

London ICV Newsletter

April 2008

Nationwide Roll Out of Criminal Defence Service Direct Call Centre

Criminal Defence Service



With effect from 21 April 2008, the way in which arrangements for detainees to access legal advice and/or a solicitor changes. This will not alter the way the police work merely the way services are allocated.

These reforms relate to the arrangements for providing publicly funded legal advice at police stations, and in straight forward matters this will now be done via the Criminal Defence Service (CDS) Direct scheme. CDS is an essential support mechanism to the success of the wider reforms to legal aid, that flow from Lord Carter's independent review of legal aid

procurement.

The contents of Notes for Guidance 6B of PACE Code C will be superseded by 6B2 in all police forces areas in England and Wales.

6B2: A detainee who asks for legal advice to be paid for by himself should be given an opportunity to consult a specific solicitor or another solicitor from that solicitor's firm. If this solicitor is unavailable by these means, they may choose up to two alternatives. If these attempts are unsuccessful, the custody officer has discretion to allow further attempts until a solicitor has been contacted and agrees to provide legal advice. Otherwise, publicly funded legal advice shall in the first instance be accessed by telephoning a call centre authorised by the Legal Services Commission (LSC) to deal with calls from the police station. The Defence Solicitor Call centre will determine whether legal advice should be limited to telephone advice or

whether a solicitor should attend. Legal advice will be by telephone if a detainee is:

*detained for a non-imprisonable offence,

*arrested on a bench warrant for failing to appear and being held for production before the court (except where the solicitor has clear documentary evidence

*available that would result in the client being released from custody),

*arrested on suspicion of driving with excess alcohol (failure to provide a specimen,

*driving whilst unfit/drunk in charge of a motor vehicle), or

*detained in relation to breach of police or court bail conditions.

An attendance by a solicitor for an offence suitable for telephone advice will depend on whether limited exceptions apply, such as:

*whether the police are going to carry out an interview or an identification parade,

*whether the detainee is

eligible for assistance from an appropriate adult,

*whether the detainee is unable to communicate over the telephone,

*whether the detainee alleges serious maltreatment by the police.

Apart from carrying out these duties, an officer must not advise the suspect about any particular firm of solicitors.

The full amendment to Notes for Guidance PACE Code C can be seen on the insert, included with this newsletter.

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Update on Pilot Project to Promote Independent Monitoring in Chinese Police Detention Centres

Last year we told you about a delegation from China who had visited the MPA to discuss the London ICV scheme, in the hope that a similar scheme could be piloted in China.

Orlando Edwards from the Great Britain China Centre (GBCC) has sent us the following update on the pilot's progress, he writes; 'The 6 month project is taking place in Liaoyuan, a town near to Shenyang, Jilin Province in Manchuria (north east China), which has recently seen more than its fair share of torture cases. Before the pilot begins, our Chinese partners, the Peoples University of China, Beijing will send researchers to look into the current situation regarding complaints, interrogation facilities, detention facilities (including both short

term police cells and detention centres) and current practice to provide a pre-project benchmark of practices. This will be followed by the selection of 10-15 visitors from Liaoyuan People's Congress and the People's (Lay) Supervisors. They will be normal, working people and will need to be paid in order to make the visits. Chinese partners have asked for advice on the process, selection and appointment of Independent Custody Visitors in England and details have been provided (by the MPA).

At the end of this month, GBCC and The Rights Practice will travel to north east China to deliver training workshop for the Chinese lay visitors. The training will be similar to the training that ICV's in the UK receive, emphasising that the training is from the

perspective of an Independent Custody Visitor in London; role-play exercises and what to expect from a typical visit, reporting and monitoring. For one exercise, we plan to act out a little role-play and perform it in Chinese! After the training, monitoring visits will take place over a two month period and the People's University of China researchers will make frequent visits to the detention centre to see how practices have changed and what difference the visits make. The whole idea of independent visits is very new to China. The researchers will therefore write up their findings in a report at the end of the project which will be discussed with decision makers and leading influential officials from the Supreme People's Procuratorate, the

Ministry of Justice and the Supreme People's Court as well as influential academics and members of the Legislative Affairs Commission in Beijing in June with the aim of promoting this initiative more widely throughout China.

The overall aim of this pilot project is to demonstrate a workable mechanism to enable China to ratify the Optional Protocol to the UN Convention Against China. The project has received some funding from the Foreign and Commonwealth Office and some funding from the European Institute for Democracy and Human Rights, but is still looking for some funds to cover the costs of the evaluation and recommendations seminar.'

London ICV Conference 2008

On **Saturday 26 April 2008** at the **Park Plaza Riverbank Hotel**, Albert Embankment, the MPA is hosting its 3rd Conference for London ICVs. The Hotel boasts some of the most spectacular conference and event

facilities in London, and so should be a great setting for the event.

The main themes of the conference are Modernising Custody – meeting the challenges of the future, and the impact/issues relating to Immigration

detainees within MPS Custody. Also of great interest will be a presentation on the potential custody implications of the trial use of Tasers by the MPS.

There will be a variety of

speakers from the MPS, including DAC Rose Fitzpatrick, as well as Home Office, and Border & Immigration Agency officials.

Invites were sent out with a closing date for replies of 4 April.



John Roberts Wins Prestigious Scarman Award

John Roberts, the MPA's lead Member for ICV has been awarded the Lord Scarman Award in Lambeth for his dedication to the communities there.

John's roots go a long way back in Lambeth. His great grandad, grandad and dad were born and lived in the Lambeth Walk - and now John lives there too. He has been presented with the Lord Scarman Award as part of the Lambeth civic awards, which are given to people who live in Lambeth and who care about their local community, making a positive and selfless contribution to the lives of others. The Lord Scarman award in particular is awarded to the person who has contributed to developing, increasing or

promoting equality and inclusion in the areas of race, gender, disability, age, sexuality, religion or belief and achieving or encouraging achievement in challenging circumstances.

All nominations are judged by a panel of councillors, and independent members of the business and voluntary sectors of the community.

At the MPA John is also the link member for Lambeth and lead on stop and search, but whatever he tackles it is done with enthusiasm and determination.

His contribution to communities in Lambeth, in particular Vauxhall, is legion and spans a vast number of interests. He established and chaired the Vauxhall riding for disabled group and chaired the Vauxhall city farm. He also works with a deaf club in Kennington and having



John receives his award from Lambeth Mayor Andrew Gibson

passed stage one of the British Sign Language; he has just taken stage two and is learning to lip-read. More recently he has tackled issues around the equalities agenda and had worked on a voluntary basis for the Met before his appointment to the MPA. Following the brutal murder of David Morley on the Southbank he helped set up the Vauxhall gay business association, empowering its members to take a lead in tackling homophobic hate crime in Vauxhall, and furthermore facilitating a full time LGBT liaison officer for Lambeth. John has also advised on the pan

London strategy to tackle homophobic crime.

25 years ago he started his voluntary work in youth clubs and became an outreach worker with very vulnerable young people. Youth inclusion has always been an extremely important issue for him and he has worked extensively on the Kennington Park Estate, as well as in Westminster and Tower Hamlets.

John (pictured above) received his award at a ceremony on Wednesday 26 March, from the Mayor of Lambeth.

Gerry Honoured By Barnet

Chair of Barnet ICVP, Gerry Kirby was recently given a Civic Award, by the Mayor of Barnet, for his continuing community work. Pictured (right) receiving his award from the Mayor of Barnet, Councillor Maureen Braun; Gerry was very honoured to accept his award in recognition of his service to the community. Gerry has been Chair of Barnet

ICVP for the last 3 years, having been Vice-Chair for a year prior to this. He has been an ICV since 2003.

Gerry has also given 24 years service to the Mayor's Appeals Committee in Barnet as well as being a Governor of The Hyde and Oak Lodge schools for the last 18 years. Well done Gerry!



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ICV Information Event

The next ICV Information Evening will be held on **Wednesday 7 May 2008**, from **6.30-8pm**, at the MPA offices.

The first pilot ICV Information Evening was held in November last year and was very successful. Of the 24 people that attended, 16 returned their application forms and most have been interviewed and/or accepted onto panels.

The aim of the Information Evening is to give members of the public an opportunity to find out more about the scheme before committing to the role. Two ICV Chairs will give a brief presentation on the role of Independent Custody Visitors during the event, along with MPA staff.

Greetings from Thailand

Greetings from Thailand are sent from Richmond ICV James Grieves and his wife Janet. Mr Grieves is currently on a year's leave of absence from his ICV work, as he is working on a Unicef/Sony-USA project called 'One Child One Laptop'. Mr Grieves and his wife are teaching English, computer skills and health education to children at a school for the poor just outside Bangkok. They are due to return in the Summer.

Correction!

In the February edition of the Newsletter we featured an article from the ICVA conference about arrangements for visiting detainees held under the Terrorism Act, in Greater Manchester, and how they compared to our own procedures. We incorrectly stated that 'In contrast with the Greater Manchester protocol,[in London] visits should be made by appointment.' This is not the case, ICVs *usually* speak with custody staff to establish if detainees will be available to see ICVs, but it is *not compulsory*. We apologise for any confusion.

Training Dates 2008**Initial Training:**

17 May - Saturday 10am-5pm

16 & 23 June - Monday evenings
6-9pm

At MPA offices.

Please contact Coordinators for further information.

Bon Voyage to Erwin John-Seow

Bexley Panel recently said farewell to longstanding and committed panel member Erwin John-Seow, who is emigrating with his family to warmer climes in the West Indies. Erwin's departure, after three years with Bexley panel, was celebrated with fondness and good humour, including lunch with his former ICV colleagues, a letter of thanks from Bexley Borough Commander Chief Superintendent Tony Dawson and a Certificate of Appreciation from the MPA.

Erwin is thought to be considering establishing a custody-visiting scheme in Trinidad and he has promised to keep his London colleagues updated on his progress in the future.

Dr Hibbert

It is with sadness that we report the death of long serving Bromley ICV Dr Geoffrey Hibbert. Dr Hibbert had been a Bromley ICV since 1997 until his illness in 2006. He and his wife kept in regular contact with the panel via Chair, Margaret Gubbins, as he always intended to return to the panel. Dr Hibbert leaves his wife, Heather.

In the Next Issue:

*An interview with a long time ICV in 'Let's Meet.....'
London ICV Conference Report*

*If you have a question or story for the newsletter send it to:
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