

**ORIGINATOR:  
INDEPENDENT CUSTODY VISITING SCHEME  
ADMINISTRATOR**

**PAPER NO: AP20/36**

**SUBMITTED TO: ACCOUNTABILITY AND PERFORMANCE PANEL –  
3 JULY 2020**

**SUBJECT: INDEPENDENT CUSTODY VISITING SCHEME – 2019/20**

**SUMMARY:**

This report summarises the work undertaken by the Office of the Police and Crime Commissioner (OPCC) for Suffolk to support the operation of the Independent Custody Visiting Scheme in Suffolk between 1 April 2019 and 31 March 2020. It also attaches the Annual Report at Appendix A which will be published following approval at this meeting.

**RECOMMENDATION:**

It is recommended that the PCC:

- (i) notes the content of the report;
- (ii) approves the Independent Custody Visiting Scheme Annual Report Summary attached at Appendix A.

## DETAIL OF THE SUBMISSION

### 1. INTRODUCTION

- 1.1 This report summarises the work undertaken by the Office of the Police and Crime Commissioner (OPCC) for Suffolk to support the operation of the Independent Custody Visiting Scheme in Suffolk between 1 April 2019 and 31 March 2020. It also attaches the Annual Report at Appendix A which will be published following approval at this meeting.
- 1.2 The Independent Custody Visiting Scheme in Suffolk comprises two designated Panels to ensure that visits are undertaken at the Constabulary's operational custody facilities at Bury St Edmunds and Martlesham. The information below captures the data for ICV visits between 1 April 2019 and 31 March 2020. Due to the Covid-19 pandemic the decision was taken to suspend visiting on 17 March 2020 for the health and safety of the volunteers, detainees and custody staff. Both panels therefore completed their final visits for this period on 12 March 2020.

| Panel           | No. of Visits | No. of detainees held | No. of detainees available to visit | No. of detainees visited | % of detainees visited (of those available) | No. of detainees not seen* |
|-----------------|---------------|-----------------------|-------------------------------------|--------------------------|---|----------------------------|
| Bury St Edmunds | 47            | 338                   | 140                                 | 111                      | 79%   | 226                        |
| Martlesham      | 48            | 360                   | 149                                 | 122                      | 81%   | 238                        |
| Total           | 95            | 698                   | 289                                 | 233                      | 80%   | 464                        |

*\*Note: There are a number of reasons why detained persons are not visited. For example, the police may advise against it for health and safety reasons. The category 'not visited' is broken down in Appendix A showing the reasons detained persons were not visited during the period. 65% of the detainees not seen were 'not selected by Independent Custody Visitors (ICVs) themselves as they have focused their time in custody on more in-depth interviews with fewer detainees and scrutiny of their custody records, rather than brief interviews with all detainees held at the time of the visit.*

- 1.3 Days of the week the visits were carried out.

|           |    |
|-----------|----|
| Monday    | 19 |
| Tuesday   | 20 |
| Wednesday | 12 |
| Thursday  | 18 |
| Friday    | 10 |
| Saturday  | 9  |
| Sunday    | 10 |

- 1.4 Timing of visits below.

|             |    |
|-------------|----|
| 0700 - 1000 | 17 |
| 1000 - 1300 | 19 |
| 1300 - 1600 | 16 |
| 1600 - 1900 | 24 |
| 1900 - 2200 | 19 |
| 2200 - 0700 | 3  |

- 1.5 When ICVs undertake visits during ‘night-time’ hours they often find that the detainees are sleeping and therefore there is less opportunity to speak with them. ICVs are encouraged to vary the times and days of their visits as much as possible.
- 1.6 Since visiting was suspended on 17 March 2020 alternative monitoring measures have been put in place. The Joint Chief Inspector for Custody has been providing reports to the OPCC on a two-weekly basis throughout April, May and June on the operation of police custody, including throughput, issues arising, changes to processes, safety measures, forensic sampling, staffing, supplies of personal protective equipment, facilities management and safer detention reporting. From 28 April 2020 the ICV Panel Co-ordinators have been telephoning the PIC Inspectors on a weekly basis to check on what is happening at the centre and the present position with the detainees held. The Co-ordinators have been reporting back their findings to the OPCC as a means of remote monitoring. The OPCC is continually reviewing this practice to consider when it might be appropriate and safe enough for the volunteers to return to physical visits.

2. **PANEL MEMBERSHIP**

- 2.1 The total number of ICVs in Suffolk as at 31 March 2020 was 16 (albeit three of those were not actively visiting at that time for personal reasons). A break-down of the constitution of the Panels is outlined below:

| Panel           | No. of ICVS in post | Optimum no of ICVS |
|-----------------|---------------------|--------------------|
| Bury St Edmunds | 9                   | 8-10               |
| Martlesham      | 7                   | 8-10               |

- 2.2 During the period 1 April 2019 - 31 March 2020 there was one resignation from the Martlesham Panel for personal reasons and three resignations from the Bury St Edmunds Panel for family and work reasons.
- 2.3 There was one appointment to the Bury St Edmunds Panel in September 2019 but this volunteer subsequently resigned in April 2020 for personal reasons. There was one appointment to the Bury St Edmunds Panel in February 2020 and one appointment to the Martlesham Panel in February 2020 both of which have helped to increase the diversity of the panels.
- 2.4 We would like to recruit additional volunteers to both Panels within the next year.

3. **FINDINGS OF INDEPENDENT CUSTODY VISITORS AND DEVELOPMENTS DURING 2019/20**

3.1 *Visiting Process and Reporting*

For each of the 95 visits carried out throughout the year a report was provided to the OPCC by the ICVs detailing what they had observed and discussed with detainees and custody staff at the time of the visit. ICVs report on the detainees’ rights and entitlements, as well as the conditions of the facilities. The value of the ICVs is that they provide an insight into custody, an independent check on the care of detainees and on how they are treated by custody staff. A summary of the matters raised with visitors by detainees is contained in Appendix A.

- 3.2 ICVs comment on a broad range of matters which are followed up by the OPCC ICV Scheme Co-ordinator with the relevant Police Investigation Centre (PIC) Inspector. The Inspectors have been very helpful and willing to provide information or clarification when requested. ICVs have quarterly panel meetings whereby they meet with the local Police Inspector to discuss their reports for that period and the Constabulary responses to any queries they raised, alongside any necessary action taken by the Constabulary to address those points. This process enables the volunteers to

share their experiences with fellow volunteers and feel assured that their reports are considered and progressed. On a monthly basis the ICV visiting statistics and a summary of their findings are also shared with the Joint Chief Inspector for Custody so that any more significant or strategic issues can be highlighted and addressed.

3.3 Throughout the year ICVs have regularly commented on the professionalism of staff in dealing with detainees and ICVs. There have also been a number of very positive comments, particularly about the care of vulnerable detainees, young people and detainees in custody for the first time. Where ICVs have noted any concerns, we are satisfied that the Constabulary has addressed these appropriately. By way of some examples; where it was noted that a foreign embassy had not been notified that a detainee was held despite a bilateral agreement for a mandatory notification of Consular officials being in place, this was followed up. When concerns were raised by a detainee about the care of a family member these were passed on to custody staff, followed up and the detainee updated.

#### 3.4 *Changes to the Police and Criminal Evidence Act*

On 21 August 2019 revisions were made to the Police and Criminal Evidence Act Codes C and H. The changes stipulated that: female detainees should be asked about their requirements for menstrual products whilst in custody and products provided accordingly; all detainees should be offered the opportunity to speak in private with a member of custody staff regarding their personal needs relating to health; hygiene and welfare, access to toilet and washing facilities must take account of the detainee's dignity; strip searches and intimate searches of detainees must be conducted with proper regard to their dignity and the needs of transgender individuals must not be overlooked in respect of these matters. Constabulary guidance was in place, changes to the Athena IT system made and Rights and Entitlements documents updated in readiness for these changes. ICVs have been monitoring how these changes have been implemented and reporting back on their findings which have been positive. We have worked closely with the Constabulary to ensure that the ICVs are able to access that information that they need to make these checks.

#### 3.5 *Dignity, Decency and Diversion*

In Summer 2019 the Head of Custody introduced a 'Dignity, Decency and Diversion' Project which was piloted in Great Yarmouth, before being extended to Martlesham at the end of 2019 and rolled out to all PICs across Norfolk and Suffolk in early 2020. This focused on enhancing detainee dignity and in particular seeking ways to reduce the number of occasions detainees were required to wear 'rip-proof' clothing. This was subject to the risk assessment process and more frequent observations applied as necessary to mitigate the risk. Custody staff were encouraged to consider more carefully allowing detainees to retain some of their personal effects as part of the risk assessment, moving away from automatically removing items such as ear rings and jewellery. Both Constabularies noted positive outcomes from this work in terms of detainee and staff interactions. ICVs continue to report on their observations relating to these changes.

#### 3.6 *Joint Norfolk and Suffolk ICV Co-ordinators Meeting*

On 7 October 2019 a joint Norfolk and Suffolk ICV Panel Co-ordinators meeting was held whereby the joint Head of Custody provided an update on developments in custody, including the Dignity, Decency and Diversion project. He also provided an update on the new Custody Intranet system, changes to custody shift patterns, Brexit and the challenges for policing, TACT detainees, CRG Health Care Provision, Constabulary Performance, an extension to PIC Wi-fi allowing for Reviews to be conducted via Virtual Court, proposals for an 'Autism' Cell and a new Signalling Project. The OPCCs and ICVs welcomed the updates on these custody developments.

### 3.7 *Safer Detention and Adverse Incidents Reporting*

As of 1 January 2020, a new internal online portal was introduced for Safer Detention and adverse incidents reporting. The Head of Custody reviews each case for closure, referral, or to develop lessons learned guidance and updates the OPCCs on the outcomes.

### 3.8 *Custody Facilities*

The custody facilities were built in 2011 and operate under a private finance contract so there have been few issues reported by ICVs regarding the conditions of the facilities. Repair works to the exercise yards, disabled toilet flooring and showers noted by ICVs have all been responded to and addressed. Where ICVs have noted that items have needed to be re-stocked this has been appropriately addressed.

### 3.9 *Virtual Court Process*

ICVs continue to report on occasions whereby detainees have been held in police custody for a period of time following the virtual court process awaiting collection for transport to prison. Locally additional resources have been invested to ensure that there is capacity to support effective processes within custody and the Norfolk and Suffolk Constabularies are engaged in the Video Enabled Justice (VEJ) programme as part of a consortium of South East forces. In response to Covid19, the VEJ Programme has stood up video remand hearings in all five of the VEJ forces, introducing additional functionality to enable better observation of social distancing, minimising unnecessary travel (plus a financial saving of associated travel costs) and infection vector points in order to protect defendants and other court users.

### 3.10 *Custody Inspection Findings*

Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) and Her Majesty's Inspectorate of Prisons (HMIP) carried out an unannounced inspection of Police Custody in Norfolk and Suffolk out between 14 and 25 May 2018. There were two main recommendations from HMICFRS/HMIP relating to 'compliance with legislation and guidance, including quality assurance processes' and 'governance of Use of Force'. HMICFRS re-visited on 6 June 2019 to review the progress and the OPCCs were updated following that meeting. In September 2019 the PCC received a formal update on progress to the Accountability and Performance Panel (Paper AP19/41). ICVs continue to consider these areas when undertaking their visits.

### 3.11 *Appropriate Adults*

The Home Office Appropriate Adult PCC - Local Authority Agreement (voluntary) was published in July 2018 and suggested that PCCs should have greater oversight of the Appropriate Adult (AA) provision, be aware of the rate of recorded need and ensure that the relevant data is being recorded by the Constabulary. ICVs continue to report on the AA service provision in terms of their visits and the OPCC is provided with the minutes of the Contract Review Meetings from Suffolk County Council (SCC) to aid oversight of the performance of the service. A tender exercise for the provision of the AA by SCC is underway and the OPCC has been updated on that process.

## **4. OTHER ACTIVITIES AND DEVELOPMENTS DURING 2019/20**

### 4.1 *Independent Custody Visiting Association (ICVA)*

Regular updates and support from the Independent Custody Visiting Association are beneficial to keep abreast of national matters. During the Covid-19 pandemic the ICVA team has been providing support to schemes and sharing information to aide local decisions and practices.

## 4.2 *Training*

A joint Norfolk and Suffolk Training day was planned for Saturday 4 April 2020 but was cancelled due to the Covid-19 pandemic. Another training day is scheduled for 17 October 2020. Plans for this date will be reviewed closer to the time.

## 4.3 *Custody Training*

Throughout 2019 the ICV Panel Co-ordinators (either Suffolk or Norfolk) have provided an input to the Detention Officer and Custody Sergeants training courses to help improve staff awareness of the Scheme and the ICV role. Due to the need to streamline the content of the course this input will be provided by the custody trainers.

## 4.4 *Strip Search Scrutiny Panel*

In June 2018 ICVs from Suffolk and Norfolk were invited to join an Independent Strip Search Scrutiny Panel to review the Constabularies' recording of Strip and Search powers and consider any disproportionality issues. Quarterly meetings were held between October 2018 and January 2020. There have been significant improvements in the quality of the information over the period. Meetings will now take place on a six-monthly basis and the Joint Chief Inspector for Custody is working on a proposal relating to children and young people in custody.

## 4.5 *Observing Use of Force Training*

A number of ICVs have observed the Constabulary's Use of Force Training to gain a better understanding of the procedures and what they should look for in the police records.

## 4.6 *Joint Custody Services - Service Delivery and Performance Update report*

In September 2019 the PCC considered the Joint Custody Services - Service Delivery and Performance Update report - Paper AP19/41 which provided an update on demand, performance, collaboration, an update on the HMICFRS/HMIP Inspection findings and progress to date.

## 4.7 *ICVA National Conference 2020 and ICVA Regional Conference 2020*

The ICVA National Conference was due to be held in London on 28 March 2020 but was cancelled due to the Covid-19 pandemic. Plans for the Regional Conference 2020 were also put on hold.

## 4.8 *Collaboration*

Throughout 2019/20 we have been working closely with the OPCC in Norfolk to update the ICV Report Form and Scheme Guidelines. We have also worked with our regional counterparts to produce an updated set of ICV translation flash cards which assist in engagement with Non-English speaking detainees. Throughout the Covid-19 pandemic we have also shared details of our working practices and experiences.

## **5. LOOKING AHEAD**

### 5.1 *Covid-19 – Re-instating ICV Visits – Custody Recovery and Renewal Planning*

We are working with the Constabulary and ICVs to continue our monitoring arrangements and consider how and when the volunteers might return to visiting the centres in the safest possible way for all parties. We will also work with the Constabulary to consider if we can assist with its recovery and renewal plans, reflecting on the Covid-19 period, positive outcomes and lessons learnt.

## 5.2 *Recruitment and Training*

Due to the nature of the role, recruitment is ongoing as required and we recognise the need to recruit some additional volunteers in the 2020/21 period. We will try to improve the diversity of the panels to better reflect the community of Suffolk through that recruitment process. Continuous training is also essential so we will continue to utilise the ICVA training materials as well as provide local training inputs. A training day is planned for 17 October 2020.

## 5.3 *Collaboration*

We will continue to work closely with the Norfolk OPCC as we have a joint custody function and also work closely with our regional counterparts to share best practice and plans.

## **6. INDEPENDENT CUSTODY VISITING SCHEME ANNUAL REPORT SUMMARY 2018/19**

6.1 As outlined in the Home Office Code of Practice for Independent Custody Visiting, the PCC is required to compile an Annual Report at the end of each financial year to highlight the work of the Scheme.

6.2 The content of this report for 2019/20 has been drafted in consultation with the ICV Panel Co-ordinators and is attached at Appendix A for consideration and approval.

## **7. BUDGET POSITION AND FINANCIAL IMPLICATIONS**

7.1 The budget spend for 2019/20 was £3,833. This represents an underspend of £167 against the budget of £4,000.

7.2 Costs are broken down as follows:

|  |        |      |
|--|--------|------|
| Mileage claims   | £2,261 |      |
| Training and Conferences                                     |        | £709 |
| Annual subscription to ICVA                                  |        | £700 |
| Updated language flashcards translations (shared regionally) | £81    |      |
| Printing, postal costs and other incidentals                 |        | £82  |

7.3 There was an increase in the cost for Training and Conferences for this year as Suffolk hosted the 2019 Regional Conference. The budget for 2020/21 was increased to £4,500 to account for the £300 rise in the Annual subscription to ICVA and for the delivery of two joint training sessions during the year.

7.4 The financial implications in respect of the production and design of the ICV Annual Report is expected to be minimal given that the design has been undertaken in-house and the document will be made available electronically.

## **8. OTHER IMPLICATIONS AND RISKS**

8.1 None.