



**STRATEGIC POLICING AND CRIME BOARD**  
**5 May 2015**

**Independent Custody Visiting Scheme**  
**Annual Report 1 April 2014 – 31 March 2015**

**PURPOSE OF REPORT**

1. Police and Crime Commissioner are required by statute to operate an Independent Custody Visiting Scheme in consultation with their chief police officer. The following report outlines the performance of the West Midlands scheme for the period 1 April 2014 – 31 March 2015.

**BACKGROUND**

2. 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.
3. 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.
4. 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**

5. Establishing and maintaining a program of frequent visits is essential to the effectiveness of the scheme. Occasional visiting is unsatisfactory in terms of community reassurance.
6. 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 2014/15 is detailed below.

Team/Custody Site	Visit Target	Number of Visits
Birmingham Central/Aston/Handsworth	52	31
Bloxwich	52	45
Bournville Lane	52	51
Brierley Hill	52	57
Solihull	52	48
Coventry	52	49
Stechford/Kingsheath	104	73
Smethwick	52	34
Sutton Coldfield	52	50
Wolverhampton	52	38
Totals	572	476 (83%)

7. 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 shows that more than 41% of visits take place 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. PACE allows for an eight hour uninterrupted rest period for persons in custody, and custody staff are therefore unlikely to wake a detainee to ask whether they wish to be seen by custody visitors between midnight and 8am.

Time/Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0000 – 0859	2	1	0	1	1	1	0
0900 – 1159	16	21	22	12	9	18	14
1200 – 1459	9	10	3	4	5	7	7
1500 – 1759	22	27	14	15	20	3	7
1800 – 2059	36	35	49	50	30	1	2
2100 – 2359	0	1	2	0	1	0	

8. 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 in minutes	0 – 10	11-15	16 - 20	21 - 25	26 - 30	31 - 35	36 - 40	41 - 45
Visits	7	26	34	39	31	49	46	44

Duration in minutes	46 - 50	51 - 55	56 - 60	61 - 65	66 - 70	71 - 75	76 - 80	81 - 85
Visits	42	28	27	21	24	11	11	4

Duration in minutes	86 - 90	91 - 95	96 - 100	101 - 105	106 - 110	111 - 115	116 - 120	121 +
Visits	12	4	3	3	2	3	1	6

9. 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 relevant 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 in minutes	0 – 5	6 - 10	10 - 15	16 - 20	21 - 25	26 - 30	31 - 35	41 - 45	61 +
Visits	318	103	28	7	11	2	2	1	6

## FINDINGS

10. Custody Visitors found no major matters of 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. Issues were also discussed at team meetings. Following the previous year's decision to refocus on outcomes and move away from 'tick box' style recording of information to a more narrative recording, there is now a much more transparent overview of how detainees are dealt with in custody.
11. Attached at appendix A is a snap shot of examples of the narrative comment made by custody visitors during their visits which gives a flavour of the treatment and care given to detainees throughout the Force area. As can be seen by the table in paragraph 15 below custody visitors talked to 1910 detainees who were in custody at the time of arrival. The volunteers spent over 373 hours independently reviewing custody safeguarding both detainees and staff.
12. October saw the launch of an ICV presence on social media in the West Midlands. Over 50 tweets were published on the PCCs twitter feed in relation to custody visits informing followers of the very important public reassurance role the ICVs undertake in safeguarding both detainees and the Police force.
13. The first six months of the year saw the pilot of self-introduction. Previously when a visit was made custody staff spoke to every detainee and offered the opportunity to see the custody visitors. Self-introduction gave ownership of the first contact to the custody visitors themselves. Self-introduction seems to have resulted in an increase in the number of detainees opting to see a custody visitor, with an increase over the previous year's acceptance rate in Birmingham West & Central (94% from 70%) and Birmingham South (83% from 57%). Self-introduction was extended to cover the entire scheme in October.
14. Not all detainees are offered visits (for example those in interview, in consultation with their solicitor, being asleep or for health and safety reasons). The number of detainees seen cannot be used as an indicator of performance because the custody visitors have no influence over whether or not the person agrees to be seen.

Team	Detainees present	Detainees unavailable to be visited	Detainees who refused offer of visit	Detainees visited	% Seen
Birmingham Central/Aston/Handsworth	380	75	16	289	94.41%
Bloxwich	382	117	67	198	74.72%
Bournville Lane	364	69	48	247	83.73%
Brierley Hill	273	115	30	128	81.01%
Solihull	175	37	53	85	61.59%
Coventry	442	123	84	235	73.67%
Stechford/Kingsheath	418	106	97	215	68.91%
Smethwick	291	62	62	167	72.93%
Sutton Coldfield	261	62	69	130	65.33%
Wolverhampton	362	77	69	216	75.79%

## TEAMS

15. 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. Work is being undertaken in respect of reorganising the teams once the new custody sites become operational in June 2015 and April 2016.

## RECRUITMENT AND TRAINING

16. Following the retirement of a number of ICVs throughout the year and the need to build resilience with the transition to the super blocks 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 25 ICVs attended a training course provided by the scheme manager.

17. During the year advanced training was also provided which included input on control and restraint together with drug awareness within the custody environment

18. The scheme manager also provided the initial training for a new intake of ICVs for Staffordshire PCCs office. In addition a refresher/advanced training course was also provided for the Staffordshire ICVs.

19. An input on the role of the ICV was also given to all new custody officers, custody officer assistants and detention escort officers in the Force.

## REGIONAL AND NATIONAL CONFERENCES

20. West Mercia hosted a Regional conference in September with over 50 ICVs from all four schemes attending. Presentations included control and restraint, health care provision and TACT visit protocol.

21. The Independent Custody Visitors Association National Conference was held at the National Indoor Arena in Birmingham in November. The conference focused on the vulnerability of detainees whilst in custody and the involvement of ICVs in the joint

inspection of custody suites by H M Inspectorate of Constabulary & H M Inspectorate of Prisons.

## **TERRORISM ACT DETENTION VISITS**

22. 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.
23. During the year there were a series of three separate TACT detentions. 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. In addition a number of detainees were held at the TACT site but not under TACT provision.
24. Following the most recent TACT detentions the scheme manager hosted an ICV team debrief. The self-introduction style as opposed to the custody staff seeking the detainee's agreement to be visited was seen as a huge success and added valuable integrity to the visit process.

## **UNITED KINGDOM BORDER AGENCY CUSTODY VISITS**

25. Subsequent to an approach by the United Kingdom Border Agency a team of ICVs conducted visits to the custody site at Birmingham airport. Visits were undertaken randomly once per month and also following dynamic arrests when persons were detained at the site.

## **APPROPRIATE ADULTS FOR VULNERABLE ADULTS**

26. 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.
27. During the two years that the scheme has been operating ICVs acting in this capacity have attended custody voluntarily on over 800 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**

28. 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	50
Female	50

#### Age demographic

Age group	Scheme %
18-24	12
25-35	14
36-45	16
46-55	26
55-65	26
65 +	6

#### Ethnicity demographic

Ethnic Origin	Scheme %
White British	59
White Irish	1
White Other	3
Mixed White and Black Caribbean	3
Asian or Asian British Indian	12
Asian or Asian British Pakistani	6
Asian or Asian British Bangladeshi	1
Asian or Asian British Any other Asian background	1
Black and Black British Caribbean	14

### **FINANCIAL IMPLICATIONS**

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

### **LEGAL IMPLICATIONS**

30. 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.

31. 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**

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

Paul Norton  
Community Engagement Officer

Appendix A – Snap shot of comments recorded by custody visitors.

1. Detainee informed Custody visitors that they were diabetic and had no medication given to him. They appeared ok. After checking custody record it was confirmed that a doctor had visited the detainee.
2. Detainee had not made a telephone call and wanted a solicitor. Has made a complaint to Duty Inspector. It was noted that their rights had been delayed pending investigation.
3. Detainee mentioned having chest pain was also feverish because of drinking. Stated that custody staff had been refusing food and water. Wanted another blanket and phone call. Custody visitors checked custody record and it was confirmed that food and drink had been given. Had been checked by nurse regarding chest pain and will be called again for fever. Another blanket will be provided.
4. Detainees x2 asleep, visual check conducted, food and drink in cell, detainees look ok.
5. Detainee was visually checked as asleep. Last woken at 0955hrs. (Visit took place at 0957hrs)
6. Custody site busy upon arrival and therefore we waited within custody 45 minutes before we could commence visit.
7. Custody visitors made welcome. All areas clean and tidy. Staff most helpful and professional. Quiet block but calm and dignified/caring atmosphere. Discussion of whether door to medical room should be closed.
8. Only one detainee on site, visual check performed as they were asleep following intoxication and hospital visit. Nurse last spoke to detainee at 0930hrs and happy with 30 minute checks by custody staff.
9. Detainee requested doctor attendance and phone call. Staff confirmed doctor had been booked to attend. Phone call had been attempted by custody staff but no answer.
10. Juvenile detainee wanted to know when they could go home. Declined solicitor but advised that they could change their mind at any time. Staff informed them that they would be interviewed and their mother was on their way to act as appropriate adult.
11. Detainee informed custody visitors that they needed to speak to someone about drug advice. Custody staff would arrange for a drug worker to speak with him.
12. Detainee requested phone call to father and medication. Staff informed that officers had attended fathers address and medication was now on site.
13. Detainee requested exercise several hours ago but has not yet been facilitated. Staff informed that opportunity will be given dependent on operational demands.

14. Detainee was deaf and unable to read or write. Sign interpreter was present while custody visitors were in cell conducting the visit. Awaiting interview.
15. Detainee was visually checked only due to possible mental health issues. He was lying on bed, moving and speaking loudly to himself. Awaiting mental health assessment.
16. Detainee had been seen by both doctor and nurse, medication was due at 2100hrs. Refused medication and food. Another doctor was called.
17. Detainee requested an update on their arrest. Sgt will speak to them as soon as possible. Raised concerns about not having their prescribed medication. Nurse informed custody visitors that medication was time limited and will be given at 1800hrs.
18. Detainee had been in custody for 24 hours appeared to be in a vulnerable state. Seen by nurse who referred detainee to doctor. Seen by doctor and separately by mental health team who declared them fit to be detained. At the time of visit officers had arrived ready to interview detainee and a solicitor had been requested.
19. Detainee was intoxicated and made remarks about taking his own life and harming himself. After speaking about our concerns to a staff member it was explained that although the person was a regular in custody a nurse was on their way to see him. The detainees' trousers were left in the cell with him and we spoke to the staff member who reassured us by checking that there were no ligatures or belts. The nurse was on the way and staff were conducting regular observations.
20. We were advised not to visit the detainee as the escorting officer explained that he was highly agitated and intoxicated. During his arrest he was tasered and he was awaiting the doctor to visit together with a mental health assessment. We did a visual check in the first instance and were very wary of waking him as officers had only just managing to calm him. Instead we opted to do a second visual check on the way out to ensure he was ok. Doing this we saw movement and were comfortable that he was ok.
21. Detainee stated that they suffered from a particular disease together with stress and anxiety. They had brought medication to the station but were not allowed to take it. Also claimed that needed to contact friend, he was offered two calls but was unable to make contact. Custody visitors checked custody record and it showed that the detainee had been visited by a nurse who recommended that no treatment was necessary unless they were required to stay in custody overnight. If this happens staff need to ask nurse in the morning. Record shows two telephone calls offered. Detainee to be interviewed very shortly with his solicitor. Staff advised that after interview they would be offered another opportunity to make a phone call.
22. One detainee reported that they had mental health issues and needed support after release from custody. The detainee confirmed that police had told him measures were in place to satisfy this request.
23. Detainee had already been interviewed, approaching 24hrs in custody so up for review. He was quite interested in the custody visiting procedure.

24. Detainee requested to see nurse as experiencing chest pains. He had not previously notified staff.
25. Detainee had drunk but did not want food. Waiting to see solicitor. Did not want to call anyone. Upset and informed custody visitors that they wished they had never been born. Custody visitors concerned about mental state. Staff updated detainees risk assessment and they were moved to CCTV cell.
26. Detainee on level four observations due to previous self-harm. Observed through open cell door but not spoken to on advice of custody sergeant.
27. Delay of 20 minutes in custody visitors gaining access to custody due to problems with smart card access.
28. On arrival there was a medical problem in custody and the custody visitors were asked to wait at the front desk. Delay of 32 minutes. Custody Sergeant concerned about one violent detainee and another drunk detainee throwing food inside his cell.
29. Two sharps bins needed to be disposed of as contents were past the fill line. Two bags of clinical waste stored in clinic room.
30. Custody suite was busy. One detainee was on two to one observations which impacted on staffing levels. (detainee smearing faeces on cell wall).
31. Detainee very agitated, not happy with staff but spoke with custody visitors. Officers were cleaning cell due to detainee vomiting.
32. Detainee was on level 4 (one to one) observations. Had been to hospital and accused the police of injuring them when they suffered a panic attack. The custody record was seen and the detainee spoke with the custody visitors – became distressed. It was confirmed that the detainee had seen both nurse and doctor. Also viewed the ambulance sheet for treatment received. The cell was CCTV covered. Staff had completed incident forms already which were also viewed. Custody visitors had assurance that everything was being managed well and in the best interests of the person in custody.