



STRATEGIC POLICING AND CRIME BOARD
13th May 2014

<p>Independent Custody Visiting Scheme Annual Report 1 April 2013 – 31 March 2014</p>

PURPOSE OF REPORT

1. Each Police and Crime Commissioner is statutorily required to operate an Independent Custody Visiting Scheme and as such a scheme operates within the West Midlands. The following report outlines the performance of the scheme for the period 1 April 2013 – 31 March 2014.

BACKGROUND

2. Section 51(1) of the Police Reform Act 2002 places the responsibility for organising and overseeing the delivery of independent custody visiting with PCCs, in consultation with chief officers. PCCs 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. There has been a custody visiting scheme in the West Midlands since 1985, and it is a key contributor in maintaining public confidence in the police.
4. Independent Custody Visitors (ICVs) are volunteer members of the public who are impartial, independent of the police and have no direct association with the criminal justice system. Their role is to visit police custody suites unannounced to evaluate the welfare of detainees.
5. Custody visitors come from all walks of life and we try to make sure that they reflect the make-up of the West Midlands in terms of age, gender and ethnic background.

VISIT FREQUENCY

6. Establishing and maintaining a programme of frequent visits is essential to the effectiveness of the scheme. Occasional visiting is unsatisfactory in terms of community reassurance.
7. Each custody visitor team operates a rota, which gives a pair of visitors a duty window every five or six weeks. The current recommended target is that each designated Custody Unit receives one visit per week. This is considered to be a realistic and achievable target. Performance of the scheme for 2013/14 is detailed below.

Team/Custody site	Visit target	Number of Visits
Stechford/Kings Heath	104	105
Bloxwich	52	42
Bourneville	52	56
Wolverhampton/Wednesfield	52	42
Smethwick	52	34
Sutton Coldfield	52	54
Coventry Central/Willenhall	88	88
Solihull/Chelmsley Wood	52	51
Birmingham Central/Aston/Handsworth	52	51
Brierley Hill	52	62
Totals	608	585

8. A high percentage of custody visitors are in full time employment which has an impact on the time that they can conduct visits. This is highlighted by the following table which indicates their arrival at the front office of a Police station which shows that more than 47% of visits begin on weekday evenings between 6pm and 9pm. However, custody visitors are regularly encouraged to vary their visiting times and this is reflected in the spread of their other visits. It must be noted that PACE allows for an eight hour uninterrupted rest period for persons in custody which corresponds to the detainee's normal sleep pattern. Custody staff would therefore be unlikely to wake a detainee to ask whether they wish to be seen by custody visitors between midnight and 9am.

Time/Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0000-0559							
0600-0859	0%	0%					0%
0900-1159	3%	4%	3%	4%	3%	2%	3%
1200-1459	1%	2%	2%	1%	1%	2%	1%
1500-1759	3%	2%	3%	4%	3%	2%	1%
1800-2059	11%	10%	11%	11%	4%	1%	0%
2100-2359		0%		0%			

9. The length of time custody visitors spend on police premises is dependent on a number of factors including the length of time spent with a detainee to waiting for a staff member to become available to facilitate the visit amongst others. This is highlighted by the following table.

Duration (minutes)	0-5	6-10	11-14	16-20	21-15	26-30	31-35
Visits	19	57	85	92	63	65	42

Duration (minutes)	36-40	41-45	46-50	51-55	56-60	60 +
Visits	55	37	18	12	12	28

10. Once custody visitors have presented themselves to front office staff they should be allowed access to the custody suite as soon as practicable. Delays in access may occur whilst for example a violent detainee is in the process of being booked in or waiting for a staff member to escort them to the custody suite. ICVs encountered a small number of instances of delay in gaining access. This was brought to the attention of the respective Custody Manager. The length of time taken to access the custody suite from arrival at the front office is highlighted by the following table.

Duration (minutes)	0-5	6-10	11-15	16-20	21-25	26-30	36-40	41-45
Visits	518	42	11	6	2	2	2	2

FINDINGS

11. Custody Visitors found no major matters which caused them concern regarding the welfare of detainees in police custody. The majority of matters which were raised were of a relatively minor 'housekeeping' nature and were resolved speedily by custody staff to the satisfaction of the custody visitors that had raised them. Issues were also discussed at team meetings. A decision had been taken to refocus the output and move away from 'tick box' style recording of information to a more narrative recording which would provide a much more transparent overview of how detainees are dealt with in custody. As such all the information contained within the visit report forms will be published on the PCCs website.
12. When a visit is made each detainee present is offered by the custody staff the opportunity to see the custody visitors. It is then the choice of the detainee as to whether access is granted. Not all detainees are however offered visits for example those in interview, in consultation with their solicitor, being asleep or for health and safety reasons. It must be noted however that the number of detainees seen cannot be an indicator of performance as the custody visitors have no influence over whether the person agrees to be seen.

Team/Custody site	Detainees present	Detainees unavailable to be visited	Detainees who refused offer of visit	Detainees visited	% visited
Stechford/Kings Heath	610	154	198	258	56.58
Bloxwich	305	74	98	133	57.58
Bourneville	391	114	119	158	57.04
Wolverhampton/Wednesfield	319	98	86	135	61.09
Smethwick	309	78	91	140	60.61
Sutton Coldfield	257	73	84	100	54.35
Coventry Central/Willenhall	460	88	131	241	64.78

Solihull/Chelmsley Wood	180	36	42	102	70.83
Birmingham Central/Aston/Handsworth	578	85	143	350	70.99
Brierley Hill	244	84	58	102	63.75
Totals	3653	884	1050	1719	62.08

TEAMS

13. The scheme currently has ten teams aligned with Local Policing Units. Each team consists of a maximum of 12 ICVs. The teams have met 28 times during the year to discuss any issues or trends that arise from the visits. Due to a number of ICVs visiting both Wolverhampton and Bloxwich the team meetings have now consolidated into one but still retain their separate visit rotas. Provisional work is being undertaken in respect of reorganising the teams once the new custody sites become operational.

RECRUITMENT AND TRAINING

14. Following the retirement of a number of ICVs throughout the year a training session became viable as the number of vacancies increased. A subsequent recruitment process was undertaken during the latter part of the year. In February 18 ICVs attended a training course provided by the scheme manager.

15. During the year refresher training was also provided which included input on deaths in police custody (IPCC report 2012/13) and mental health awareness.

16. The scheme manager also provided the initial training for a new intake of ICVs for Staffordshire PCCs office. In addition a refresher training course was also provided for the Staffordshire ICVs which included the input on deaths in police custody, safeguarding vulnerable adults and Mental Health awareness. This awareness training was also provided to Warwickshire ICVs.

17. An input on the role of the ICV was also given to new custody officers and custody officer assistants.

REGIONAL CONFERENCE

18. The West Midlands hosted a Regional conference in September with over 50 ICVs from all four schemes attending. Presentations included IPCC investigations into deaths in police custody, CPS Direct, the drug and alcohol Recovery Partnership and an update from the Independent Custody Visiting Association.

TACT VISITS

19. As the West Midlands has a regional custody site specifically for detainees arrested under the Terrorist Act a team of custody visitors have been appointed to undertake visits. Following extra vetting they had undergone specific training provided by the scheme manager and a member of the Counter Terrorism Unit. A refresher training site visit was undertaken during the summer to ensure that the ICVs maintained their skills at an appropriate level.

20. During the year there were a series of four separate TACT arrest operations. ICVs attended the custody site within the first 24 hours of detention to comply with

statutory requirements. Copies of the completed report forms were submitted to the Independent Reviewer of Terrorism Legislation. Subsequent visits were undertaken every 24 hours until detainees were either charged or released.

21. The scheme manager, at the request of CTU, briefed a prominent member of the public who attended a public reassurance meeting.
22. Following the most recent TACT detentions the scheme manager hosted an ICV team debrief which included input from a member of the CTU detention team. It was decided that self-introduction as opposed to the custody staff seeking the detainees agreement to be visited would be trialled during the next TACT detentions.

DEVELOPMENTS FOR THE CUSTODY VISITORS

23. Subsequent to an approach by the United Kingdom Border Agency a team of ICVs will be conducting visits to the custody site at Birmingham airport. Visits will be undertaken randomly once per month and also following dynamic arrests when persons are detained at the site.
24. A recommendation from HMIC inspection of custody in 2010 that Appropriate Adults should be readily available to support vulnerable adults in custody, including out of hours, saw a number of ICVs volunteer to undergo further training and assist the Force in this valuable role.
25. During the last year ICVs acting in this capacity have attended custody on over 400 occasions. This service has enabled officers to return to front line duties more quickly, it has permitted more efficient and timely investigations, a reduction in the need to bail prisoners unnecessarily in order to locate appropriate adults, it has reduced potential risk and vulnerability for the force in terms of adverse incidents and it has provided greater transparency in investigations.

EQUALITIES IMPLICATIONS

26. There are no equality implications arising from the recommendation in this report though it should be noted that efforts are made to ensure that visitors are representative of the local community and provide a suitable balance in terms of their age, gender and ethnicity. A summary of the scheme members is detailed below.

Gender demographic

Gender	Scheme %
Male	46
Female	54

Age demographic

Age group	Scheme %
18-29	18
30-44	18
45-59	35
60-74	28
74 +	5

Ethnicity demographic

Ethnic origin	Scheme %
White	66
Pakistani	5
Black Caribbean	16
Indian	13
Bangladeshi	1
Chinese and other Ethnic Group	1
Mixed Ethnicity	2

FINANCIAL IMPLICATIONS

27. There are no financial implications arising from this report.

LEGAL IMPLICATIONS

28. Section 51 of the Police Reform Act 2002 (as amended) requires Police and Crime Commissioners in England and Wales to make arrangements for detainees to be visited by ICVs. Such arrangements may make provision for access to detainees by ICVs, examination of records, inspection of detention facilities and provision of a Code of Practice.
29. Section 117 of the Coroners and Justice Act 2009 introduces two changes to legislation which are intended to strengthen the independent monitoring of the detention and treatment of suspected terrorist detainees.

RECOMMENDATIONS

30. The Board is asked to note the performance of the custody visiting scheme as outlined in this report.

Paul Norton
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