

## **GWENT POLICE AUTHORITY**

### **INDEPENDENT CUSTODY VISITING SCHEME FOREWORD**

This handbook has been designed to help independent custody visitors carry out their role of visiting designated police stations within the force area to check on the welfare of persons held there and the conditions in which they are kept.

The Handbook has been amended to incorporate the requirements of the Codes of Practice on independent custody visiting issued further to section 51(6) of the Police Reform Act 2002. It seeks to inform custody visitors of the regulations of the scheme and attempts to clarify procedural issues raised by custody visitors and custody officers through the consultation process.

It is supplemented by the Independent Custody Visiting Association's (ICVA) publication "What is an Independent Custody Visitor?"

A list of coordinators names and telephone numbers will be issued under separate cover to each custody visitor to include in the handbook. Every attempt has been made to ensure the accuracy of the contents of the handbook.

If you have any queries not covered by the contents of this handbook please contact the Authority's Scheme Administrator: Mrs Sian Curley who can be contacted on 01633 643025.

Assistance can also be sought from Helen Thatcher in the Police Authority Office at Police Headquarters on 01633 642016.

## **GWENT POLICE AUTHORITY INDEPENDENT CUSTODY VISITING SCHEME**

### **Background**

1. 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 to both detainees and the police and reassurance to the community at large.

### **Responsibility**

2. The responsibility for organising and overseeing the delivery of independent custody visiting lies with the police authority, in consultation with the Chief Constable. 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.
3. Overall responsibility for the central administration of the scheme lies with the Police Authority's Custody Visiting Scheme Coordinator.
4. Pairs of volunteers will be organised to visit police stations in the Authority's area.

### **Recruitment**

5. The Police Authority is responsible for recruiting, selecting and appointing independent custody visitors and will ensure these functions are adequately resourced.
6. Adequate numbers of suitably trained and accredited independent custody visitors will be available at all times.
7. The Police Authority will recruit custody visitors by inviting applications from, and representative of the local community. 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, which the Police Authority may consider suitable.

### **The Recruitment Process**

8. Recruitment will be based on a clear job description, as well as a person specification setting out the qualities independent custody visitors require to carry out their role effectively.
9. Recruitment will be open, nondiscriminatory and well publicised.
10. All selections will be made on the basis of a standard application form.

11. No person shall be appointed as an independent custody visitor without an interview taking place. The selection panel will record the reasons for decisions about appointment or non-appointment.
12. Any appointment will be made solely on merit and all independent custody visitors must be at least 18 years old.

### **Training**

13. The basic responsibility for training lies with the Police Authority and a structured plan with clear objectives will be developed in consultation with the police service and the local independent custody visiting community. Custody visitors must complete an initial induction course prior to any visits being undertaken. Refresher training must also be completed as required.
14. The Police Authority will evaluate the effectiveness of training and the extent to which it is achieving its objectives.

### **Selection**

15. The Police Authority is responsible for the recruitment, selection and appointment of custody visitors. Suitable applicants will be asked to attend an interview to test suitability against the person specification and to maintain consistency and objectivity in selecting from the field of potential custody visitors. The selection panel will record the reasons for decisions about appointments and provide, if asked, necessary feedback to those who have been unsuccessful.
16. The Police Authority will 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.
17. All reasonable adjustments will be made to accommodate those with disabilities and those who do not have English as their first language where they are considered suitable candidates.
18. Visitors will 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.
19. 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 will be considered in assessing suitability to become an independent custody visitor. However, past offending is not an automatic barrier to acceptance.
20. In appointing independent custody visitors, care will 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.

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

21. 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.
22. 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**

23. The Police Authority will provide each independent custody visitor with a written memorandum of understanding summarising their agreed responsibilities and the legitimate expectations of both parties.
24. 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.
25. Custody visitors' identity cards must be used only for the purpose of making custody visits. Use of the card for any other purpose, will result in the appointment being terminated.

### **Tenure**

26. Appointments will initially be for three years and will not be confirmed until a six-month probationary period has been satisfactorily completed. Full reassessments of suitability will 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**

27. The Police Authority can remove an independent custody visitor's accreditation because of misconduct or poor performance.
28. Although the work is entirely voluntary, the Police Authority has the right to consider the removal of a custody visitor from its accredited list, either because of misconduct or poor performance. Misconduct may include such matters as a conviction for a criminal offence or by failing to act in accordance with agreed guidance and expectations. Poor performance can relate, for example, to a failure to attend for visits or complete adequate reports.
29. Where a visitor fails to make a custody visit within a six month period the Chief Executive to the Police Authority will write to the person concerned to establish whether this is simply an oversight (e.g. because report forms have not been submitted), or to seek an explanation.

30. Where an individual has not made any visits within a 12 month period and no good reason for this has been notified to the administrator of the scheme, the Police Authority will consider whether that person's appointment should be terminated.
31. Procedures for considering possible removal will follow the principles of natural justice and be publicised. The custody visitor concerned will be notified of the grounds on which removal is being considered and advised that they can make oral or written representations (or both), and the avenue of appeal to the Police Authority itself.
32. Custody visitors should notify the Police Authority if they are arrested and charged with a criminal offence. In such circumstances, the Police Authority will suspend the appointment of that custody visitor until the outcome of any criminal proceedings is known. If the custody visitor is subsequently found to be not guilty, or if charges are dropped, they will normally be reinstated.

### **Complaints procedures**

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

### **Number of Custody Visitors**

34. The Police Authority in consultation with the Chief Constable will appoint sufficient custody visitors to ensure that appropriate numbers of random visits are made to designated police stations throughout the Gwent Police area.

### **Frequency and coverage of visits**

35. The Police Authority will liaise with the Chief Constable about the frequency with which visits should be carried out.
36. Visits will be sufficiently regular to support the effectiveness of the system, but not so frequent as to unreasonably interfere with the work of the police.
37. It should be noted that it is unlikely that visits less frequent than once a month can ever be justified where stations designated for detention purposes under Section 35 of the Police and Criminal Evidence Act (PACE) are concerned. Busy stations will generally warrant visits at least once a week.
38. Care will need to be taken that custody visits, whilst sufficiently frequent to meet the objectives of the scheme, do not take place so frequently that they impair the efficiency of the administration of the police station concerned or the operational work of the officers attached to it. Custody visitors should bear in mind that such visits impose an unexpected responsibility on custody officers, and they should be aware of possible delays during custody officers' changeover periods.

39. The Police Authority will prepare a rota which will indicate the required frequency of visits to individual stations and distribute the workload evenly between all custody visitors. Visits will be monitored against expectations and reported to the police authority at regular intervals. Where insufficient visits are taking place, the causes will be investigated and corrective action taken
40. 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.
41. Custody visitors are normally expected to make a minimum of 12 visits per year.

### **Conducting visits**

42. Visits will be undertaken by pairs of independent custody visitors working together.
43. No more than two visitors should normally attend at any one time as larger parties could place an excessive burden on custody staff.
44. Any unauthorised persons must not accompany custody visitors. Custody visits can only be made when accompanied by another accredited custody visitor.

### **Attendance at the Police Station**

45. Custody Officers will only respond to custody visitors attending in person at a police station. Telephone enquiries as to the custodial situation at a police station will not be responded to.
46. To emphasise their impartiality, custody visitors should not combine the making of a visit with the conduct of any other business at a police station.

### **Visits at the Request of the Police**

47. Whilst custody visits should normally be unscheduled, there may be instances when there is particular tension within the local community about the treatment or wellbeing of one or more persons being detained at a police station. In such circumstances, the duty officer at that police station may invite custody visitors to attend, to allay myth and rumour. The police officer requesting the visit will be responsible for contacting two custody visitors to make the visit. Names and telephone numbers of visitors will therefore be kept in the appropriate custody office and are available on the Police Authority Intranet site, for this purpose.

### **Risk Assessment - Standard Operating Procedure**

48. Prior to visiting a detainee the Independent Custody Visitor will liaise with the Custody Officer. Where possible that liaison will be with the Custody Officer booking in the detainee in the first instance. This will enable the Independent Custody Visitor to ask direct questions of the Custody Officer to better determine the mental and physical condition of the detainee prior to a visit.

49. It is accepted that this direct contact with the original Custody Officer will not always be possible. On such occasions the initial risk assessment contained in the custody record will be referred to.
50. An initial entry should be made in the custody record by the custody officer following a request by the Independent Custody Visitor to visit a particular detainee. The entry will include an up to date assessment gleaned from examining previous custody entries and any other observations that may be relevant. Any decision to deny access to a detainee, and the grounds for same will be recorded by the Custody Officer on the custody record.
51. If there is no reason to refuse a visit at this stage, the Custody Officer and the Independent Custody Visitor will then attend at the detainee's cell where the detainee will be observed by the Custody Officer to determine his/her demeanour. The Custody Officer will make no comment to the Independent Custody Visitor outside of this assessment, who will remain within sight and out of hearing of the Custody Officer whilst this assessment is being conducted.
52. Should the Custody Officer, at this stage determine that it would not be safe to proceed with the visit, the Independent Custody Visitor will be escorted away from the cell and the reasons for that decision will be recorded in the custody record.
53. The Custody Officer having decided that a visit will take place, shall step back allowing the ICV to make an introduction from the cell doorway. The CO will remain in sight but out of hearing throughout the visit.
54. At the conclusion of the visit the ICV may seek the permission of the detainee to examine the custody record where they feel a check is necessary. Consent or otherwise, to examine the record will be endorsed on the custody record.

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

55. Independent custody visitors must be admitted to the custody area **immediately**. 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 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.
56. Custody visitors must wear their identity badge throughout the course of the visit. Upon arriving at the public enquiry counter, custody visitors must identify themselves and explain the purpose of their visit. At this point, they should be admitted **immediately** to the custody area. 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.

57. Custody visitors will be allowed to inspect all parts of the custody area including cells, detention rooms, charging areas, washing facilities, kitchens or food preparation areas and medical room (but not the drugs cabinet). Custody visitors will wish to satisfy themselves that these areas are clean, tidy and in a reasonable state of repair and decoration, and that bedding in cells, when appropriate, is clean and adequate. Relevant storage areas may also be seen and visitors should check that there are adequate stocks of bedding and other necessary items. They should also verify that arrangements are established for the cleaning of blankets etc and for any necessary replacement of furnishings and equipment. However, it is not part of their role to attend police interviews with detainees.
58. Custody visitors should check that any CCTV systems installed to observe the custody area or individual cells are operating properly. They may inspect empty cells and detention rooms to check heating/ ventilation systems and that cell bells and toilet flushing mechanisms are working properly. They may visit interview rooms in the custody area if unoccupied, but not CID rooms or other operational parts of the station.
59. In addition to any risk of violence from detainees, police staff should also be alert to any specific health and safety risks custody visitors might face and should advise them as appropriate. For example, visitors should always be told if there is a possibility of them coming into contact with detainees or cells exposed to PARVA spray.
60. In the interests of security and the safety of custody visitors, the custody officer or a member of the custody staff will accompany custody visitors during visits.
61. However, the escorting officer should normally remain within sight, but out of hearing during discussions between visitors and detainees.
62. The custody visitor's introduction to the detainee should be as follows:

**'We are independent custody visitors. We are members of the general public who visit police cells as volunteers. Our job is to:**

**check on your welfare while you are in custody, and listen to any concerns or problems you have about your treatment.**

**We have not been told who you are or why you are in custody and we do not need to know that.**

**We cannot give you legal advice.**

**We do not need to discuss the circumstances surrounding your arrest or the commission of any offences in which you may have been involved. However if you do so, we have a duty to report the matter to the police. Can we speak to you?'**

## **Access to detainees**

63. Subject to the exceptions referred to in paragraph 48, independent custody visitors must be allowed access to any person detained at the 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.
- Operation Safeguard Operation Safeguard refers to the rehousing of prisoners from HMP into up to 500 police cells nationwide. Since the statutory regulations relating to independent custody visiting came into effect in the Police Reform Act 2002, section 51 of the Act and paragraph 2 of the Independent Custody Visiting Codes of Practice make no distinction as to the status of the detainee (i.e. whether they are being detained under PACE, terrorism powers, immigration powers etc.). On that basis Independent Custody Visitors should be given access to Operation Safeguard detainees held at police stations unless the standard exceptions apply.

Clearly the rights and entitlements of Operation Safeguard detainees differ from other detainees and the police authority should ensure that the relevant custody visitors are aware of the rights and entitlements of Operation Safeguard detainees. As with all detainees, grievances or concerns should continue to be raised with the custody officer.

*Further guidance on Operation Safeguard detainees can be found at Annex A to this handbook.*

64. 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.
65. 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.
66. Juveniles may be spoken to 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.

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

### **Consent of detainee**

68. Detainees can only be visited with their consent.

### **Self Introduction**

69. Self Introduction was brought into the Gwent Custody Visiting Scheme on the 1<sup>st</sup> July 2007. Independent Custody Visitors introduce themselves to the detainees and read the cue card. This was previously the responsibility of the Escorting Officer.

The custody visitors must ensure that they do not enter the cell and remain in the doorway whilst reading the cue card.

While the visitors introduce themselves and the scheme, the Escorting Officer must be out of sight of the detainee, but within earshot. Once the detainee agrees to the visit the Escorting Officer must move out of earshot, but remain within sight of the visitors, as much as practically possible.

Should the detainee refuse a visit, the visitors should immediately withdraw from the cell door.

Whether or not the detainee agrees to see the visitors, the escorting officer should seek permission for them to have access to the detainee's custody record. A detainee's consent or refusal for a visit will be endorsed on the Custody Record by the custody officer.

### **Non – consent of detainee**

70. 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 should 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. That 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.

### **Detainees who are asleep**

71. 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 for under PACE, the normal procedure should

be not to wake the person but to observe them through the cell hatch.

### **Detainees who are being interviewed**

72. 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.

### **Treatment of detainees**

73. Custody visitors should satisfy themselves that their statutory rights have been explained to detainees and they have been given the written notice of those rights (see paragraph 74). They should also be satisfied that detainees have received those facilities to which they are entitled under Code C of the PACE Codes of Practice. (*A copy of Code C is reproduced at the back of this handbook*). Where a detainee is unfit to understand his/her rights (i.e. through drunkenness/is violent or likely to become violent) the custody officer is not required to give them at the time this judgement is made. However, the detainee's rights will be given as soon as possible after he/she is deemed fit to understand what is being said. This will obviously differ in each case.

### **Restriction on access to detainees**

74. 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 the custody officer and recorded in the custody record. The decision to deny access should be taken in each case in the light of all the 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.
75. It will be the responsibility of the officer in charge of the case to ensure that in appropriate circumstances the necessary authority to refuse access is obtained and communicated in writing to the officer in charge of the police station where the person concerned is detained. When a visit is refused on these grounds, the divisional commander will arrange for the circumstances to be reported for the information of the Chief Constable. The Chief Constable will advise the custody visitors concerned of the circumstances surrounding the refusal.

### **Language**

76. 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.

## Discussions with detainees

77. 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.
78. 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. When a person is brought to a police station under arrest or arrested at the station having gone there voluntarily, the custody officer must make sure the person is told clearly about the following continuing **rights** which may be exercised at any stage during the period in custody.
- The right to have someone informed of their arrest
  - The right to consult privately with a solicitor and that free independent advice is available
  - The right to consult the Codes of Practice.

The detainee must also be given a written statement setting out the above three rights, the arrangements for obtaining legal advice, the right to a copy of the custody record and the caution prescribed in Section 10 of Code C (at the back of this Handbook).

An additional written notice briefly setting out their entitlements while in custody must also be given. A copy of the Notice setting out a person's rights and entitlements whilst in police detention is reproduced at the back of this Handbook.

79. 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.
80. 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.
81. 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.
82. 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. The decision will depend on the nature of the relationship and its likely effect on the visitor's impartiality.
83. 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.

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

### **Custody records**

86. In general, access to custody records should only be with the consent of the detainee. It will not always be necessary for Independent Custody Visitors to examine the custody record and in any event this should not be done prior to seeing the detainee. Where the Independent Custody Visitors need to check the custody record they should ask the Custody Officer for the particular information they require to check. They will then be shown the relevant part of the custody record. If any detainee, including a juvenile, refuses access to the custody record, the Independent Custody Visitors will not be allowed to see it. If a person is incapable of giving consent by virtue of mental or physical illness or disability, being comatose, or incapacitated through the influence of drugs or alcohol, access to the custody record should only be allowed if the Independent Custody Visitors feel this is essential. Access to a custody record can only be refused by the rank of Inspector or above, whether or not access has been granted by the detainee. If this occurs, visitors must record this in the Visit report form, along with reasons given.

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.

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
87. 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.

## **CCTV Footage**

88. 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**

89. 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.
90. 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.

## **Deaths in Custody**

91. All deaths in custody are the subject of a coroner's inquest to which the police will report formally. Where there has been a death in 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.

## **Dealing with Issues and Complaints**

92. 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.
93. 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.
94. 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 should not involve themselves in individual cases or make representations on detainees' behalf.

95. Remand or sentenced prisoners held in police stations who seek to complain about their conditions or treatment in prison should be advised that independent custody visitors cannot involve themselves in such matters and that there are recognised procedures open to them such as writing to or petitioning the Home Secretary or writing to their solicitor or Member of Parliament.

### **Effective working relationships**

96. 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.

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

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

97. 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.

98. 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.

### **Reporting on a visit**

99. 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. One copy is sent to the Force Criminal Justice Department and a copy must go to the coordinator of the local independent custody visiting scheme at the Police Authority Office.
100. 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.
101. 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 should include both specific matters (which may already have been brought to the attention of police staff) and more general issues relating to custody conditions or procedures. All reports must be completed in English or, where applicable, Welsh, even if the visit has been conducted in another language.

### **Feedback**

102. Systems are 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.
103. Issues arising out of custody visits will be considered by the Police Authority Custody Scheme Administrator and appropriate action will be taken. Custody visitors will be advised of any action taken arising from issues raised during their visits. Arrangements will be made for custody visitors to meet members of the Authority on an annual basis to discuss matters of mutual interest and concern.
104. The Scheme Administrator is responsible for drawing together issues and identifying trends emerging from visits in their area and addressing these with relevant police supervisors.
105. The Scheme Administrator will have a regular and formal opportunity to raise concerns and issues with a designated senior officer with forcewide responsibilities. It will usually be appropriate for that officer to be of Assistant Chief Constable rank. The Scheme Administrator must 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 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.

## **Confidentiality and disclosure**

106. Report forms include an undertaking not to reveal the names of persons visited or other confidential information obtained in the course of a visit.
107. 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.
108. 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 otherwise than in response to a court order, but would be obliged to respond to such an order.
109. Custody visitor's names and telephone numbers are given by the Police Authority in strictest confidence, purely for convenience in making contact. Such details must not be disclosed to any other person.

## **Expenses**

110. Independent custody visitors are entitled to be reimbursed for their legitimate expenses incurred in carrying out their role.
111. The work is entirely voluntary, but travelling expenses will be payable to all custody visitors on the same basis as to members of the Police Authority when travelling on Authority business. Only public transport fares, or private car mileage at the agreed rate will be paid. Expenses can also be claimed for attending training sessions. Custody visitors using their own motor vehicles to and from their visits need to advise their insurers about their duties. Claims must be made on the appropriate form for periods not exceeding three months.

## **Insurance**

112. The Police Authority will ensure adequate cover and provision for claims arising from independent custody visitors' role.
113. The Police Authority has arranged appropriate insurance for custody visitors under the age of 80, to cover them against violent or criminal assault during a custody visit to a police station.

## **Guidelines**

114. A copy of this Handbook will be placed within the custody area of police stations for the information of custody staff so that they may be referred to by custody visitors and police officers alike. A copy of this manual and its contents is available on the Police Authority site of the Force Intranet.

## **Publicity guidelines**

115. It is generally desirable that the role and aims of the scheme should be promoted to the public. Custody visitors must, however, bear in mind that the purpose of publicity is to inform the public about the scheme and not draw attention to individual cases or to themselves. Custody visitors should not discuss the cases of individuals with whom they come into contact during visits to police stations and under no circumstances should individual contacts or specific events be discussed except in general, anonymous, terms which support any explanation of the purpose of the scheme. Any invitation to speak to the press, or local groups or organisation (other than the police and community consultative group), about any aspect of custody visiting should be referred to the Police Authority and should not be undertaken by individual custody visitors except at the request of the Police Authority, who will in normal circumstances have consulted with the Chief Constable. Custody visitors should remember that they are accountable to the Police Authority and not to the press or individual members of the public.

## **Sharing Experience**

116. The Police Authority must ensure that independent custody visitors have regular opportunities to meet together to discuss their work.

## **Reviewing Performance**

117. The Police Authority will 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.
118. Custody visitors will be required to undertake refresher training as necessary.

## Operation Safeguard

1. The Chief Constable will advise the Police Authority immediately when any cell accommodation within the authority area has been identified for use, and when occupancy commences by Operation Safeguard detainees.
2. Consideration will then be given by the authority to increasing the frequency of custody visits to these stations.
3. Independent Custody Visitors will be allowed access to Safeguard prisoners should they request it. If ICVs attend that station, prisoners should be asked whether they consent to a visit from an ICV, and whether they consent to the viewing of their custody record.
4. Custody Visitors will need to be aware that, at the outset of visits during the period of "Operation Safeguard" it is important to identify the categories of persons being held at the police station as there are different rights and entitlements appropriate to the category of detainee. **The important issue is persons detained are being offered their rights & entitlements appropriate to their category of detention.**
5. As police stations have been constructed to normally house persons for short periods only, some of the rights & entitlements of prisoners **cannot** be met but when raised by the prisoner should be referred to the custody officer for them to take up with the liaison officer for HMP.
6. Custody Visitors accessing Safeguard prisoners should be allowed access to a copy of the Operation Safeguard Manual (held at the custody suite) to refer to for standards of care and detention.
7. Custody Visitors should complete a separate visit record, writing 'Operation Safeguard' at the top of the form, to record issues of concern arising from visits to persons held under "Operation Safeguard" for the information of both the Police Authority and for other agencies who may enquire.