their ID cards if requested by the custody officers and wear them throughout the visit. However, they are not required to show them to detainees.

ICV Coordinators are responsible for reclaiming the ID card when someone leaves the panel and seeing that the card is returned to the MPS. ICVS should be aware that the ID card remains the property of the MPS at all times.

## **No. 6. Detainees Held Under Anti-Terrorism Law at a High Security Suite.**

When a high security suite comes into use the borough's senior management team should ensure that the chair is informed. If the chair is unavailable the contact details of the vice chair or the ICV Coordinator should be available.

The chair accompanied by the vice chair or a very experienced panel member should carry out visits. Panel members visiting high security suites are required to pass enhanced central vetting in addition to having the standard clearance for ICVs.

Because detainees spend a lot of time being interviewed it is usually required that the visit is made by appointment.

Detainees will be identified by letters (A,B,C,D,etc) rather than the usual custody numbers. Names are not used.

On the report form police officers are not identified by their number but should be recorded as "Custody Sergeant" or "Gaoler". If ICVs wish to identify an officer they have dealt with they may ask for his/her warrant number. All disputes or queries should be settled with the Custody Sergeant (or, if necessary, the Duty Inspector) immediately as the Custody Manager does not normally have access to the records once the detainee has left the suite.

The periods of detention and the reviews for those arrested under the 2000 Terrorism Act differ from those of PACE detainees in that –

- they can be held in detention initially for 48 hours,
- after 48 hours warrants for further detention have to be obtained.
- the detention can be up to a maximum of 28 days but if detained beyond a period of 14 days the detainee must be transferred from detention in a police station to detention in a designated as soon as is practicable unless:
  - a) the detainee specifically requests to remain in detention in a police station and that request can be accommodated or
  - b) there would be reasonable grounds for believing that transferring to prison would:
    - i) significantly hinder a terrorist investigation:
    - ii) delay charging of a detainee or his/her release from custody or
    - iii) otherwise prevent the investigation from being conducted diligently and expeditiously.

In addition to normal expectations ICVs would need to be satisfied that the detainees had seen the FME and been offered a shower and some outdoor exercise each day; that detainees who wish to have them have been provided with the necessary books or equipment to enable them to carry out religious observances; that detainees are being given food which accords with their religion or medical needs.

The usual checks and inspections carried out when visiting PACE detainees should also apply to high security detainees.

If visitors, in a local custody facility but not in a high security suite, are told that a detainee is “a terrorist” or it is implied that terrorism is an issue this detainee should be treated in exactly the same way as any other detainee on that visit. The high security suite protocol would not apply. It is not for visitors to consider why these detainees are in custody and they should not be told the reason for the detention whether or not terrorism is suspected.

## **No. 7. Opening and Closing of Custody Suites.**

A single point of police contact on the borough should be identified to inform panels promptly of any intended changes, closures or additions to custody facilities (including the use of any mobile or temporary facilities). This should normally be the ICV Coordinator or panel chair.

The Custody Manager/ Inspector should notify the ICV Coordinator or chair. Panels should be told –

- The reason for the closure
- The likely duration
- The alternative provision for detainees

When a custody suite is closed arrested persons will be taken for detention to either an existing custody facility in a neighbouring borough or a temporary facility may be opened up and staffed by personnel from the borough where the closure occurred.

If the detainees have been passed into the care of another borough it would be courteous for the chair to contact the chair of that borough to see if they need to “borrow” visitors to help cover any increased workload. This can be a local decision but the MPA should be informed when visitors are being used outside their own borough. If a custody facility is opened up specifically to cover the closed suite the visitors should be able to visit this temporary facility even if it is located in another borough. Again, it would be courteous for chairs to liaise with each other.

When a new or temporary custody suite is opened the local panel should be told –

- Whether this is a temporary or permanent arrangement
- The date of opening
- Any specific details relating to access
- Whether arrangements have been made so that visits can be made
- That the reception staff are familiar with ICV procedures

The borough contact should ensure the staff at the new custody facility has been given the appropriate contact details for the panel.

## **No. 8. Visiting Detainees Subjected to Restraint by CS Spray or Taser.**

ICVs should be familiar with the procedures that the police are required to follow when CS Spray or a Taser (stun gun) had been used during an arrest.

**CS Incapacitant Spray** is used as a temporary incapacitant, to subdue attackers, or persons who are violently aggressive. The chemical reacts with moisture on the skin and in the eyes causing a burning sensation and the immediate forceful shutting of the eyes. Reported effects can include tears streaming from the eyes, running nose full of mucus, burning in the nose and throat areas, disorientation, dizziness and restricted breathing. In highly concentrated doses it can also induce severe coughing and vomiting.

The **Taser** is a single shot weapon designed to temporarily incapacitate a subject through the use of an electrical current, which temporarily interferes with the body's neuromuscular system. The Taser has a "red dot" laser sight. A cartridge is attached to the end of the device, containing a pair of barbs or darts attached to insulated copper wires. When a Taser is discharged the darts are projected towards the target and the current discharges through the wires.

A detainee who has been subjected to Taser may complain of feeling or having felt dazed. He or she may describe muscle twitches, temporary tingling, loss of memory of the event, unsteadiness or a spinning sensation, weakness in the limbs or local aches and pains. There will be two small marks on the skin with small burns or tissue swelling. These sensations are normal effects of the Taser.

**Below are extracts from the MPS Policies and Procedures document outline the instructions given to the police for aftercare of detainees subjected to CS Spray or Taser.**

### **CS SPRAY AFTERCARE**

#### **After Arrival at the Police Station**

- Consider use of external cage or fan to help decontaminate subject
- If reactions persist allow the subject to wash and flush the CS crystals off their face with lots of cool tap water
- Specific eye irrigation will be done by an FME only
- Contact lenses **only** removed by the wearer or FME
- If adverse reactions persist treat as a medical emergency (Inform hospital prior to arrival)

### **TASER AFTERCARE**

#### **What after-care should be administered?**

The firearms officers will explain to the person that he or she has been "Tasered". If there are any signs of adverse or unusual medical reactions then medical assistance should be provided.

The subject should be taken to hospital if the barbs have caused injuries to their face or genitals, or if they indicate that they have a heart condition or any implanted devices (e.g. a pacemaker). Otherwise he or she can be taken to a police station.

Consider the position of the barbs when you position the prisoner, so that they don't cause further injury.

Anyone who has been "Tasered" should be seen by the FME, whether or not they have been to hospital.

At the police station the Custody Officer should be informed that the person has been the subject of a Taser discharge and carry out the same cell supervision that they would for someone who had consumed alcohol or drugs.

#### **Can I take the barbs out?**

Don't attempt to remove the barbs from skin! They should only be removed by a medical professional at hospital (if the person needs to go to hospital) or by the FME (if the person is taken to a police station). Treat removed barbs as a biohazard.

If they are only attached to clothing the barbs may be carefully removed by police.

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If CS Spray or a Taser has been used the Custody Officer should inform the visitors at the start of the visit. The visitors should then ensure that all the required procedures have been followed and then conduct the visit as usual.

It is not an ICV's role to discuss these after effects with the detainee but to check that the FME has attended and that the custody record shows the detainee being frequently checked as stated in the instructions above.

**In circumstances where Taser or CS Spray has been used, an ICV does not have to carry out their visit, if they feel uncomfortable to do so or are concerned that the CS Spray might have an adverse effect on their health.**







## **Metropolitan Police Authority**

### APPENDIX H

#### EQUALITY AND DIVERSITY COMMITMENTS

Every Londoner, whether they define themselves by their race, gender, disability, age, sexual orientation or religion/ belief, belongs to a different group with the potential to be discriminated against. All people belong to more than one of these groups and have the potential to experience discrimination on several levels from different perspectives.

The MPA is required, under Section 404 of the Greater London Authority Act 1999, to promote equality of opportunity for all persons irrespective of their race, sex, disability, age, sexual orientation, religion or belief and to eliminate unlawful discrimination.

The Authority will not seek merely to follow the law but to exceed it. It will operate to a “Gold Standard”, applying the highest standard of the law to all the equality strands (race, gender, disability, sexual orientation, religion, belief and age). This is best illustrated in the application of the principles of the Race Relations (Amendment) Act 2000 to eliminate discrimination, promote equality of opportunity and promote good relations between persons of different groups in relation to all equality strands.

In December 2006 The Disability Discrimination Act (DDA) 1995 was amended to place a duty on all public bodies to promote disability equality. This affects all public bodies from local councils to government departments, to universities and hospitals and includes both staff and volunteers.

The Disability Equality Duty requires the public sector to actively promote disability equality. This is similar to the duty to promote race equality under the Race Relations (Amendment) Act.

This is a positive duty which builds in disability equality at the beginning of the process, rather than making adjustments at the end. It brings about a shift from a legal framework which relies on individual disabled people complaining about discrimination to one in which the public sector becomes a proactive agent of change.

The MPA is committed to ensuring that all its services adhere to the principles of equality and that those who deliver those services - whether staff or volunteers - are bound by these principles. As part of this, the MPA has undertaken to provide diversity awareness training for independent custody visitors several times per year and it is our expectation that all ICVs will attend

this training at some point in their tenure, to enhance their existing knowledge and practice in this important area.

Additionally the independent custody visiting Memorandum of Understanding which all ICVs sign, includes an undertaking to treat 'fellow custody visitors, detainees, the police and MPA staff with due respect and courtesy' and to observe and abide by the MPA's equal opportunities policy.

## METROPOLITAN POLICE AUTHORITY AND METROPOLITAN POLICE SERVICE EQUALITY STATEMENT

The Metropolitan Police Authority and Metropolitan Police Service are committed to the development of a customer focussed workforce that respects and is inclusive of the diversity of the communities we serve and one in which individual talent and potential is recognised and cultivated.

We will continue, in a culture of fairness, to work towards the elimination of unlawful discrimination, the promotion of good relations between all persons and the promotion of equality of opportunity irrespective of race; gender; disability; age; sexual orientation; religion or belief; or working arrangement. We will strive to provide a working environment and service delivery that is free from harassment, bullying or victimisation.

Jointly, we acknowledge our responsibilities towards the members of London's diverse communities. In this way, we will engage and value the contributions of our partners and continue to nurture a positive relationship of constructive support and scrutiny.

Together, we will work to achieve our common vision of making London the safest major city in the world through effective and efficient means; improving our internal working environment and delivering excellence in governance and service provision.

NB: The MPA's full Equality and Diversity policy can be found on our website:

<http://www.mpa.gov.uk/work/equality/>



## **Metropolitan Police Authority**

### **APPENDIX I**

#### **MPA Independent Custody Visiting Scheme Health and safety guidance**

This guidance is designed to supplement and support guidance provided in ICV Initial training, as well as the generic risk assessment for custody visiting in London. It should complement any additional information provided by the MPS to custody visitors concerning particular custody suites.

By providing guidance and training, it is the MPA's intention to ensure that every effort is made to alert ICVs to any potential risks involved in custody visiting and measures which can be taken to mitigate those risks. ICVs are expected to follow these guidelines in the interests of their own health and safety.

The guidance is divided into two core areas:

- 1. Guidance on personal safety**
- 2. General health precautions**

It is important that ICVs have due regard to the risks presented by the environment in which they operate and read and understand the guidance provided. All ICVs are responsible for following guidance given and using a common sense approach to ensure that there are no risks to their health and safety, and that their conduct does not create a risk to others. If ICVs are unclear about any aspect of the guidance provided, they should speak to their ICV Co-ordinator for clarification.

This guidance has been produced in consultation with MPS Custody Directorate and MPS Health and Safety Directorate.

#### **Section 1 – Guidance on personal safety**

1.1 The Custody Officer has an over-arching responsibility for the health and safety of all visitors to custody suites for the duration of their stay on the premises.

1.2 Custody visitors should seek relevant information and advice from police in order to mitigate risks to their own safety before visiting detainees. ICVs should not expose themselves to unnecessary risk simply for the sake of expediency

1.3 The Custody Officer will always carry out an immediate assessment of risk before custody visitors are permitted to see detainees and custody visitors should be guided by his/her assessment. Please let the Custody Officer know

if there are any issues you are aware of which may impact on his/her risk assessment (i.e.: a medical condition or injury which may impede swift evacuation etc).

1.4 Custody visitors should co-operate with police to ensure that their actions do not compromise the overall safety of those in the custody suite. They should be prepared to follow instructions given to them by custody staff in the event of an emergency situation. Should ICVs have any concerns about instructions given to them in an emergency situation, these can be raised with the appropriate person once they have reached a place of safety.

1.5 ICVs are aware of how to behave when conducting a visit because they have attended initial training and have learnt good practice from other ICVs. ICVs have also been given a handbook to consult which is based upon, and contains, a copy of the Home Office Codes of Practice for Custody Visiting.

1.6 During Initial training ICVs learn about positioning themselves in the cell. They also learn about what to say to the detainee and how to use body language and actions in order to keep the detainee seated and at a distance; this is an obvious but important part of ensuring ICVs' health and safety.

1.7 ICVs are strongly advised to refrain from touching anything (or anyone) in the custody suite for their own protection. This is covered in Initial training and should be adhered to by all ICVs under all circumstances whilst undertaking visits.

1.8 If ICVs wish to examine anything more closely in the custody suite (i.e.: a mattress/blanket, to check a toilet flush etc) they are advised to ask the escorting officer to handle the object, rather than picking it up/touching it themselves.

1.9 Each custody suite will have its own fire and other incident evacuation plans. Panels should ensure that they are familiar with the plans for the stations they visit. ICV Co-ordinators can arrange for police representatives to inform visitors of these plans at a panel meeting.

## **Section 2 - General Health Precautions**

### **Health**

2.1 Anyone over the age of 18 can apply to become an ICV and the MPA does not operate a policy of health screening or place specific health restrictions on potential ICVs. MPA insurance covers ICVs up to the age of 85<sup>4</sup>. Unfortunately our insurers are unable to provide cover for ICVs over the age of 85.

2.2 ICVs need to feel that they are sufficiently fit and able to carry out the role required of them. However, health is a dynamic area and people's health

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<sup>4</sup> The amount insured is reduced to £25,000 for ICVs aged 82-85

changes over time. ICVs should review their ongoing ability to carry out visits as necessary.

If an ICV feels unwell just before a visit, he/she may want to consider contacting his/her partner to see if it is possible to re-schedule, rather than going ahead with the visit

2.4 Should an ICV become ill whilst visiting a custody suite, potential problems could arise not just for that individual, but also for other people in the custody suite. Under these circumstances the ICV should abort the visit, notify the Custody Officer and if possible leave the custody suite immediately.

2.5 If a custody visitor has a pre-existing medical condition (e.g.: asthma, epilepsy, diabetes, heart condition, or other potentially unstable condition) that may pre-dispose him or her to becoming suddenly unwell during a visit, it would be helpful if he or she makes the MPA aware of this. The MPA will not seek to exclude custody visitors with pre-existing or newly emerged medical conditions, but as part of our duty of care towards ICVs, we may exceptionally ask an ICV to agree to undertake an Occupational Health assessment and reasonable adjustments will be considered where appropriate.

2.6 It may be helpful for the ICV concerned to consider informing his or her visit partner about his or her condition prior to a visit. Consideration should also be given to informing the Custody Officer who has overall responsibility for safety of all persons in the custody suite. Some ICVs with certain pre-existing medical conditions may also wish to consider wearing a medical alert bracelet during custody visits. Please note that the MPA does not require custody visitors to take either of these steps and the decision is entirely up to each individual.

2.7 If an ICV becomes seriously unwell in a custody suite, the police will use their discretion to decide whether or not to call an ambulance. The police have a duty of care for everyone on their premises and should they decide on this course of action, the custody visitor is asked to co-operate for his or her own welfare and safety.

2.8 If an ICV is pregnant it is recommended that she makes her GP aware of her role as a custody visitor and takes his/her advice in relation to potential risk. Please note that under MPS health and safety arrangements, police officers or police staff who are pregnant are not normally permitted in the custody suite, however this restriction does not currently apply to custody visitors or other visitors to the custody suite.

### **Guidance in relation to Hepatitis B**

2.9 ICVs are reminded about the guidance on personal safety set out in section 1 above, specifically 1.7 and 1.8 relating to touching people or objects. However the following guidance is included so that ICVs are fully informed.

2.10 Ultimately the decision whether or not to seek immunisation is a personal one for individual ICVs to make, however in response to concerns from some

ICVs about Hepatitis B, the MPA sought guidance from the MPS's Chief Medical Physician specifically in relation the role that ICVs undertake.

2.11 The following guidance has been provided:

"Hepatitis B results from the transfer of the hepatitis B virus (HBV) in blood, blood products or body fluids and secretions from an infected person. In an occupational setting such as front-line police work, this can occur as a result of accidental blood-to-blood contact, usually in the course of a physical confrontation or administration of emergency first aid.

The HSE publication "Bloodborne viruses in the workplace, guidance for employers and employees" <http://www.hse.gov.uk/biosafety/information.htm> lists occupations including police, fire, rescue as potentially exposed. It goes on to give the following advice on immunisation, "The need for a worker to be immunised should be determined by the risk assessment."

Although the role of an operational police officer involves a significant risk of accidental blood-to-blood or body fluid exposure, it is my view that the risk of accidental exposure in the role of a custody visitor is negligible. I do not believe therefore that the risk assessment justifies immunisation of custody visitors against Hepatitis B."

2.12 Should ICVs still wish to pursue immunisation, it is recommended that they speak to their GP. Please be aware that the MPA will not meet the cost of any immunisation<sup>5</sup>.

**Issue date: June 2010**  
**Review date: June 2012**  
Version: 1.0

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<sup>5</sup> Please note that ICVs do not have the right to be informed of any medical information about detainees including health conditions. Should a detainee have a highly contagious condition that is known to the police (such as TB or scabies for example) it is likely that the detainee will be held in isolation and the police will advise the ICV against visiting, but there is no need for the ICV to be informed of the details of the detainees condition. ICVs should also be aware that the police may not be aware of a detainee's medical condition as the detainee may be unaware themselves, or may chose not to disclose information on any medical condition to the police. It therefore makes sense to follow the same precautions with every detainee encountered.



**Metropolitan Police Authority**

## APPENDIX J

# **Code of Practice On Independent Custody Visiting**

### **Introduction**

1. This Code of Practice on independent custody visiting is issued further to section 51(6) of the Police Reform Act 2002. Police services, police authorities and independent custody visitors shall have regard to the Code in carrying out their relevant functions.
2. Independent custody visiting is the well established system whereby volunteers attend police stations to check on the treatment of detainees and the conditions in which they are held and that their rights and entitlements are being observed. It offers protections and confidentiality to both detainees and the police and reassurance to the community at large.
3. The Code will be supported by more detailed National Standards which expand on the relevant procedures and systems and set out established good practice.

### **Organisation and Infrastructure**

4. Section 51 (1) of the Police Reform Act 2002 places the responsibility for organising and overseeing the delivery of independent custody visiting lies with police authorities, in consultation with chief constables. Police authorities must therefore ensure that they have in place robust and effective procedures for establishing and maintaining their independent custody visiting schemes, including the allocation of appropriate resources to this function.
5. Overall responsibility for the central administration of the scheme must be given to a nominated officer on the police authority's staff, supported as necessary by other personnel and resources.
6. At police authority level, groups or panels of volunteers must be organised to visit police stations in the authority's area. Every group needs to have its own co-ordinator, appropriately resourced to perform that task.

### **Recruitment and conditions of service**

#### **Organising recruitment**

7. Police authorities are responsible for recruiting, selecting and appointing independent custody visitors and must ensure these functions are adequately resourced.
8. Adequate numbers of suitably trained and accredited independent custody visitors must be available at all times.

### **The recruitment process**

9. Recruitment must be based on clear role descriptions, as well as person specifications setting out the qualities independent custody visitors require to carry out their role effectively.
10. Recruitment must be open, non-discriminatory and well publicised.
11. All selections must be made on the basis of a standard application form with adjustments based on local circumstances.
12. No person shall be appointed as an independent custody visitor without an interview taking place. The selection panel must record the reasons for decisions about appointment or non-appointment. Any appointment is subject to vetting or security clearance for all custody visitors (to an appropriate level as determined by the Home Office, which will be at Developed Vetting (DV) level for those visiting persons detained under the Terrorism Acts) Vetting renewal must be undertaken for all visitors before their appointments are renewed (see paragraph 23 below).
13. Any appointment must be made solely on merit and all independent custody visitors must be at least 18 years old and must be made from those living or working within the police authority boundary and who have been resident in the UK for at least 2 years prior to the date of application.

### **Who should be selected?**

14. The police authority must seek to ensure that the overall set of independent custody visitors is representative of the local community and provides a suitable balance in terms of age, gender and ethnicity.
15. All reasonable adjustments must be made to accommodate those with a disability as defined in the Disability Discrimination Act 1995, and those who do not have English as their first language where they are considered suitable candidates.
16. Visitors must be independent persons who are able to make informed judgements in which the community can have confidence and which the police will accept as fair criticism when it is justified.
17. Where an applicant has convictions (whether spent or unspent) for criminal offences, or has received any formal caution, warning or reprimand, or has failed to disclose any such finding, the specific circumstances must be considered in assessing suitability to become an independent custody visitor. However, past offending is not an automatic barrier to acceptance. The police authority is responsible for all appointments of custody visitors. The chief officer should provide advice to enable the authority to make a decision with regard to the suitability of each applicant. The police authority should be informed by the chief officer as to the reason(s) for recommending that a volunteer should not be appointed.



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.

### **Other Possible Roles for Custody Visitors**

19. Independent custody visitors may also act as appropriate adults. However, individuals must not switch between those roles during the course of a visit to the same police station and must declare if they have previously carried out either role with the same detainee.

20. Independent custody visitors may also act as lay observers appointed under the Criminal Justice Act 1991 to inspect the conditions under which prisoners are transported and held.

### **Basis of service**

21. The police authority must provide each independent custody visitor with a written memorandum of understanding summarising their agreed responsibilities and the legitimate expectations of both parties.

22. The police authority must provide each independent custody visitor with an identity pass as their authority to visit any police station in the force area that is holding detainees on a regular or temporary basis.

### **Tenure**

23. Appointments must initially be for three years and must not be confirmed until a six-month probationary period has been satisfactorily completed. Full re-assessments of suitability must take place at regular intervals but no longer than three years apart. The key factors in renewing appointments for further periods must be the continuing ability and willingness of the individuals involved to do the job effectively.

### **Removal**

24. A police authority can terminate an independent custody visitor's accreditation because of misconduct or poor performance.

25. Procedures for considering possible termination of appointment must follow the principles of natural justice and be publicised.

### **Complaints procedures**

26. Procedures must be in place to deal with complaints against independent custody visitors by detainees, police personnel or others. There must also be a clear mechanism for handling complaints from visitors and issues of concern arising from their work.

### **Payment**

27. Independent custody visitors are entitled to be reimbursed for their legitimate expenses incurred in carrying out their role.

### **Insurance**

28. The police authority must ensure adequate cover and provision for claims arising from independent custody visitors' role.

### **Training**

29. The basic responsibility for training lies with the police authority and a structured plan with clear objectives must be developed in consultation with the police service and the local independent custody visiting community.

30. The police authority must evaluate the effectiveness of training and the extent to which it is achieving its objectives.

### **Frequency and coverage**

31. The police authority should liaise with the chief constable about the frequency with which visits should be carried out.

32. Visits must be sufficiently regular to support the effectiveness of the system, but not so frequent as to unreasonably interfere with the work of the police.

33. The frequency of visits must be monitored against expectations and reported to the police authority at regular intervals. Where insufficient visits are taking place, the causes must be investigated and corrective action taken.

34. Consideration must be given to making visits to all police stations where detainees are held even where they are only accommodated for relatively short periods of time.

### **Working arrangements**

#### **Conducting visits**

35. Visits must be undertaken by pairs of independent custody visitors working together.

#### **Visiting procedures at stations**

36. Independent custody visitors must be admitted to the custody area immediately. Delay is only permitted when immediate access may place the visitors in danger. A full explanation must be given to the visitors as to why access is being delayed and that explanation must be recorded by the visitors in their report.

37. Independent custody visitors must have access to all parts of the custody area and to associated facilities such as food preparation areas and medical rooms. However, it is not part of their role to attend police interviews

with detainees. Custody visitors will be allowed access to CCTV cameras to ensure that they are operational.

38. Police staff must be alert to any specific health or safety risks independent custody visitors might face and must advise them appropriately.

39. The custody officer or a member of custody staff must accompany independent custody visitors during visits. (but see paragraph 46)

#### **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.

41. Juveniles may be spoken to with their own consent.

42. If a detainee is not in a position to give consent, the escorting officer must allow the visit unless any of the circumstances set out in paragraph 43 apply.

43. The custody officer may limit or deny independent custody visitors' access to a specific detainee only if authorised by an officer of or above the rank of inspector and where either:

- i) After a thorough risk assessment has been carried out the officer reasonably believes that to be necessary for the visitors' safety, or
- ii) if the officer reasonably believes that such access could interfere with process of justice.

44. Where any of the circumstances referred to in paragraph 43 apply consideration should be given to allowing the visitors some limited form of access to the detainee, such as speaking to them through the cell hatch.

45. Any decision to deny or limit access must be recorded in the detainee's custody record (together with the relevant authorisation) and by the independent custody visitors in their report of the visit.

#### **Discussions with detainees**

46. Discussions between detainees and independent custody visitors must normally take place in sight but out of hearing of the escorting officer where that is practical.

47. Discussions must focus on checking whether detainees have been offered their rights and entitlements under PACE and confirming whether the conditions of detention are adequate.

48. Independent custody visitors must remain impartial and must not seek to involve themselves in any way in the process of investigation. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the visitor must tell them that the relevant contents of the visit may be disclosed in legal proceedings.

49. If an independent custody visitor realises they know or are known by a detainee, they must declare this and consider whether to withdraw from the visit.

50. Independent custody visitors must not pass messages to or from detainees or offer to perform other tasks on their behalf. If they are asked to do so they must immediately inform the custody officer.

51. If a detainee indicates they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.

52. Subject to obtaining the detainee's consent to examine their custody record, the independent custody visitors should check its contents against what they have been told by the detainee.

53. If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption must be in favour of allowing the independent custody visitors to examine it.

### **Medical issues**

54. Independent custody visitors have no right to see the detainee's medical records, even where these are attached to the custody record. However, key points relevant to medical treatment should be recorded in the custody record itself.

### **Dealing with issues and complaints**

55. Where a detainee makes a complaint or raises an issue about their general treatment or conditions, independent custody visitors must (subject to the detainee's consent) take this up as soon as possible with police staff in order to seek a resolution. The same applies to similar issues identified by visitors in the course of their attendance.

56. If a detainee makes a complaint of misconduct by a specific police officer, they must be advised to address it to the duty officer in charge of the police station.

### **Effective working relationships**

57. For independent custody visiting to be effective, it is essential that visitors and police staff develop and maintain professional working relationships based on mutual respect and understanding of each others' legitimate roles.

### **Reporting on a visit**

58. At the end of each visit, and while they are still at the police station, independent custody visitors must complete a report of their findings in a standard format. One copy of the report must remain at the station for the attention of the officer in charge. Copies must go to the police authority and other parties as determined locally.

59. Report forms must include an undertaking not to reveal the names of persons visited or other confidential information obtained in the course of a visit.

### **Feedback**

60. Systems must be in place to ensure that the output from visits is drawn rapidly to the attention of those in a position to make the appropriate response.

61. The police authority is responsible for drawing together issues and identifying trends emerging from visits in their area and addressing these with relevant police supervisors.

62. The police authority must have a regular and formal opportunity to raise concerns and issues with a designated senior officer with force-wide responsibilities. It will usually be appropriate for that officer to be of Assistant Chief Constable rank. Regular reports shall be provided by the administrator of the scheme to the police authority. These reports must be discussed at police authority meetings as appropriate and reflected in an entry about independent custody visiting in the police authority's own annual report.

### **Sharing experience**

63. The police authority must ensure that independent custody visitors have regular opportunities to meet together to discuss their work.

### **Reviewing performance**

64. Police authorities must take steps to assess how effectively their independent custody visiting arrangements are working. Key aspects of that process will be reviewing the quality of reports, the frequency with which visits take place and the number of occasions on which detainees refuse to speak to visitors.

Home Office  
1 April 2003





**Metropolitan Police Authority**

## APPENDIX K

### **National Standards for Independent Custody Visiting**

#### **A. Introduction**

1. This document puts into context the Codes of Practice that underpin paragraph 51 of the Police Reform Act 2002 and identifies what are considered to be national standards to which all involved in the process aspire. These standards have been developed through the experience of operating visiting arrangements throughout England and Wales. It also encourages police authorities and independent custody visitors to establish their own local practises.

2. The statutory instrument, the related codes of practice and this document replace Home Office Circular 15/2001, which has now been withdrawn. It has been produced following detailed discussions in a working group including representatives from the Association of Chief Police Officers, the Association of Police Authorities, the Association of Police Authority Clerks, Her Majesty's Inspectorate of Constabulary, the Home Office, the Metropolitan Police Authority, the Independent Custody Visiting Association, the Police Complaints Authority, the Police Federation and the Police Superintendents' Association.

3. While the Home Office provides a Code of Practice on the key principles of independent custody visiting, responsibility for delivery lies with police authorities in consultation with forces. Within these National Standards there is an important role for the Independent Custody Visiting Association (ICVA), which supports and promotes the visiting process. The Home Office continues to be committed to working in partnership with the ICVA as a repository of experience, advice and best practice.

4. European Convention on Human Rights 2 October 2000 saw the implementation of the Human Rights Act and the incorporation of the European Convention on Human Rights into our domestic law. The treatment of those in police custody is one key indicator of the extent to which we are embracing the culture of rights, which these legal changes are intended to reinforce. Independent custody visiting provides an important check on that treatment and police authorities should ensure that the visiting arrangements they apply are as effective as possible. This guidance is intended to help in achieving that.

#### **B. The Process**

1. Volunteers from the community are recruited and approved by the police authority and following training suitably organised to visit local police stations. Unannounced visits are made at varying times of the day and night, with

volunteers having immediate access to the custody area. The conditions of detention and the treatment of individual detainees are checked. As part of that process there will usually be discussion with custody staff and detainees who are required to give their consent before being spoken to. Independent custody visitors must raise issues needing immediate attention by the police. After every visit they will produce a written report of their findings. Arrangements must be in place for output from visits to be discussed by groups of visitors and communicated to the police at local, area and force level. There must also be regular feedback to the police authority and a commitment to publicising the work and, where appropriate, the findings of independent custody visitors.



***Section 51(6) of the Police Reform Act 2002 and the Codes of Practice paras 1-3 set out the statutory requirements.***



To explain the process ICVA has:

- Developed a website packed with relevant materials ([www.icva.org.uk](http://www.icva.org.uk))
- Produced a community awareness video
- Designed a leaflet which has been translated into 19 languages
- Created posters depicting a number of images to assist recruitment and heighten awareness
- Produced a student workbook sets out the list of relevant articles and the significant implications from this legislation for all involved in the process
- Developed 'An Introduction to Cultural Awareness' module for police authorities independent visitors.

## **C . Organisation and Infrastructure**

1. The responsibility for organising and overseeing the delivery of independent custody visiting lies with police authorities, in consultation with chief constables. Police authorities must therefore ensure that they have in place robust and effective procedures for establishing and maintaining their independent custody visiting schemes, including the allocation of sufficient resources to this function. This includes:

- Publicising the work of their schemes
- Developing a policy/policies to maintain and enhance the effectiveness of schemes
- Ensuring the maintenance of appropriate organisational arrangements and visiting patterns
- Overseeing the recruitment, approval and training of independent custody visitors
- Establishing and maintaining effective systems for feeding back to the police authority on a regular basis the output from visits, and putting in place the necessary action to respond to issues as they arise
- Facilitating meetings of their independent custody visitors to discuss their



work and issues arising from it

- Monitoring performance against the agreed frequency of visits.

2. Police authorities must consider locally what arrangements are needed in order to undertake these responsibilities efficiently and effectively, including the nomination of an officer for the central administration of the independent custody visiting scheme, supported as necessary by other staff and resources.

3. The key role of the 'central administrator(s)' should be to ensure that the scheme is running effectively on a day-to-day basis and to act as a source of advice and support for those organising independent custody visiting at a local level.

4. The central administration should not be undertaken by the police force or by individuals reporting to the chief constable.

5. Experience has shown that the most effective arrangements are normally based on groups or panels of volunteers organised to visit police stations within a prescribed area. It may be useful to base these areas on police organisational structures covering divisions or command units.

6. Every local group should have its own co-ordinator responsible for organising the work of its members. Key elements of the co-ordinator's duties will be:

- ensuring that a suitable pattern of visiting is established and applied
- acting as a conduit for feedback to local police commanders and the police authority
- facilitating meetings and discussions between group members
- forming the interface between individual independent custody visitors and those with central responsibility for the system at police authority level.

7. Local co-ordinators may face a considerable burden of administration (for example, in relation to developing rosters, writing reports and arranging meetings). Police authorities may wish to consider the provision of access to funded clerical or secretarial support.

8. There is no ideal size for local groups in terms of the number of police stations they cover or the number of individual independent custody visitors they involve. However, coverage should not be so extensive as to detract from the essentially local nature of the arrangements. Allowing for that, groups must include sufficient numbers of volunteers to ensure the agreed programme of visits can be maintained.



9. Effective organisation and administration is very important to retaining and boosting the commitment of those involved in independent custody visiting on a voluntary basis. Visitors who feel properly supported and valued are more

likely to continue with the work and carry out their duties in a positive and enthusiastic manner. Independent custody visiting is essentially a community-based initiative and local groups should have some degree of autonomy to fit their approach and procedures to local conditions and needs. However, that should be within a clear organisational framework established by the police authority and taking account of the guidance set out in this circular.

***Section 51(6) of the Police Reform Act 2002 and the Codes of Practice paras 4–6 set out the statutory requirements.***



To assist police authorities and independent custody visitors ICVA has:

- Developed a website packed with relevant materials ([www.icva.org.uk](http://www.icva.org.uk))
- Produced a community awareness video
- Designed a leaflet which has been translated into 19 languages
- Created posters depicting a number of images to assist recruitment and heighten awareness.

#### **D. Recruitment and Conditions of Service**

Organising recruitment

1. Police authorities, who are responsible for recruiting, selecting and appointing independent custody visitors, need to establish clear policies and procedures covering these processes. The work must be adequately resourced so that functions such as publicising opportunities for volunteers, processing applications and conducting interviews can be carried out effectively.

2. One key policy objective must be to ensure that adequate numbers of suitably accredited and trained independent custody visitors are available at all times throughout the police authority area to carry out the required programme of visits. This priority must be integrated with the equally important objective of ensuring that visitors are representative of the local community and provide a suitable balance in terms of factors such as age, gender and ethnicity.

3. Managing recruitment to balance these priorities requires forward planning which focuses on factors such as the size of local groups, the number of independent custody visitors required and the level of visitor retention. Such planning is much more likely to be successful where it is based on a rolling programme of recruitment rather than only when vacancies arise. A rolling programme can also help in linking recruitment to training and ensuring a flow of new visitors who are fully aware of their duties and equipped to carry them out.



4. Police authorities might find it helpful to form a small representative group to advise on and help oversee the recruitment and selection process. In

addition to a central co-ordinator, members could include police authority members, local group co-ordinators and community representatives. It might be appropriate for selection panels to be drawn from members of this group.

***Codes of Practice paras 7– 8 set out the statutory requirements.***

The recruitment process

5. The independent custody visitor job description should list the relevant duties and emphasise the need to provide reports and feedback as well as the basic process of attending police stations. A 'person specification' - which sets out the qualities independent custody visitors require to carry out their role effectively - can guide recruitment and interviewing and help to provide a foundation for dealing with any appeals against unfairness in the selection process.

6. Once the basis for recruitment is established, consideration must be given to how to publicise opportunities and attract applicants. Advertising in the local media is recommended as the most obvious and open way to contact a broad section of the local community. However, the need to ensure independent custody visitors are representative of the community as a whole may argue for some targeting of recruitment at specific groups, perhaps through local community organisations, police/community consultative groups, local media or via the newsletters of voluntary organisations, churches and other religious groups. Word of mouth recommendations remain a legitimate source of potential independent custody visitors, but care must be taken to ensure this does not lead to an imbalance through existing visitors recommending people from similar backgrounds to themselves. Any appointment must ultimately be made solely on merit.

7. When people enquire about appointments they should be sent basic information covering the purpose of the system, the role of the independent custody visitor, the commitment required and the terms and conditions applicable to the local scheme. This material should accompany the basic job description and the application form.

8. All selection must be on the basis of a standard application form. The precise format is a matter for the discretion of the police authority, but information on age and ethnic origin will be useful in ensuring a balanced recruitment. Details of all criminal convictions (whether or unspent) cautions, reprimands and final warnings should always be sought. Authorities may also wish to include questions about the applicant's occupation and their health. Asking applicants to state why they are seeking to become independent custody visitors can help in assessing motivation and relevant background knowledge and can be linked to questions about involvement in other voluntary or community work and their relevant skills. Seeking information about how they became aware of independent custody visiting can assist in reviewing recruitment strategy and it is good practice to ask for referees, who can then provide an insight into character and commitment. All application forms should include a statement that the recruitment process will be guided by equal opportunities principles.

9. Those responsible for recruitment should sift applications on the basis of the agreed person specification. In addition, a police vetting check should be carried out to verify information provided about criminal convictions. Application forms should request consent to such checks being carried out.

10. Suitable applicants should be asked to attend an interview and no one must be appointed as an independent custody visitor without an interview. The main purpose of this is to test suitability against the person specification referred to above, and to maintain consistency and objectivity in selecting from the field of potential independent custody visitors. The selection panel must record the reasons for decisions about appointment and non-appointment. This helps to demonstrate fairness and provides any necessary feedback to those who have been unsuccessful where requested.

11. Similar recruitment principles will generally be applicable to selecting central administrators and local co-ordinators. Certainly there is a need for clear job descriptions and person specifications. Consideration should also be given to active succession planning for these key posts, so that timely arrangements are always in hand to fill vacancies with suitably skilled and experienced people.



**Codes of Practice paras 9–13 set out the statutory requirements.**



ICVA has produced detailed practical guidance on recruitment procedures and is a good source of general advice in this area. To assist police authorities with their recruitment process ICVA has developed an administration section on its website, [www.icva.org.uk](http://www.icva.org.uk) that includes:

- A sample independent custody visitor job description
- A sample independent custody visitor person specification
- A sample co-ordinator visitor job description
- A sample independent custody visitor, equal opportunities
- A sample monitoring form for independent custody visitor decisions.



**Word of mouth recommendations remain a legitimate source of potential independent custody visitors.**

**The selection panel should agree the format of standard questions to test suitability against the person specification referred to above and to maintain consistency and objectivity**

Who should be selected?

12. The key priority is for independent custody visitors to be recruited from and representative of the local community. Local groups must aim for balance in terms of age range, gender and ethnicity as the scheme will lack effectiveness and credibility if those participating are drawn from too narrow a

section of the local community. This inclusive approach must extend to those with disabilities and those who do not have English as their first language. All reasonable efforts should be made to accommodate applicants in these categories as independent custody visitors where they are considered suitable candidates.

13. Visitors must be independent persons of good character who are able to make informed judgements in which the community can have confidence and which the police will accept as fair.

14. Where applicants have convictions (whether spent or unspent) for criminal offences, those responsible for selection must consider any bearing that this may have on their suitability as independent custody visitors. Relevant factors will include the nature and number of any offences and how long ago they were committed. However, past offending must not be an automatic barrier to acceptance as an independent custody visitor and each case needs to be considered individually. Any failure to disclose convictions will also need to be taken into account.

15. 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 this reason. The same will apply to special constables, justices of the peace and members of the police authority. Where persons in these categories have left or retired from relevant duties, they may be suitable for appointment, taking into consideration factors such as the geographical location where they would be carrying out visits and the length of time since they left the relevant employment.

Applications from others involved with the criminal justice system should be considered individually. For example, solicitors and members of the probation service may find that the duties of an independent custody visitor conflicts with their professional responsibilities. However, there is no hard and fast rule in such cases and each application should be looked at on its individual merits, with regard to the public service principle of being seen to be independent and impartial.

16. There is no longer any barrier to independent custody visitors also acting as appropriate adults. 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 as this could blur responsibilities and create confusion for all concerned.

17. 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.



***Codes of Practice para 14 - 20 set out the statutory requirements.***

Basis of service

18. It is vital that those recruited as independent custody visitors have a clear understanding of the expectations on them and of the support that the police authority should provide. Each visitor must be provided with a written memorandum of understanding, which summarises their agreed responsibilities and legitimate expectations. The content of this is a matter for individual authorities, but will need to include many of the issues covered elsewhere in this guidance.

19. The police authority will need to provide each independent custody visitor with a suitable pass (time-limited to their period of appointment) which functions as their approval to visit any police station or other facility in the force area holding detainees on a regular or temporary basis.



***Codes of Practice para 21 – 22 set out the statutory requirements.***

Tenure

20. Independent custody visitors should be at least 18 years of age, but the Home Office does not seek to recommend any upper age limit.

21. Appointments must initially be for three years and must not be confirmed until a probationary period of six months has been satisfactorily completed. Full reviews of suitability must take place at regular intervals but no longer than three years apart. The key factors in reviewing appointments for further periods must be the continuing ability and the willingness of individuals involved to do the job effectively.



***Codes of Practice para 23 sets out the statutory requirements.***

Removal

22. A police authority can remove an independent custody visitor's accreditation because of misconduct or poor performance.

23. Procedures for considering possible removal should follow the principles of natural justice and be publicised.



***Codes of Practice paras 24–25 set out the statutory requirements.***



The central independent custody visiting administrator for the police authority area should notify the independent custody visitor concerned of the grounds on which removal is being considered and advise them that they can make oral or written representations or both. There should also be an avenue of appeal to the police authority itself. No one who heard the initial case for removal should be party to the appeal process.

#### Complaints procedures

24. Procedures must be in place to consider complaints against individual independent custody visitors by detainees, police personnel or others. There must also be a clear mechanism for handling complaints from visitors and issues of concern arising from their work.



***Codes of Practice para 26 sets out the statutory requirements.***

#### Payment

25. Independent custody visitors are entitled to be reimbursed for legitimate expenses incurred in carrying out their role.



***Codes of Practice para 27 sets out the statutory requirements.***

#### Insurance

26. The police authority must ensure adequate cover and provision for claims arising from independent custody visitors' role.



***Codes of Practice para 28 sets out the statutory requirements.***

### **E. Training**

#### Responsibility for training

1. The basic responsibility for training lies with the police authority and a structured plan with clear objectives should be developed in consultation with the police service and the independent custody visiting community.



***Codes of Practice para 29 sets out the statutory requirements.***



***ICVA is a very useful source of training support and documentation. They may be in a position to contribute directly to***

**meeting specific training needs and can provide advice on best practice derived from their extensive experience in training independent custody visitors across the whole range of knowledge and skills.**



### **Structure and Contents**

The necessary training can be divided into three broad areas:

#### Initial Training

2. This should cover the basic knowledge and skills required to effectively carry out independent custody visits. It is likely to require a minimum of one whole day, supported by appropriate pre-reading. Key contents should include:

- The purpose of and background to independent custody visiting
- The relevant aspects of the Police and Criminal Evidence Act 1984 and of its associated Code C covering Detention, Treatment and Questioning
- Current Home Office statutory requirements
- National standards
- Local guidance, conditions of service and working practices
- The basic practicalities of conducting independent custody visits
- Communication skills to assist effective contact with detainees and custody staff
- Equal opportunities and race awareness issues
- Health and Safety issues
- Data protection considerations
- The Police Complaints System.



**ICVA is a very useful source of training support and documentation.**

**To assist police authorities and independent custody visitors ICVA has:**

- **Developed initial training materials available through its website ([www.icva.org.uk](http://www.icva.org.uk))**
- **Produced a training video and accompanying trainers guide**
- **Designed a students' workbook which includes all of the key contents**
- **Created a checklist / aide-memoir to assist visitors when they are carrying their visits**



**Central administrators and local co-ordinators are likely to have a substantial role in delivery. However, police personnel can also make a significant input to training, particularly those involved in the custody environment and who understand the issues and procedures independent custody visitors will be addressing. The same applies to medical and other specialist staff who contribute to custody care.**



## Induction Training

3. It will be useful for the memorandum of understanding agreed between the police authority and new independent custody visitors to include references to training arrangements and to a six-month probationary period during which experience will be acquired in a supportive environment. Only once that initial period has been successfully completed should full independent custody visitor status be granted.



***Codes of Practice para 23 sets out the statutory requirements with regard to probation of visitors.***



***To assist police authorities and independent custody visitors ICVA has developed a number of advanced scenarios which are available through its website ([www.icva.org.uk](http://www.icva.org.uk)) which will assist in induction training.***



***The probationary period should consist of induction training based around carrying out visits in tandem with experienced colleagues. This will involve developing and consolidating skills at the police station, as well as discussing practical issues and difficulties after visits have been completed. Again, there should be some focus on the Health and Safety aspects of the visiting process.***

## Continuous Training

4. There is always scope to refresh and enhance training and there may be specific issues to address in relation to changing legal, procedural and Health and Safety requirements, developing best practice or practical issues emerging from the visiting process.



***Conferences and other gatherings organised by the ICVA are a further opportunity to benefit from others' knowledge and experience. To assist police authorities and independent custody visitors ICVA has developed a number of advanced scenarios which are available through its website ([www.icva.org.uk](http://www.icva.org.uk))***



***Regular meetings between groups of independent custody visitors provide an opportunity to share information and experience. ICVA produces a quarterly magazine, *Visiting Times*, to keep visitors informed of related issues to the process and containing articles of interest.***

## Evaluating Training

5. The police authority must evaluate the effectiveness of training and the extent to which it is achieving its objectives.



***Codes of Practice para 30 sets out the statutory requirements. The extent to which overall training objectives are being achieved should be tested by examining its impact on the visiting process at police stations. Those responsible for training should seek feedback from both recipients and those delivering it.***



***ICVA has a training evaluation sheet to assess feedback from students who attend its initial training sessions.***

## F. Frequency and Coverage

1. The police authority should liaise with the chief constable about the frequency with which visits should be carried out.
2. Visits must be sufficiently regular to support the effectiveness of the system, but not so frequent as to unreasonably interfere with the work of the police.
3. The frequency of visits must be monitored against expectations and reported to the police authority at regular intervals.
4. Where insufficient visits are taking place the causes should be investigated and corrective action taken.
5. Consideration must be given to making visits to all police stations where detainees are held, even where they are only accommodated for relatively short periods of time.
6. Visits will generally be less frequent in such cases, but that will depend on local circumstances.
7. There may be occasions when a special visit is justified in agreement with the police. For example, when there is particular tension within the local community about the treatment or well being of someone in detention. Local groups should be ready to consider and respond to such requests from the police.
8. Where there has been a death in police custody, the police authority must be informed as soon as possible. Consideration will then need to be given to whether a visit would be helpful in terms of informing and reassuring the local community. If it is agreed that a visit should be made it should be on the basis of a clear understanding as to how that feedback to the community will be achieved. Any visit following a death in custody or some other major incident

should not be allowed to interfere with any relevant investigation which may be taking place. There may be circumstances in which the senior investigating officer dealing with such an incident needs to refuse or restrict access to particular areas.



**Codes of Practice paras 31-34 set out the statutory requirements.**

9. Establishing and maintaining a programme of frequent visits is fundamental to the effectiveness of the system. Infrequent visiting is unsatisfactory in terms of community reassurance, building appropriate relationships with police staff and developing independent custody visitors' relevant skills.

### **G. Working Arrangements**

1. This section covers a series of issues linked to the process of carrying out visits at police stations. It focuses on general principles and more detailed practical guidance is available from ICVA - [info@icva.org.uk](mailto:info@icva.org.uk)

Conducting visits

2. Visits should normally be undertaken by pairs of independent custody visitors working together. Visits should only be undertaken by a single independent custody visitor working alone where the police authority has carried out a thorough and robust assessment of the risks this presents and has concluded that it is, in all circumstances, the best option.



**Codes of Practice para 35 sets out the statutory requirements.**



***If one member of the team should not be able to attend for any reason the standard procedure should be to postpone the visit. No more than two visitors should normally attend at any one time as any more may place an excessive burden on custody staff.***

***Local co-ordinators should roster pairs of independent custody visitors to make an agreed minimum number of visits to an allocated station or stations within a fixed time period. Visits should be unannounced and should not develop a regular pattern.***

### **H. Visiting Procedures at Stations**

1. Independent custody visitors must be admitted to the custody area immediately. If access is delayed this will affect the credibility of the independent custody visiting scheme. Access should be delayed only when the 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 visitors as to why access is being delayed, which must be recorded by the visitors in their report.

2. In the interests of security and the safety of independent custody visitors, the custody officer or a member of the custody staff must accompany them during visits. However, the escorting officer should normally remain out of hearing during discussions between visitors and detainees.



***Codes of Practice paras 36 - 39 set out the statutory requirements.***

3. It is inappropriate for access to be delayed because the custody officer is busy. In such circumstances the visitors should be admitted to the custody area but invited to wait until the custody officer or another officer is available to escort them on the visit.

4. Independent custody visitors must have access to all parts of the custody area including cells, detention rooms, charging areas, washing facilities, kitchen or food preparation areas and medical room (but not the drugs cabinet).

5. Visitors will wish to satisfy themselves that these areas are clean, tidy and in a reasonable state of repair and decoration, and that bedding in cells is clean and adequate.

6. Relevant storage areas may also be seen and visitors should check that there are adequate stocks of bedding and other necessary items.

7. They should also verify that arrangements are established for the cleaning of blankets etc and for any necessary replacement of furnishings and equipment.

8. They should check that any CCTV systems installed to observe the custody area or individual cells are operating properly.

9. They may inspect empty cells and detention rooms to check heating/ventilation systems and that cell bells and toilet flushing mechanisms are working properly.

10. 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.

11. Visitors may not visit CID rooms or other operational parts of the station.

12. In addition to the risk of violence from detainees police staff must also be aware of any specific health or safety risks independent custody visitors might face and should advise them as appropriate. For example, visitors must always be told if there is a possibility of them coming into contact with detainees or cells exposed to CS spray.



***ICVA has developed a checklist to assist independent custody visitors to carry out their inspections***

Access to detainees

13. Subject to the exceptions referred to below, independent custody visitors must be allowed 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.

14. 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.

15. Persons detained by non-Home Office police forces such as the British Transport Police are not covered by these arrangements. However, they may be visited with the consent of the force concerned and the spirit of these guidelines should be applied to any such visits.

16. Detainees can only be visited with their consent and the escorting officer is responsible for establishing whether or not they wish to see the independent custody visitors. This should be done within the hearing, but - where practical - out of sight of the visitors in order to preserve the privacy of detainees. The escorting officer's introduction is a very important factor bearing on the effectiveness of the whole system of independent custody visiting and he or she should introduce the visitors in a positive way which will encourage the detainee to see them. Whether or not the detainee agrees to see the visitors the escorting officer must seek permission for them to have access to the detainee's custody record.

17. If a detainee is not in a position to give consent, perhaps because of the effects of drink or drugs or by virtue of a mental illness, the escorting officer must allow access unless it is considered that the independent custody visitors' safety would be at risk. In such circumstances the visitors may wish to speak to the detainee through the cell hatch. This may also apply where consent is given, but the escorting officer judges the visitors would be in danger from a violent or potentially violent detainee if they entered the cell.

18. Sleeping detainees can be woken at the discretion of the escorting officer to seek consent to a visit. However, where this would involve interrupting the

continuous period of eight hours rest provided for under PACE, the normal procedure should be not to wake the person but to observe them through the cell hatch.

19. 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.

20. 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 attend any visit.

21. In exceptional circumstances the police may judge that it is necessary for a detained person not to be seen by independent custody visitors in order to avoid any possible risk of prejudicing an important investigation. Any decision to deny visitors access to a detained person should be taken by an officer of or above the rank of inspector and recorded in the custody record. The decision to deny access should be taken in each case in the light of all relevant circumstances. There should be no presumption that access should be denied to any particular category of detainee or because a decision has been made that a person should be held incommunicado.



***Codes of Practice paras 40-45 set out the statutory requirements.***



***ICVA has developed a checklist to assist independent custody visitors to carry out their visit/interviews with detainees***



***Police authorities and their visitors have developed cue cards that should either be read out or viewed by detainees to obtain their consent***

Conversations with the Detainee

22. Conversations between detainees and independent custody visitors must normally take place in sight but out of hearing of the escorting officer. If for some reason the police consider that the escorting officer should remain within hearing, the custody officer must take this decision. 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.

23. Visits should normally be conducted in English or, where applicable, Welsh. Translation support should be provided where necessary. On

occasions it may be more appropriate to conduct a visit in another language spoken by the detainee, if one of the independent custody visitors is fluent 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.

24. Conversations must 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.

25. 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, they should explain that it is not part of their role. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the visitor must tell them that the relevant contents of the visit may be disclosed to the police and may be later used in legal proceedings. If the detainee's concerns are linked to not yet having received legal advice, that is something the visitors may wish to take up with the escorting or custody officer.

26. If an independent custody visitor realises they know or are known by a detainee, 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 visitor's impartiality.

27. Independent custody visitors must not pass messages for detainees or perform other tasks on their behalf and must inform the custody officer immediately if they are asked to do so.

28. Independent custody visitors are primarily concerned with overall conditions, standards and procedures at police stations. However, immediate concerns about the treatment of particular individuals must be passed on to those in a position to take corrective action. If a detainee indicates that they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.



***Codes of Practice paras 46 - 51 set out the statutory requirements.***

#### Custody Records

29. Subject to obtaining the detainee's consent to view their custody record, 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
- If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption must be in favour of allowing the independent custody visitors to examine the record.



***Codes of Practice paras 52 - 53 set out the statutory requirements.***

#### CCTV Footage

30. The introduction of CCTV into custody suites has raised the question of whether independent custody visitors should have access to footage. This is ultimately a matter for local discretion, but the Home Office view is that 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 visitors observing them using CCTV. However, where specific incidents or circumstances arise as issues and have been captured on CCTV, visitors might reasonably be allowed access where both the police and the detainee(s) concerned consent. Visitors should be able to ask the custody officer whether the CCTV is working and be given a demonstration if necessary.

#### Medical Issues

31. Independent custody visitors have no right to see the detainee's medical records, even where these are attached to the custody record. However, key points relevant to medical treatment should be recorded in the custody record itself. 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, medical advice has been obtained and establish from the custody officer what instructions for medical treatment have been given and confirm by consulting the custody record that these instructions have been carried out.



***Codes of Practice para 54 sets out the statutory requirements.***

#### Dealing with Issues and Complaints

32. Where a detainee makes a complaint or raises an issue about their general treatment or conditions at the police station, independent custody visitors must (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 visitors in the course of their attendance.

33. If a detainee makes a complaint of misconduct by a police officer, he or she must be advised to address it to the duty officer in charge of the police station. With the detainee's consent, it may be appropriate for independent custody visitors to notify the duty officer that the detainee wishes to make a complaint. In addition visitors may want to remind them that they can seek legal advice in relation to the complaint or ask to see a doctor if an alleged assault is involved. However, such complaints must be dealt with through the formal procedures which are laid down and there is no broader role for visitors. They must not involve themselves in individual cases or make representations on detainees' behalf.

34. 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.



***Codes of Practice paras 55-56 set out the statutory requirements.***

Effective working relationships

35. 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. Visitors may cause difficulties by:

- failing to appreciate police priorities
- engaging in excessive petty criticism
- criticising officers in reports without bringing that criticism directly to their notice
- adopting an overly adversarial approach
- concentrating on finding fault and trying to catch the police out
- becoming involved in an investigation or advising the detainee on that investigation
- criticising police action or questioning their judgement in areas outside the visitor's remit
- telling or suggesting to the police what they should do
- making promises to a detainee on behalf of the police
- breaching confidentiality.

36. On the police side, problems may arise from:

- failing to accept independent custody visitors' status and recognise their responsibilities
- demeaning or belittling visitors
- treating visitors with indifference or disrespect
- unreasonably delaying or limiting access to custody areas
- being insufficiently positive when introducing visitors to detainees.

37. All these issues must be seen against the background of the need to strike the right balance between establishing effective working arrangements and 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.

38. Allowing for the factors covered in this section and for other issues emerging locally, the police authority may wish to consider developing its own code of conduct for independent custody visiting.



***Codes of Practice para 57 sets out the statutory requirements.***

#### Reporting on a Visit

39. 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.

40. At the end of each visit, and while they are still at the police station, independent custody visitors must complete a report with their findings. Custody staff should not be present while visitors discuss and complete reports and wherever possible they should be able to use a private area for this purpose. Details must 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 or, where applicable, Welsh, even if the visit has been conducted in another language.

41. One copy of the report should remain at the station for the attention of the officer in charge and it may also be helpful to keep one within the custody suite for reference purposes. Copies should also go to the police authority and to the co-ordinator of the local independent custody visiting group. There may be additional local requirements for copies to be passed to others involved in the process.



***Codes of Practice para 58 sets out the statutory requirements.***



***ICVA has developed a national report form that is available to police authorities and complements the software package***

#### Confidentiality and Disclosure

42. Report forms must 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.

43. 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. Visitors are under no obligation to give evidence or produce documents other than in response to a court order, but would be obliged to respond to such an order.



***Codes of Practice paras 58-59 set out the statutory requirements.***



***ICVA has developed a national report form that is available to police authorities and has the appropriate declaration***

#### **I. Feedback Making a Difference**

1. If independent custody visiting is to be effective, systems must be in place to ensure that the output from visits is drawn to the attention of those who are in a position to respond. This reporting occurs at various levels and a quick and positive reaction from those receiving it is one of the surest ways to strengthen and consolidate the independent custody visiting system.

2. The first key relationship is between independent custody visitors and the custody staff who will be the immediate recipients of practical issues and observations emerging from visits. Second, there is the interface with the officer in charge of the police station. Effective dialogue and responsiveness at these levels is the foundation of the whole system.

3. The co-ordinator of the local independent custody visiting group is responsible for drawing together issues, identifying trends emerging from visits in their area and addressing these with relevant police supervisors. They should also collate regular reports for submission to the independent custody visiting administrator operating at the police authority level.

4. The central administrator should have a regular and formal opportunity to raise concerns and issues with a designated senior officer with force-wide responsibilities. It will usually be appropriate for that officer to be of Assistant Chief Constable rank. The central administrator should also produce regular reports for the police authority summarising the output from independent custody visiting and the way in which concerns have or have not been addressed. These reports should be discussed at police authority meetings as appropriate and reflected in an entry about independent custody visiting in the police authority's own annual report.

5. It cannot be emphasised strongly enough that the key to the effectiveness of these feedback arrangements at every level is a rapid and appropriate response by the police to concerns raised by the independent custody visitors. If that response is delayed or grudging, working relationships will deteriorate rapidly and the whole system may start to slip into disrepute.



***Codes of Practice paras 60 - 62 set out the statutory requirements.***

#### Sharing Experience and Concerns

6. The practice of independent custody visiting and the output from it will be greatly strengthened by providing regular opportunities for visitors to meet together to discuss their work. Such meetings can cover the practicalities of carrying out visits as well as issues emerging from them. In addition, they can alleviate the feeling of isolation which can frequently accompany an activity that is often carried out with just a single colleague, often at unsociable hours.

7. Central administrators and local co-ordinators should take the lead responsibilities for arranging such meetings at the appropriate levels. Members of each local group should have the opportunity to meet together, as should the set of local co-ordinators working within the police authority area. An annual conference open to all independent custody visitors in the area can be a very positive way to strengthen bonds with colleagues and build a sense of common purpose.

8. The ICVA provides a number of opportunities for independent custody visitors to meet at regional and national level. These can be an excellent way to stay in touch with developments in independent custody visiting and to learn from practice in other police authority areas.



***Codes of Practice para 63 sets out the statutory requirements.***

#### Reviewing Performance

9. It is important that police authorities take steps to assess how effectively their independent custody visiting arrangements are working. Some significant

indications will emerge from the quality and coverage of reports they receive, although there are some more specific measures which can usefully be taken account of.

10. All authorities should collect and regularly review the visiting statistics for the groups in their area. This will indicate whether expectations of frequency are being met and highlight any locations or groups where corrective action is necessary.

11. Authorities should also collect information on the proportion of occasions on which detainees refuse to see independent custody visitors. This can indicate something about the detainees' perception of the visiting system, as well as reflecting the effectiveness with which visitors are introduced at police stations.

12. Authorities should review performance in relation to specific aspects of independent custody visiting practice, for example report writing and training. The ICVA may be able to assist with such reviews, taking advantage of its broad experience in supporting independent custody visiting in a wide variety of areas. HMIC will also retain a significant role by monitoring independent custody visiting arrangements as part of the standard inspection of forces.

13. Very helpful information on the effectiveness with which visits are carried out can be obtained by inviting feedback from custody staff. This can be an important developmental resource for independent custody visitors and there is scope for it to be used more widely.

14. The section covering independent custody visiting in the police authority's annual report should include material about performance review, an explanation of the reasons for any shortfalls and an indication of the remedial action taken.



***Codes of Practice para 64 sets out the statutory requirements.***



***ICVA has developed a computer software package which provides police authorities with statistical and management information about their schemes and their visitors. It has also produced a standard national report form that is available to police authorities.***

#### Raising Awareness

15. An essential purpose of independent custody visiting is to strengthen public confidence in procedures at police stations and that implies the need for publicity. Raising awareness is also vital to supporting effective recruitment. Internally, it is important to ensure that relevant police staff have a knowledge and understanding of independent custody visiting and that suitable information is provided to detainees.

16. Explanatory notices should be available for detainees, while posters and other publicity material at the police station and other public buildings will help to advertise the independent custody visiting system.

17. The regular newsletters produced by many administrators and co-ordinators can be circulated more widely both within and outside the force. In addition, there is often scope for those involved in independent custody visiting to give talks or presentations to local institutions and community groups. Sometimes, there may be opportunities to discuss or refer to independent custody visiting in contributions to the local press or other media.

18. These are just some suggestions and further advice can be obtained from the Home Office or from the ICVA, which has its own national newsletter, "Visiting Times".

19. It is important that those responsible for the administration of the independent custody visiting system at force and local levels should understand that publicity is an important aspect of their role and that they should develop an appropriate strategy. That should include making best use of entries in the police authority's annual report and other material produced by the authority.

20. Finally, systems should be in place to monitor the impact and effectiveness of publicity, for example in attracting new applicants to become independent custody visitors.

***Independent Custody Visiting Working Group 21 January 2004***



Metropolitan Police Authority

**GUIDANCE NOTES**

**INDEPENDENT CUSTODY VISITING REPORT FORM**

**APPENDIX L**

Please complete the form in a hard black pen writing firmly enough for all three copies to be clear

Please use block capitals if possible, or otherwise make sure the writing is clear and legible

Sheet 1 of

(give total number of sheets including all follow-on sheets)

↑ Indicate here the total number of sheets in this report

Panel/Borough	Station	Day of week and date <b>Both day and date</b>	Was start of visit delayed? If so state length of delay and reasons given  <i>If there is a significant delay between the initial request for entry and arrival in the custody area, or if, after admission to the custody area you are asked to wait outside the custody area before starting the visit, please indicate here, along with the reasons given by the police for this delay</i>		
Time of initial request for entry  <i>When you arrive in the main entrance to the police station, introduce yourselves as ICVs and request entry to the custody area</i>  <b>Give all these times in the 24 hour clock (e.g. record 6.30pm as 1830)</b>	Time arrived in custody area  <i>When you are admitted into the custody area</i>	Time visit ended  <i>When you leave the custody area having completed the visit and report</i>			
Custody visitor (1)		Custody visitor (2)			
Custody officer - name	Rank	Number	Escorting officer – name	Rank	Number
Total in custody  <i>Total of all detainees in custody at the time of the visit</i>		Total spoken to by ICVs <i>The number of detainees spoken to by the ICVs (this does not include those who were e.g. asleep and simply visually checked through the cell window)</i>			
FME Room	Stores	Food preparation area	Showers	Interview rooms within custody suite	
<i>Please check these areas where possible and indicate whether satisfactory (any concerns can be elaborated below)</i> <b>NOTE: In cases where interview rooms are located outside the custody suite these may not be checked (see National Standards 10)</b>					
General observations  <i>This section should be used for positive or neutral observations or comments; concerns requiring a response from, or discussion with, the police should be recorded in the section below</i>					
Matters requiring a response to panel  <i>This section should record concerns for discussion with police representatives at the next panel meeting, or those requiring a more urgent response.</i>  <i>Include any elaboration of comments made on follow-on sheets which apply to specific individuals, indicating their custody number.</i>  <i>Indicate any points known to have been raised before</i>					
I undertake not to reveal to any unauthorised person any personal information I may obtain arising out of this visit <i>(This undertaking simply relates to personal information – see National Standards 42)</i>					
SIGNED: Custody visitor (1)		Custody visitor (2)			
<i>Both custody visitors should also initial the bottom of each follow-on sheet</i>					

**COPIES:** The TOP COPY should be sent to the panel coordinator who will retain the original on file. The SECOND COPY is for the borough commander, custody manager or other senior officer in charge of custody matters (the exact recipient will vary from one borough to another). The THIRD COPY can be filed in the custody area (if required).

<b>DETAILS OF INDIVIDUALS</b> <i>(please complete all boxes in the first section for each detained person as far as possible)</i>	
Cell no.	<p><b>This follow-on sheet should be used to record information about individual detainees. It is designed to include information on four detainees. If there are more than four detainees in custody, more than one follow-on sheet should be used</b></p> <p><b>The details in this section of the follow-on sheet should be completed for <u>all</u> detainees, whether or not they are offered or accept a visit, and whether or not the visitors look at their custody record. In other words, a column should be recorded for each person in custody at the start of the visit. Please complete, as far as possible, all boxes for each detainee</b></p> <p><b>Please make sure to give both <u>date</u> and <u>time</u> of detention for each detainee</b></p> <p><b>A male adult should be indicated as "MA", a female juvenile "FJ" and so on</b></p> <p><b>If any element does not apply, please indicate not applicable (N/A). For example, if a detainee is not offered a visit because s/he is asleep, the box "Accepted visit?" should be marked N/A</b></p> <p><b>If consent to see the custody record is presumed because the detainee is incapable of giving or withholding consent, please write "presumed"</b></p>
Custody no.	
Date detained ; relevant time	
Gender (M / F); age (A / J)	
PACE / Immig / Other	
Offered visit? Y / N If not offered visit give reason (if out of cell indicate why); indicate if visually checked	
Accepted visit? Y / N	
Consent to see CR? Y / N	
CR seen? Y / N	
<b>PACE RIGHTS AND ENTITLEMENTS</b> <i>(check these points and mark box <u>if there is a concern</u>; if necessary elaborate below)</i>	
Been given / signed for rights	<p><b>Most boxes in these two sections can be completed only if the visitors have spoken to the detainee and / or examined the custody record. The information given above as to whether the visitors have seen the custody record will indicate whether the information is provided by the detainee or ascertained from the custody record, or both</b></p> <p><b>As far as possible please check all these points for each detainee.</b></p> <p><b>If there is no concern on a particular point, please do <u>not</u> mark the form, unless for some other reason a matter needs to be noted. If necessary, elaborate in the OTHER COMMENTS box below (extending if necessary over to Sheet 1, indicating the detainee(s) to which the comment(s) apply)</b></p> <p><b>In recording concerns you are not limited to "YES/NO" formulations; please briefly (3-4 words) explain the nature of the concern or problem</b></p> <p><b>If any of the concerns / problems noted here are points raised by the detainee, please ensure that you obtain their permission before recording them on the report, thereby raising them with the custody staff</b></p> <p><b>If a particular matter is a concern in all or in several cases (e.g. if all or most of the cells are cold or dirty) it can be written across all the columns</b></p> <p><b>With regard to particular items :</b></p> <p><b>Special needs can normally be ascertained by reference to the risk assessment which forms part of the custody record, or by speaking to the detainee</b></p>
Legal advice	
Someone informed	
Aware of review of detention?	
Special needs (medical; AA; interpreter, etc)	
FME	
<b>Basic needs</b>	
CCTV observation or special checks (e.g. 15, 30 min)	
Food / drink (special needs?)	
Religious / cultural needs	
Phone call to friend / relative	
Wash / shower / clean clothes	
Toilet / toilet paper	
Clean cell / bedding	
Cell temperature / ventilation / blankets	
Exercise / fresh air if possible	
Cell buzzer / CCTV working	
<b>OTHER COMMENTS</b> <i>Elaborate any concerns marked above. Include any relevant action taken by staff in response to points raised by CVs. Include relevant comments by the detained person (obtain their permission before raising such points with custody staff).</i>  <i>continue on Sheet 1 or on another sheet if necessary →</i>	<p><b>This box can be used to give more detail on any concerns noted above, or any other relevant comments / observations, to note matters which are not routine (for example, if a detained person has been to hospital, has a visible injury acquired before arrest, been exposed to CS gas etc.)</b></p> <p><b>This box can be used to record positive comments by the visitors or made by the detainee.</b></p> <p><b>If necessary, comments can be continued onto Sheet 1 or another sheet, indicating the detainee(s) to which they apply.</b></p> <p style="text-align: right;"><b>Custody Visitors' initials : Please ensure that <u>both</u> visitors initial the bottom of <u>all</u> follow-on sheets</b></p>



## Appendix M

### Guidelines for providing information to ICVs through NSPIS

The introduction of NSPIS has meant that independent custody visitors (ICVs) no longer have access to the 'white board', which was commonly located within view of the front desk and displayed details of detainees held in custody.

On arrival in the custody suite, in order to conduct visits and complete their reports, ICVs need to have the following information made available to them:

1. How many detainees are in the cells
2. The custody number of each detainee
3. The gender of each detainee
4. Whether they are an adult or a juvenile
5. The category (i.e.: PACE/Immigration etc) of each detainee
6. The time of detention of each detainee

They do not need to know the name of the detainee or the offence and it is the view of MPS that providing this information to ICVs from the NSPIS print out without the permission of detainees is a breach of data protection.

In order to work within this restriction and to ensure that custody staff are not overburdened as a result of ICV visits by having to talk through the above information for each detainee, custody staff are advised to **print out the NSPIS whiteboard and to block out the name and offence of detainees with a black marker pen before handing the sheet to custody visitors** to note the information. Alternatively the whiteboard can be copied to a Word document and the Name/Offence and Remarks areas concealed using a blank text box.

If ICVs have been given permission by the detainee to see their custody record, the detention log can be viewed or printed out **without the need to cross out the detainees name or information on their offence.**

In the case of detainees who are asleep, juveniles, or detainees who are unable to give consent to their custody record being seen, the Home Office Codes of practice governing custody visiting state that consent should be presumed. **As with detainees who give permission, there is no need to cross out the name or offence in these cases.**

These guidelines have been agreed by the Custody Directorate, the NSPIS Implementation team and the MPA and are intending to assist custody staff to facilitate visits from independent custody visitors.





## Metropolitan Police Authority

### APPENDIX N

#### Categories of detainee

An ICV is able to visit people in police custody held for the investigation of a criminal offence or for other reasons under specific legislation.

The key task of an ICV is to check on the conditions and treatment of people in police custody. In order to do this ICVs will first need to establish the statutory basis for the person's detention and the rights and entitlements the detainee should expect to receive.

Although the vast majority of detainees will be held in accordance with the provisions of PACE it is important that ICVs clarify the statutory basis under which all detainees are being held in order to carry out the ICV visit effectively.

At the start of their visit ICVs should ask the custody officer or detention staff:

1. How many people are being detained in the custody suite?
2. Are there any detainees being held under a statutory authority other than PACE?
3. If so, what is their status and what provisions are set for their rights and entitlements whilst being in police custody?

It is not the role of the custody visitor to question or seek justification for the grounds of detention. It is, however, important that ICVs are aware of people being detained other than under the provisions of PACE, what their rights and entitlements are and whether these are being appropriately provided for. The table on the next pages sets out the categories of person who may be detained at the police station. These categories are defined by ICVA in conjunction with the Home Office.

It is also important to remember that the conditions of a person's detention must comply with the minimum provisions set out in section 8 & 9 of PACE Code C, irrespective of the statutory authority under which the person has been detained.

Category	Rights &Entitlement
PACE	<p><b>Set out in Code C of PACE</b></p> <p>Review time (before charge): 6hrs – 9hrs – 9hrs – 24hrs</p> <p>24 – 36hrs with Superintendents authority for all arrestable offences (exceptions juveniles &amp; mentally vulnerable where it must be a serious arrestable offence)</p> <p>36 – 96hrs with magistrate authority</p>
IMMIGRATION	<p><b>When an IS91 is served the detainee becomes “non-PACE” and practically is only housed for collection (usually 5 working days).</b></p> <p>The provisions on conditions of detention and treatment in sections 8 &amp; 9 (of PACE Code C) must be considered as the minimum standards of treatment.</p> <p>Differences from PACE detention may include: No reviews other than by incoming staff Access to property Supervised free association</p>
REMAND & SENTENCED	<p><b>Set out in Operation Safeguard protocols</b></p> <p>“The provisions of PACE do not apply to people in custody are convicted or remanded prisoners held in police cells on behalf of the prison service under Imprisonment (Temporary Provisions) Act 1890... the provisions on conditions of detention and treatment in sections 8 and 9 must be considered as the minimum standards of treatment for such detainees”</p>

Category	Rights &Entitlement
<b>CRIME (SENTENCES) ACT</b>	<b>Production of prisoners at the request of the police</b>  The provisions of PACE do not apply to people in custody who ‘are convicted or remanded prisoners held in police cells under the Prison Service Order the provisions on the conditions of detention and treatment in sections 8 and 9 must be considered as the minimum standards of treatment for such detainees’ (PACE Code C 1.12)
<b>SUSPECTED TERRORISTS</b>	<b>Set out in Code H of PACE</b>  Rights to free legal advice & to have someone informed may be delayed for only as long as is necessary but not delayed more than 48hrs from arrest.  Can be detained for 48hrs – 28 days (with Superintendent or above’s warrant for extension to court)
<b>OTHER</b>	<b>e.g. Lock-out prisoners, Place of Safety (Mental Health Act 1983), Bail Act pending appearance at Court</b>  The provisions on conditions of detention and treatment in sections 8 & 9 (of PACE Code C) must be considered as the minimum standards of treatment.





## **Metropolitan Police Authority**

### Appendix O

## **Sabbatical Policy and Procedures**

### **Purpose**

The MPA recognises that volunteers' circumstances may change. Sabbaticals from custody visiting are available to custody visitors, who may wish or need, for a variety of reasons, to take a break from custody visiting. ICVs on sabbatical will be excused from inclusion on visit rotas and attendance at panel meetings for the duration of the sabbatical.

### **Eligibility**

The MPA makes this opportunity available to custody visitors who have satisfactorily completed their six-month assessment period.

### **Approval Process**

A sabbatical may be granted, at the discretion of the ICV Scheme Manager, for a maximum period of one year. Extensions may be granted to the original period on request, provided that the total sabbatical period does not exceed one year.

### **Applications for sabbaticals**

The application for a sabbatical should be made in writing to the ICV Coordinator. The written application should detail the amount of leave requested and specify the reasons for the request. Although the ICV Coordinator will inform the panel of the sabbatical, the reasons for the sabbatical will remain confidential should the ICV request this. In order to enable Co-ordinators to manage the panel rota effectively, applicants are asked to give at least 1 months notice from the expected start date of the sabbatical (except in exceptional circumstances).

The ICV Scheme Manager will consider sabbatical applications following discussion with the applicant's ICV Coordinator. The ICV Scheme Manager will communicate the decision to the applicant via the ICV Coordinator.

### **Conduct during sabbatical period**

A Custody visitor on sabbatical must return their ICV security pass to their ICV Coordinator within 7 days of their last custody visit and before their sabbatical commences.

During a sabbatical, the custody visitor will continue to be subject to the policies and practices of the independent custody visiting scheme.

It is the responsibility of the custody visitor whose request for a sabbatical has been approved to keep the ICV Coordinator informed of any changes of address or contact details throughout the duration of the sabbatical.

### **Provisions**

During a sabbatical the custody visitor will continue to receive copies of any information circulated to volunteers where practicable, and is encouraged to remain in contact with the ICV Coordinator and Panel Chair.

Continuity of service will be preserved during the sabbatical period.

### **Returning to custody visiting**

Custody visitors on a sabbatical must contact their ICV Coordinators 1 month before they are due to return to either:

- Confirm that they wish to return on the due date;
- Apply for an extension (total sabbatical period cannot be more than 1 year); or
- Indicate that they wish to resign.

On receiving confirmation that the custody visitor wishes to return to custody visiting, the ICV Coordinator will arrange to return the custody visitor's ICV security pass and to put the custody visitor on the rota.

A custody visitor will normally return to their former panel, unless they no longer live, work or study in that borough.

Returning custody visitors will be required to attend refresher training to update their skills and familiarise themselves with any changes in the ICV Scheme or custody environment.





## Metropolitan Police Authority

### APPENDIX P

#### **Process for escalation of issues following a custody visit**

There are two broad categories of issues that may be of concern to ICV panels.

A) **Matters specific to the operation of the custody suite in a given borough:** e.g. the treatment of a particular detainee or detainees; conditions at a particular custody suite; the obstruction of ICVs during their visit and the behaviour of officers and other professionals at a particular station

B) **Problems that may be Met-wide:** e.g. problems perceived as resulting from custody procedure, process, policy or service contracts; problems resulting from the built infrastructure.

When issues of concern are potentially of Met-wide (category B), the panel may take their concerns directly to their ICV Coordinator who will escalate this to the Scheme Manager for discussion at regular meetings with the Custody Directorate.

For all other concerns the following escalation procedure should be followed at all times:

##### **1. Resolution of concerns at the Police Station at the time of the visit.**

Any concerns that the ICV pair have in respect of treatment of a particular detainee or detainees; conditions at the custody suite; the obstruction of visiting ICVs or any other matters specific to the visit in question should be expressed at time of the visit. Remedial action should be requested and carried out as soon as possible, preferably while the ICVs are still at the station if this is possible.

During or at the end of their visit, ICVs can bring up their concerns with:

- The escorting officer
- The duty Sergeant.

And if the concerns are particularly serious or pressing ICVs can request to see:

- The PACE Inspector
- The Custody Manager

##### **2. Significant issues of concern that cannot be resolved at the time of the visit**

Where significant issues of concern are identified that cannot be resolved at the time of the visit ICVs should record this in the visit report section "Matters requiring a response to the panel". The panel Chair or the ICV Coordinator should seek a response from the police via the borough Custody Manager prior to the next panel

meeting. The issues should be covered to the satisfaction of the panel at their next meeting.

**3. *Issues that are not resolved to the satisfaction of the panel***

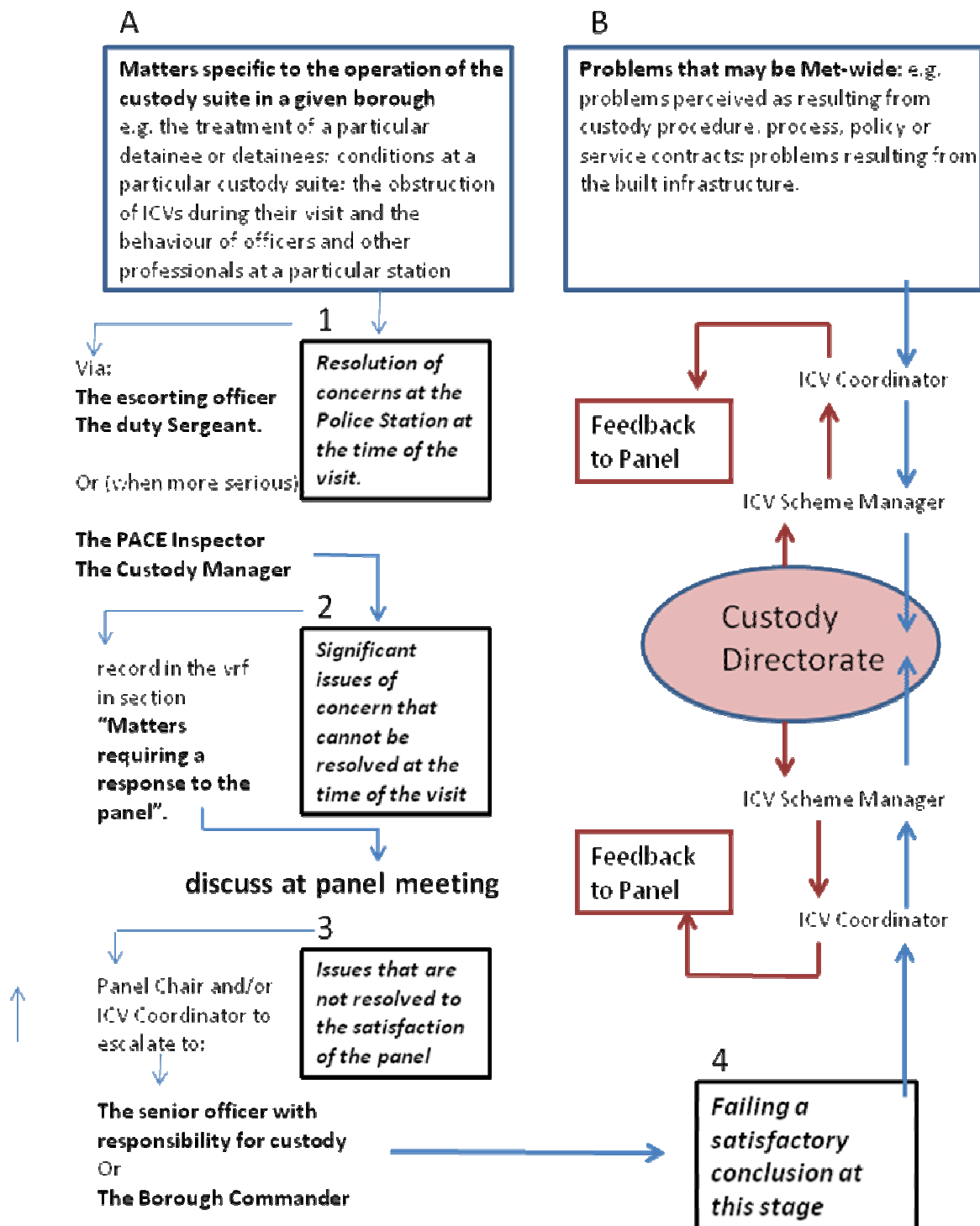
Issues that are not resolved to the satisfaction of the panel following contact with the Custody manager and discussion at the ICV panel meeting can be escalated to the senior officer with overall responsibility for custody or the Borough Commander. Either the Chair and ICV Coordinator can take forward the discussions, as mandated by the panel, but both should be kept informed of developments and copied into any correspondence.

Failing a satisfactory conclusion at this stage, the matter can be taken to the ICV Scheme Manager to be raised with the Custody Directorate.

ICV panel members who wish to escalate issues should follow these procedures and should not seek to circumvent established local resolution procedures.

ICVs should not seek to make direct contact with the Custody Directorate, as any issues which need to be brought to their attention should be raised through the ICV Scheme Manager. The Scheme Manager will ensure that the panel Chair is kept informed.

There are two broad categories of issues that may be of concern to ICV panels.







## Metropolitan Police Authority

### Appendix Q

#### ICV panel AGMs

Each ICV panel should hold an AGM once a year. AGMs should normally be held in the first 4 months of the year. The purpose of the AGM is:

- To accept the panel's annual report
- To hold an election for panel chair and vice chair

The panel's annual report period runs from January to December each year and the MPA aims to ensure that annual reports are published before the end of April the following year. Panel members will be sent a copy of the annual report in advance of the meeting and the Co-ordinator should be notified of any suggested amendments in advance of the AGM. Once the annual report has been formally accepted at the panel's AGM, it should be presented to the local Community Police Engagement Group (CPEG).

Elections are run by ICV Co-ordinators who will seek nominations from panel members in advance of the AGM. ICV Co-ordinators will set a deadline for receipt of nominations, in advance of the AGM. Panel members may nominate themselves. ICVs still on their 6 month probationary period will not be eligible to stand for election. If only one nomination is received for each role – or only one nominee agrees to stand - a ballot will not be held and the nominee will be elected unopposed.

- The ICV Co-ordinator will inform the panel at the start of the AGM who has been nominated
- The election will be conducted by secret ballot and the ICV Co-ordinator will issue ballot papers
- There will be no speeches or presentations
- Each panel member has one vote (this includes probationers)
- ICVs may vote for themselves, if they have been nominated
- If an ICV wishes to cast his/her vote in private he/she may leave the room
- If a mistake is made on the ballot paper, it will be considered spoilt

After ballots have been cast, the ICV Co-ordinator will collect in the voting papers and count them. He or she will ask for a volunteer who has not been nominated to verify the count. Once this has happened, the ICV Co-ordinator will announce the name of the person who is elected. There will be no recounts and no further voting details will be disclosed. Ballot papers will be destroyed by the ICV Co-ordinator after the election.





**Metropolitan Police Authority**

## Appendix R

### **ICV panel model constitution**

This Constitution is supplementary to the Home Office Codes of Practice and the National Standards governing Independent Custody Visiting as well as the MPA ICV Handbook, ICV Policies & Protocols, Memorandum of Understanding and the Governance & Operation of the London ICV Scheme.

#### **1. Name**

The name of the Group shall be called.....Independent Custody Visitors Panel hereafter called 'the panel'

#### **2. Objectives**

The objective of the panel is to make unannounced visits to police stations to check and report on the treatment of detainees in police cells to ensure their rights and entitlements are being observed.

#### **3. Membership**

The panel shall be comprised of independent individuals living or working in the panel borough who have been accredited by the Metropolitan Police Authority to become Independent Custody Visitors (ICVs).

#### **4. Chair & Vice-Chair**

- 4.1. The panel shall appoint from amongst its members a chair and a vice-chair at an AGM once a year.
- 4.2. The vice-chair shall support the chair in his or her role and deputise in the chair's absence.
- 4.3. The MPA consider it to be good practice for the chair and vice-chair not to have any formal relationship to each other outside of the Panel (i.e. are not related, married or domestic or business partners).

#### **5. MPA Responsibilities**

- 5.1. The MPA will assess how effectively independent custody visiting arrangements are working. Assessment will consist of reviewing the quality of the reports, the frequency with which visits take place and the number of occasions that detainees refuse to speak to visitors.
- 5.2. The MPA ICV Coordinator shall be responsible for providing all aspects of the administrative support to the panel. He or she shall, in consultation with the panel chair, monitor panel and individual performance, and address local issues.

## **6. Rota**

There shall be a rota for visits, which will be produced by the ICV Coordinator in liaison with the chair.

## **7. Visits**

Visits shall be undertaken by pairs of independent custody visitors working together. They will make arrangements for simultaneous attendance and have effective contingency arrangements.

## **8. Meetings**

- 8.1.** The panel shall meet at agreed intervals to consider custody visit reports and other panel business.
- 8.2.** At any meeting, including an AGM, half of the panel membership shall form the quorum.
- 8.3.** In the absence of the chair, the vice-chair shall take the chair, but in the absence of the chair & vice-chair the members shall appoint a chair for this purpose of the meeting.
- 8.4.** The chair shall have the casting or second vote in the event of equality of votes other than elections.
- 8.5.** Meetings shall not exceed two hours. After this period, any outstanding business shall be deferred to the next meeting.
- 8.6.** The panel will regularly consider the training needs of its members and maintain a policy of continuous development.

## **9. Values & Behaviours**

ICV's have the right to be treated with dignity and respect and not have to tolerate any racial, sexual, physical or other forms of harassment. ICV panel members should acknowledge their responsibility towards each other and towards the members of London's diverse communities and be concerned with the promotion of equality of opportunity irrespective of race, gender, disability, age, sexual orientation, religion or belief. They should strive to do their work in an environment that is free from harassment, bullying or victimisation.

## **10. AGM & Voting**

- 10.1.** Annual General meetings shall be held once a year.
- 10.2.** Members shall appoint a chair and a vice-chair at the AGM once a year.
- 10.3.** Nominations for each position should be submitted to the ICV Coordinator at least 14 days before the AGM.
- 10.4.** Voting shall be by a secret paper ballot.
- 10.5.** Each member is entitled to vote; one vote for each position to be filled.
- 10.6.** The chair and vice chair shall step down for the duration of the vote and the ICV Coordinator shall chair the meeting. In the event of an equal number of votes cast, a further vote will be held.
- 10.7.** Appointment shall be effective from the close of the AGM to the commencement of the election process at the next AGM.
- 10.8.** In the event of the resignation of either the chair or vice-chair during the term then an Extraordinary General Meeting shall be called in order that elections may be held. The same rules and procedures will apply as for the Annual General Meeting.



## **11. Finance**

- 11.1. ICVs are responsible for completing and forwarding their expense claim form in a timely manner.
- 11.2. The ICV Coordinator will be responsible for agreeing and submitting expense claim forms for processing by the MPS finance department.
- 11.3. The ICV Coordinator will be responsible for approving and making all other payments relating to the operation of the panel.

## **12. Interpretation and alteration of the constitution**

- 12.1. All matters relating to the interpretation of the constitution should be referred to the panel chair or ICV coordinator.
- 12.2. All matters relating to the amendment of the constitution should be referred to the MPA via the panel chair.





**Metropolitan Police Authority**

Appendix S

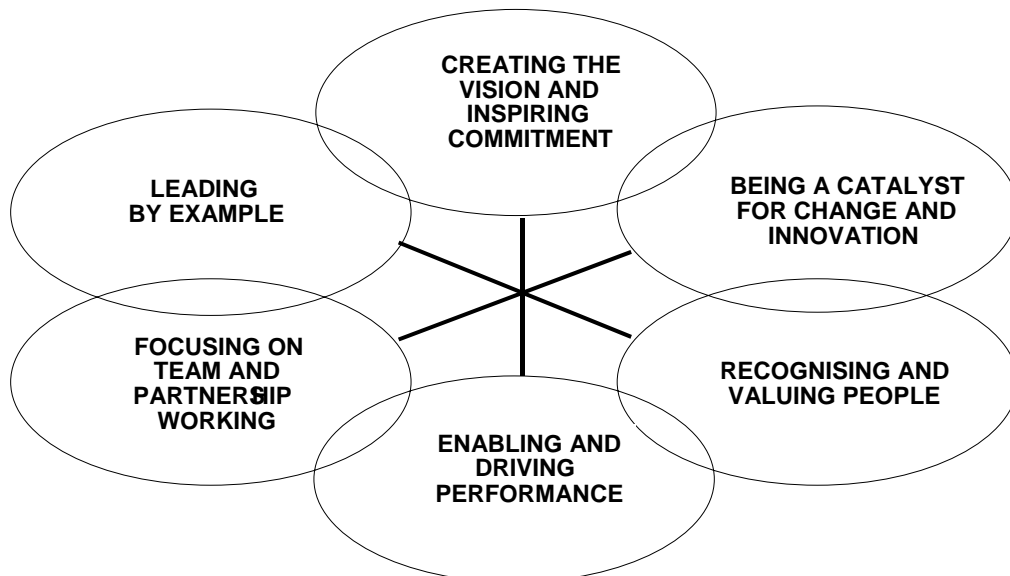
**MPA Priorities and Values and Behaviours**

The MPA has five key corporate priorities:

The Authority will:

- Hold the Commissioner rigorously to account for improving the operational performance of the MPS
- Transform community engagement to help Londoners secure more responsive policing
- Work with the MPS to achieve cultural change throughout the service so that everyone in London can gain and retain confidence in policing
- Drive the MPS to make the most effective, efficient and cost conscious use of all its resources
- Deliver a fit for purpose, efficient and effective MPA

These are underpinned by our six key values and behaviours:



The MPA's priorities and our values and behaviours are an important part of everything we do. It is vital that everybody, both staff and volunteers, contribute by applying them to their work, with each other, and to the individuals and communities that we serve. By doing this, we are able to work together to achieve success.



## Appendix T

### Standards in Public Life

The MPA is committed to a culture that is one of honesty, integrity and propriety. MPA Members, staff and all those engaged in a voluntary capacity supporting the MPA including independent custody visitors, are required to observe the ten general principles of public life laid down by Parliament for all who serve the public in any way.

Police officers of all ranks, police staff, officers and MPS volunteers are also required to observe these principles.

The ten general principles of public life are:-

1. **Selflessness** – holders of public office should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
2. **Honesty and integrity** – holders of public office should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.
3. **Objectivity** – holders of public office should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
4. **Accountability** – holders of public office should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
5. **Openness** – holders of public office should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
6. **Personal judgement** – holders of public office may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
7. **Respect for others** – holders of public office should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual

orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

- 8. Duty to uphold the law** – holders of public office should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
- 9. Stewardship** – holders of public office should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.
- 10. Leadership** – holders of public office should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.



## Appendix U

### **MPA Independent Custody Visiting Scheme Memorandum of Understanding**

This Memorandum of Understanding describes the arrangement between the Metropolitan Police Authority (MPA) and you, as an independent custody visitor. Independent custody visitors are volunteers and are not under any contractual obligation to the MPA.

We wish to assure you of our appreciation of your volunteering as an independent custody visitor and will do the best we can to make your experience positive and rewarding.

#### **Part 1: Your role and the organisation**

Your role as an independent custody visitor is to carry out unannounced visits to Police stations in order to check and report on the condition and treatment of people being held in Police custody.

This role is designed to enable the MPA to carry out its statutory responsibility under the Police Reform Act 2002 s51 to ensure that an effective custody visiting scheme operates in London.

Custody visiting is governed by the Home Office Codes of Practice (2003), relating to independent custody visiting and a set of National Standards (2004). Independent custody visitors in London should also have regard to MPA guidelines, policies and operating practices.

The MPA is a statutory body, established in 2000 to oversee and scrutinise the police and to ensure that the police are accountable to Londoners.

Independent custody visiting is an important part of the MPA's function in this respect – providing an important scrutiny and community reassurance function in relation to the welfare of detainees held in police custody in the capital.

### **Independence**

The MPA recognises and respects the independence of independent custody visitors whilst performing their duties, and at the same time acknowledges its statutory responsibility for managing the scheme effectively.

Independent custody visitors are independent members of the community at the time of recruitment to the MPA Scheme. It is incumbent on independent custody visitors to maintain independence from the police in carrying out their duties.

The MPA is the body responsible for the management and oversight of the scheme in London and acts as a pan-London liaison between independent custody visitors and the police. Independent custody visitors volunteer for the scheme through the MPA and as such, are required to observe MPA policies and guidance.

## **Part 2: What the MPA will provide**

The MPA commits to the following:

### **1. Induction, assessment, training and performance**

- To provide induction and training on the purpose and role of independent custody visitors, your role as a visitor and training you need to meet the responsibilities of this role. The London independent custody visitor Handbook will provide more details on the MPA's role and on independent custody visiting. Further information can also be found on the MPA's website [www.mpa.gov.uk](http://www.mpa.gov.uk) and the ICVA (national) website [www.icva.org.uk](http://www.icva.org.uk)
- To provide refresher training and ongoing learning opportunities. We believe that ongoing training and development is crucial to the role of the independent custody visitor, as they are required to operate in a complex legal and regulatory context.



- To provide you, subject to successful vetting clearance, with a security pass which will enable you to gain access to custody suites in police stations<sup>6</sup>.
- To facilitate an initial six month assessment period, to monitor your performance at regular intervals and to review extensions of appointments<sup>7</sup>

### **Assessment period**

The first six months is considered to be an assessment period<sup>8</sup>. During this time initial training must be completed and number of custody visits must have taken place – more information on the assessment period should be given to you by your panel chair and further details will be found in the ICV Handbook. Once an independent custody visitor passes their assessment period, appointments will be made initially for a three year period and are subject to review by the MPA.

## **2. Supervision, support and structure**

- To explain the standards we expect for our services and to encourage and support you to achieve and maintain them
- To provide a local borough operational structure (called a panel) and a named member of the panel with whom you can meet to discuss and review your progress (usually the panel Chair or other member of the panel nominated by the Chair)
- To provide a named person (usually the ICV Coordinator) in the MPA with whom you can discuss your role and any successes or problems
- To provide you with relevant policies and guidance to assist you in carrying out your role
- To do our best to help you develop your role as a independent custody visitor, throughout your time with us
- To listen to your feedback and to acknowledge and value your contributions

## **3. Expenses**

To repay your expenses in a timely manner, following procedures set out in detail in the Expenses policy (Annex E of the ICV Handbook):

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<sup>6</sup> Existing visitors who have already been through the central vetting process will **not** need to be re-vetted until their existing pass expires

<sup>7</sup> The six month assessment period only applies to **new** visitors. Existing visitors will be reviewed every three years

<sup>8</sup> This applies to **new** visitors only, as stated above in note 2

- Travel to and from your home or work to enable you to carry out visits to detainees and to attend ICV meetings: see the Expenses policy for rules on methods of travel and car mileage allowances
- Cost of necessary phone calls made in connection with ICV duties - see Expenses policy for details
- Other out of pocket expenses, as detailed in the Expenses policy

All expense claims must be submitted at least quarterly on the MPA independent custody visitor claim form and accompanied by valid receipts.

#### **4. Health and safety**

- To take all reasonably practicable steps to ensure that you can perform your duties as an ICV safely, and to provide adequate information and training in support of our health and safety policy and risk assessment.

#### **5. Insurance**

- To provide adequate insurance cover for independent custody visitors whilst undertaking voluntary work approved and authorised by the MPA

#### **6. Equal opportunities**

- To ensure that all independent custody visitors are dealt with in accordance with our equal opportunities policy, a copy of which can be found on the MPA website: [www.mpa.gov.uk](http://www.mpa.gov.uk). A joint MPA/MPS equalities statement is set out in Annex H of the ICV Handbook.

#### **7. Problems**

- To try to resolve fairly and openly any problems, grievances or difficulties you may have while you are independent custody visitor
- In the event of an unresolved problem, to offer you an opportunity to discuss the issues in accordance with the appropriate MPA procedures

### **Part 3: The Independent custody visitor**

I agree:

- To assist the MPA to fulfil its statutory responsibility to provide independent custody visiting in London
- To adhere to the Home Office Code of Practice surrounding custody visiting and the National Standards and to pay due regard to the Police and Criminal Evidence Act (PACE), Code C.
- To perform my role as a independent custody visitor to the best of my ability
- To treat my fellow independent custody visitors, detainees, the police and MPA staff with due respect and courtesy
- To observe the MPA's operating practices, policies and guidelines, including health and safety and equal opportunities, and to abide by these policies, practices and guidelines when visiting detainees
- To fully complete MPA report forms on each visit and ensure that these are returned to the MPA in a timely manner
- To maintain confidential information in relation to detainees and the panel
- To undertake a minimum of 12 custody visits per 12 months, unless an alternative agreement for less visits has been made with my panel and in that case, adhere to that agreement as a minimum
- To endeavour to attend all panel meetings, and to attend a minimum of two thirds of these meetings
- To meet the time commitments and minimum standards required as a independent custody visitor and to give reasonable notice so other arrangements can be made when this is not possible
- To immediately inform the MPA if I receive a caution or am arrested
- To undertake training as required by the MPA

I understand and accept that due to the level of access I will have to police custody suites, I will be subject to security vetting for this role and will be required to complete a standard security vetting form.

This agreement is binding in honour only, is not intended to be a legally binding contract between us and may be cancelled at any time at the discretion of either party. Neither of us intends any employment relationship to be created either now or at any time in the future.

**Sign:**

**Print name:**

**Panel:**

**Date:**

March 2007