



West Midlands Custody Visiting Scheme Handbook

December 2016

Police and Crime Commissioner West Midlands Custody Visiting Handbook

1. Introduction

This handbook sets out the *Police and Crime Commissioner West Midlands (PCC)* arrangements for the delivery of an effective custody visiting service.

The West Midlands Custody Visiting Scheme will operate in accordance with the guidance issued by the Home Office. A copy of this guidance is attached at Annex Three to this Handbook.

2. Police and Crime Commissioner West Midlands

The PCC sets the strategic direction for policing in the West Midlands and ensures that the police service is run efficiently and effectively. He holds the Chief Constable to account on behalf of local communities for the police services delivered.

3. Objectives of the Custody Visiting Scheme

The objectives of the Scheme are to enable members of the community to:

- (a) observe, comment and report upon the conditions under which persons are detained at any police station, including the operation, in practice, of the statutory and other rules governing their welfare;
- (b) secure greater public understanding and confidence in these matters; and
- (c) provide an independent check on the way officers in custody facilities carry out their duties with regard to detainees.

The roles of the PCC, Chief Constable and custody visitors are set out in an agreement signed to by the PCC, the Chief Constable and each custody visitor (CV). A copy of the agreement is included as Annex One to this handbook.

4. Recruitment

Custody visitors should be independent persons:-

- of good character
- with broadly based interests in the local community who can bring with them particular experience or knowledge, and
- capable of making informed judgements in which the community can have confidence.

The PCC shall undertake recruitment once each year, unless the number of custody visitors is sufficient and no further recruitment is required at that time. Appointments of custody visitors should seek to ensure that the team for that particular area reflects the balance of the local community in terms of age, gender and ethnic origin.

5. Disqualification from acting as a Custody Visitor

Custody visitors must not be:

- Justices of the Peace on the active list;
- an officer or ex-officer of a police force (including the Special Constabulary);
- an officer of the Community Rehabilitation Company or Probation Service;
- under the age of 18 years;

Persons may be considered unsuitable for appointment if they have:

- been convicted of an offence punishable with imprisonment within the past five years; or
- served a term of imprisonment or detention.

All appointments are subject to successful interview and security vetting in accordance with the policy of the PCC office.

6. Training

An introduction and refresher training event will take place each year. The main purpose of the training event will be to provide custody visitors with appropriate introductory training.

In order to provide refresher training, custody visitors will be invited to attend the annual introduction and refresher training event. Depending on the numbers of new recruits it may not be possible to invite every custody visitor every year, but all custody visitors will be invited at least once every two years. Additional training may be provided periodically as appropriate.

7. Removal and Suspension from Office

Custody visitors must resign their appointment if their personal situation changes so that they would no longer be eligible for appointment as a custody visitor.

Accreditation as a custody visitor may be withdrawn or suspended in cases of:

- misconduct including non-compliance with the provisions of the Scheme or the procedures agreed by the local team; or
- a custody visitor being summonsed and/or arrested.

Where the PCC suspends a custody visitor's accreditation, the custody visitor may be required to successfully undertake an appropriate training course before reinstatement.

8. Misconduct

In any case where it appears that the behaviour or actions of a custody visitor may have fallen short of the professionalism that is expected, or is in breach of the Agreement (see Annex One), the Chief Executive may decide to take action.

If the behaviour is very minor, the Chief Executive may, at his/her discretion, choose to discuss the matter informally with the Custody Visitor and provide advice on expected future standards of behaviour.

In more serious cases, the Chief Executive will:-

- bring the matter to the attention of the individual custody visitor who will be offered an opportunity to explain any background to the matter;
- bring the matter to the attention of the Panel Coordinator and ask them to provide any relevant information; and/or
- consider the information that has been gathered and in consultation with the PCC take any appropriate action. This might include:
 - warning about their future conduct;
 - suspension until they have successfully undergone trainings or
 - withdrawal of accreditation (ie they cease to be a custody visitor).

The Chief Executive may take any past warnings and suspensions into account when determining which option should be pursued. The PCC or his representative will undertake any appeals against decisions taken under this procedure.

9. Custody Visitor Panels

Each custody site shall be linked to a Panel of custody visitors. The PCC will assign custody visitors to a Panel, and shall also appoint a coordinator to Chair and coordinate the activities of each Panel. The role of the Co-ordinator is set out in the Co-ordinator's role profile (see Annex Two).

Each Panel shall, within its area, be responsible for:

- meeting on a regular basis, at least three times each year to discuss the operation of the Scheme;
- monitoring all aspects of the day to day operation of the Scheme;
- ensuring that all custody visitors are used efficiently and effectively;
- monitoring the rota of visits to ensure all locations receive an appropriate number of visits; and
- providing feedback to the PCC on any matters raised at the Panel meeting.

Where a Panel does not comply with the Scheme's provisions the PCC may take steps to require the Panel Coordinator and custody visitors to comply.

In extreme circumstances if the problem persists, the PCC may take over the administration of the Scheme in a particular area until the problems are rectified.

10. Panel Co-ordinator

Each Panel shall have a co-ordinator. For larger sites such as Oldbury and Perry Barr, there will be two Co-ordinators. The role of the Co-ordinator is to arrange and Chair the meetings, distribute the rota and provide feedback to the PCC on the operation of the custody visiting scheme within the Panel area. The role profile for the Co-ordinator is attached at Annex Two.

11. Training and Meetings

In addition to Panel meetings, custody visitors will be invited to the following events:

- Annual Custody Visiting Meeting for all West Midlands custody visitors. This event will offer the opportunity to receive an update on the work of the Police and Crime Commissioner and any future plans for development of the Custody Visiting Scheme. There will also be the opportunity to discuss the Scheme with PCC staff and other custody visitors.
- Regional training event. This is an annual training event and will be offered to all custody visitors.
- Induction and refresher training event. There will be one training event held each year. The event is aimed primarily at new custody visitors, but will also be open to any existing visitor who would find it useful to attend.
- Annual meeting for Panel Co-ordinators.

12. Visiting Programme

The Co-ordinator for each Panel will issue a visiting rota on a regular basis. The rota will ensure that each custody site is visited at least once per week, and will also ensure that each custody visitor has their fair share of visits.

The Chief Constable will give as much notification as possible of closure (and reopening) of custody facilities to the scheme manager.

The rota will specify pairs of custody visitors (the "duty pair") who are responsible for visiting specified facilities in the given timeframe.

All custody visitors must participate and conform with the visiting rota compiled by their Panel Co-ordinator.

The rota shall only set the minimum number of visits to be undertaken by any pair of custody visitors. The actual number shall be at the discretion of the visitors themselves.

Custody visitors may undertake additional visits during periods outside those assigned to them by their rota, so long as they co-ordinate their visit(s) with the "duty pair" in the manner determined by their team.

Where a custody visitor wishes to undertake a visit in an area other than the one to which they are appointed, they must first contact the relevant team's co-ordinator or the Scheme Manager.

13. Minimum Number of Visits

Every custody visitor must undertake at least six visits every year.

Custody visitors who are unable to do at least six visits per year will automatically have their appointment withdrawn by the PCC (unless they have given written prior notification to the PCC of their inability to visit for a period of time).

14. Special Visits

Visits will normally be unscheduled and unannounced. There may be instances, however, when there is particular tension within the local community about the treatment or well-being of one or more persons detained at a police station within the area which a visit might help to defuse and/or allay myth and rumour. If such a visit is required, the Custody Inspector will contact the PCC to make the appropriate arrangements.

The custody visitors should, in such circumstances, work closely with the PCC to share their independent findings with appropriate representatives of the community at the conclusion of their visit. They should also keep the situation under review, making additional visits and reports if they, or the officer in charge of the station, consider it necessary.

When such a visit takes place the custody visitors may seek to see all persons detained at that particular time. Nothing in these arrangements is intended, however, to preclude such informal arrangements for visits as may be made, from time to time, between the police and members of the community.

15. Visiting Suspected Terrorist Detainees

A small group of custody visitors will be appointed and trained to undertake these visits. Visits to suspected terrorist detainees will be undertaken at the request of the West Midlands Police. Training for these visits will be provided by the PCC.

16. Visiting Procedures

During the custody visit, the arrangements set out in the code of practice should be followed (see Annex Three).

17. Objectives of Visits

Custody visitors are concerned only with custodial welfare. Discussion must focus on checking detainees have been offered their rights and entitlements under PACE and that conditions are adequate. They are not concerned with any aspect of legal or evidential matters related to the circumstances of arrest and/or detention.

The objectives of individual custody visits to police stations/custody sites are:-

- to obtain a proper picture of what is taking place at the police station/custody site;
- to examine custody documentation relating to detainees;
- to inspect accommodation and facilities to ensure that they are of an adequate standard;
- to monitor the welfare of all detainees;
- to ensure that all detainees have had their statutory rights explained to them and have been given written notice thereof;
- to ensure that all detainees have received all the facilities to which they are entitled under Code C of PACE; and
- to highlight and report any deficiencies and/ or problems.

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.

18. Detainees' Rights

Detainees' rights are defined in the Police and Criminal Evidence Act, 1984. Under Section 66 of the Act, the Secretary of State has issued a Code of Practice covering such matters. All custody visitors should be familiar with these provisions, and the Codes of Practice must be readily available at all police stations for consultation by police officers, custody visitors, detainees and members of the public.

All persons arrested in the West Midlands police area are taken to a 'Designated Police site'. That is one designated by the Chief Constable as being suitable for the reception and detention of prisoners. Each designated police site must have a "custody officer", who is at least the rank of Sergeant.

Custody visitors should note that the custody and welfare of all persons detained at a police site are the sole responsibility of the custody officer and all enquiries concerning detained persons should be directed to that officer.

19. Documentation

It is important that accurate and up to date custody records are in place for every detainee. Custody visitors should, if granted access, satisfy themselves that the custody record fully and properly records the action taken in connection with detainees while in police custody.

Where a detainee agrees for custody visitors to have access to their custody record, they may see the whole of the record on a computer screen or on paper. However, that part of the record which details the chronology of the detainee's stay should usually be sufficient for custody visitors to conduct their responsibilities.

Custody visitors may not see other police documents or medical records relating to detainees.

20. Impartiality

Custody visitors must not involve themselves in individual cases and should not offer advice to detainees about their circumstances. Such advice would be inconsistent with the custody visitors' independence from the investigation.

Custody visitors should only discuss the conditions in which persons are detained and their treatment, even though some persons will naturally wish to ask advice about their possible defence, particularly if they have not already received legal advice.

Custody visitors must not convey messages from detained persons.

Custody visitors must not visit friends or relations who are in custody.

In conducting their visit all reasonable care should be taken by custody visitors to ensure that they conduct themselves in an independent professional manner. Special care should be taken that they are not perceived to be overly friendly with anybody with whom they come into contact. Not to do so may result in casual observers calling their independence into question.

21. Custody Visitors Giving Evidence in Criminal Proceedings

Custody visitors should be aware that any conversation they have with a detainee could be disclosable in court, and it is possible that a court may issue a witness summons and require their attendance.

22. Confidentiality

It is very important that custody visitors treat all information they come across as being confidential, particularly that relating to the identity or circumstances of a detainee.

Breach of this undertaking may make a visitor liable to civil proceedings by the detained person concerned. Custody visitors will also need to be aware that the unauthorised disclosure of the facts concerning police operations or the security of police stations may constitute an offence under Section 5 of the Official Secrets Act 1989.

23. Reports and Follow-up Actions

At the end of each visit the custody visitors should complete the online visit report which is then reviewed by PCC.

Any issues which are considered unsatisfactory during the visit must be included in the report, together with any other comments about the conduct of the visit.

Problems should also be drawn to the immediate attention of the Custody Inspector.

The PCC shall monitor all reports submitted by custody visitors, together with any necessary action arising. The Chief Executive shall also report to the PCC comments and/or matters of particular importance.

24. Expenses

Travelling expenses will be payable to all custody visitors. The PCC will not pay any claim that is over 6 months old at the time of submission for authorisation.

Custody visitors and appropriate adults will be paid their travelling expenses between their home and place of duty. If claiming reimbursement for public transport or car parking, you must provide a receipt of purchase or ticket. Public transport can only be standard class.

Travel made by car of any engine capacity may be claimed at the rate of 45 pence per mile. Payment will only be made for the shortest possible route.

25. Change of Address

Each custody visitor must inform the PCC of any change of address and/or telephone number(s), or change in personal circumstances which would affect their appointment.

When a person ceases to be a custody visitor they must return their identification document to the PCC.

26. Review of Custody Visiting Policy Handbook

The PCC will review this policy and handbook at least every 3 years.

CUSTODY VISITORS' AGREEMENT

This is an understanding between the Police and Crime Commissioner, custody visitors and the Chief Constable of West Midlands Police.

The Police and Crime Commissioner undertakes to:

- Publicise the Scheme throughout the West Midlands to ensure that its existence and objectives become better known and to generate appropriate volunteers to join the Scheme.
- Issue a handbook to provide information about the Custody Visiting Scheme and how it operates.
- Provide appropriate initial and additional training to custody visitors at least once each year.
- Issue an appropriate form of identification to enable custody visitors to gain access to police stations in the course of their duties.
- Provide opportunities for custody visitors to share learning and experience.
- Provide appropriate central support to the Scheme and custody visitors.
- Regularly review the provisions of its Scheme in the light of national and local developments.
- Provide appropriate resources to support the Scheme.
- Ensure that insurance cover is provided for custody visitors in the course of their duties.
- Review the Scheme's smooth, efficient and effective operation.
- Review, act upon and report-back on appropriate matters raised by custody visitors.
- Reimburse custody visitors reasonable travelling expenses incurred in the course of their duties.

West Midlands Police undertakes to:

- Support the objectives and provisions of the custody visiting scheme.
- Admit custody visitors immediately to custody facilities upon their arrival - except where this would place them in personal danger or where a detainee being processed does not consent to be seen.
- Have an officer accompany custody visitors at all times to ensure their safety, whilst affording them appropriate privacy when conducting a visit.
- Give custody visitors free access to all appropriate parts of a police suite in accordance with the provisions of the Scheme.
- Where possible, to resolve any issue raised by custody visitors at the time it is raised.
- Review, act upon and report-back on appropriate matters raised by custody visitors in the course of their duties.

The Custody Visitor undertakes to:

- Act in accordance with the provisions of the Scheme and any appropriate decision of their Panel.
- Undertake appropriate additional training that the PCC may determine from time to time.
- Act at all times, during custody visits and at all other times in such a way as to avoid bringing the Police and Crime Commissioner or the Strategic Policing and Crime Board into disrepute.
- Keep their custody visitor identification safe and only use it in the course of their official duties.
- To undertake at least the minimum number of custody visits that the PCC or their team may determine from time to time.
- Maintain confidentiality of any specific information gained whilst acting as a custody visitor, subject to the necessity to report to the community as a result of a "special" visit undertaken at the request of the Force.
- To report, as appropriate, in general terms on their visits to their Panel.
- Try to attend all meetings in respect of the Scheme to which they are invited.
- Ensure that they complete fully their report in respect of each visit they undertake, including any responses made to their comments by custody staff.
- Ensure that the custody visit report form is completed as soon as possible after the visit has concluded, using the online reporting made available by the PCC.
- Inform the PCC of any changes in their personal details which may affect their status as a custody visitor.
- Return their official identification and other documentation on ceasing to be a custody visitor.

Custody Visitor Panel Co-Ordinator

A Co-ordinator for each Panel shall be appointed by the PCC. Expressions of Interest in the role of Co-ordinator shall be sought from amongst all custody visitors on an annual basis, and the PCC shall then select one person to take on the role for the forthcoming year.

Each Co-ordinator shall receive a payment of £50 per quarter which is in recognition of the fact that the Co-ordinator will use their own equipment and stationery in order to undertake their duties.

Panel Co-Ordinator Role Profile

1	Devise a visiting rota in the agreed format and email this to all members of the Panel on a quarterly basis.
2	Oversee the work of the Panel and ensure its smooth running.
3	Ensure all custody visitors fulfil their required number of visits.
4	Ensure sites receive their required number of visits.
5	Arrange panel meetings in line with scheme guidelines and keep a record of panel discussions, informing the PCC of any issues arising from the meeting.
6	Identify any issues or training needs arising and bring them to the attention of the PCC.
7	Attend the annual meetings for panel co-ordinators.
8	Assist the PCC with arrangements for the probationary period of training for new custody visitors and provide support where necessary.

Home Office Custody Visiting Code of Practice



Home Office

Code of Practice on Independent Custody Visiting

March 2013

Code of Practice on Independent Custody Visiting

Presented to Parliament pursuant to Section 51(8) of the
Police Reform Act 2002

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Introduction

1. This Code of Practice on independent custody visiting is issued in accordance with section 51 of the Police Reform Act 2002, as amended by section 117 of the Coroners and Justice Act 2009 and paragraph 299 of Schedule 16 to the Police Reform and Social Responsibility Act 2011. Local policing bodies and independent custody visitors (ICVs) shall have regard to the Code in carrying out their relevant functions. Throughout this Code, the term 'police and crime commissioners' includes the Mayor's Office for Policing and Crime (MOPAC) (in respect of the Metropolitan Police Service) and the Court of Common Council of the City of London Corporation (in respect of the City of London Police).
2. 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 and confidentiality to detainees and the police and reassurance to the community at large.
3. The Coroners and Justice Act 2009 extends independent custody visitors' remit to terrorist suspects in detention. This Code of Practice has been amended to set out how this would operate in practice - given the differences between terrorist and non-terrorist investigations and statutory frameworks, there are differences in how independent custody visiting operates in relation to terrorist suspects in detention.
4. The Code is supported by more detailed National Standards, which expand on the relevant procedures and systems and set out established good practice.

Legislation

5. 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.
6. 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. These two changes amend:
 - (a) Section 51 of the Police Reform Act 2002 to ensure that the arrangements made by PCCs for ICVs include a requirement that reports about visits made to suspected terrorist detainees are submitted to the Independent Reviewer of Terrorism Legislation (IRTL) as well as to the PCC. The amendments also allow ICVs to listen and view audio and video recordings of interviews with suspected terrorist detainees, subject to any restrictions on such access, which must be specified in this Code of Practice (please see paragraphs 66-72 for further information).
 - (b) Section 36 of the Terrorism Act 2006 (review of terrorism legislation) under which the IRTL is appointed and tasked with the annual review of the operation of the Terrorism Act 2000 (TACT) and the Terrorism Act 2006, Part 1. As amended, that provision states that the IRTL may in particular consider the treatment of terrorist suspects detained under a warrant of further detention under Schedule 8 to TACT.

7. While the provisions of the Police Reform Act 2002 cover only England and Wales, the remit of the IRTL covers the entire UK. Therefore, in this regard his remit to examine compliance with Schedule 8 and the relevant PACE (and PACE NI) Codes cover Great Britain and Northern Ireland and similarly to review the operation of equivalent terrorism legislation in Scotland. This Code of Practice applies to England and Wales only. However, in order for the IRTL to fulfil his duties under section 117, equivalent arrangements will be put in place in Northern Ireland and Scotland to ensure a consistent approach is taken throughout the UK.

Organisation and Infrastructure

8. 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.
9. Overall responsibility for the central administration of the scheme must be given to a nominated officer on the PCC staff, supported as necessary by other personnel and resources.
10. At police area level, groups or panels of volunteers must be organised to visit police stations in the area. Every group needs to have its own co-ordinator locally, supported by the PCC's staff. Paragraphs 23-24 below explain the arrangements for ICVs who are accredited to visit TACT detainees.

Recruitment and Conditions of Service

Organising Recruitment

11. PCCs are responsible for recruiting, selecting and appointing ICVs and must ensure these functions are adequately resourced.
12. Adequate numbers of suitably trained and accredited ICVs must be available at all times. Paragraphs 23-24 explain the arrangements for ICVs who are accredited to visit TACT detainees.

The Recruitment Process

13. Recruitment must be based on clear role descriptions, as well as person specifications setting out the qualities ICVs require to carry out their role effectively.
14. Recruitment must be open, non-discriminatory and well publicised.
15. All selections must be made on the basis of a standard application form with adjustments based on local circumstances.
16. No person shall be appointed as an ICV without an interview taking place. The selection panel must record the reasons for decisions about appointment or non-appointment. Any appointment must be made solely on merit. Any appointment is subject to vetting or security clearance for all custody visitors to an appropriate level as determined by the Home Office.

ICVs who visit TACT detainees must have Security Check (SC) level clearance and have undertaken the specific training provided for visiting TACT detainees (see paragraphs 37-38 for details of the training). Before renewing the appointment of an individual ICV, PCCs must ensure that appropriate vetting or security clearance remains valid until the end of the period of appointment (see paragraph 29 below).

17. All ICVs must be at least 18 years old and must be living or working within the police area, having been resident in the UK for at least 3 years prior to the date of application. ICVs accredited to visit TACT detainees will need to have completed the I training and is a condition of selection for this role. ICVs must have successfully completed 18 months of PACE custody visits before they can be considered for TACT detainee visits. Paragraphs 37-38 provide more detail on the training for these roles.

Who should be selected?

18. The PCC must seek to ensure that the overall panel of ICVs is representative of the local community and provides a suitable balance in terms of age, gender and ethnicity.
19. All reasonable adjustments, as defined in the Equality Act 2010, must be made to accommodate those with a disability. Where it is proposed to appoint as an ICV an individual who does not have English as their first language, but who is able to communicate effectively so as to be understood, and is otherwise considered to be a suitable candidate, he/she must be informed that visits with detainees are carried out in English as is all documentation relating to detainees.
20. Visitors must be independent persons who are able to make informed and justified judgements and unbiased observations in which the community can have confidence and which the police will accept as fair criticism.
21. Where an applicant has one or more convictions for criminal offences, or has received any formal caution, warning or reprimand, or has failed to disclose any such finding, the specific circumstances must be considered in assessing suitability to become an ICV. However, past offending is not an automatic barrier to acceptance. The chief officer should provide advice to enable the PCC to make a decision with regard to the suitability of each applicant. The PCC should be informed by the chief officer as to the reason(s) for recommending that a volunteer should not be appointed. Ultimately, the PCC is responsible for all appointments of ICVs – subject to meeting the requirements (for example vetting) set out in this guidance.
22. In appointing ICVs, care must be taken to avoid any potential conflict of interest. For example, serving police officers and other serving members of police or PCC staff will be unsuitable for that reason. The same will apply to special constables, justices of the peace, members of police and crime panels or PCCs. All applications must be considered on their merit.

ICVs visiting TACT detainees

23. The selection of ICVs for TACT detainee visits will draw on the existing structures whereby ICVs are associated with schemes administered by individual PCCs and carry out visits only in that police area.
24. ICVs for TACT detainee visits will be drawn from those areas where terrorism detention takes place.

Other Possible Roles for Custody Visitors

25. ICVs 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 and must declare if they have previously carried out either role with the same detainee. An individual cannot perform both roles (i.e. acting as an appropriate adult and an ICV) simultaneously for the same detainee.
26. ICVs may also act as lay observers appointed under section 81 of the Criminal Justice Act 1991 to inspect the conditions under which prisoners are transported and held.

Basis of Service

27. The PCC must provide each ICV with a written memorandum of understanding summarising their agreed responsibilities and the legitimate expectations of both parties.
28. The PCC must provide each ICV with 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.

Tenure

29. Appointments as an ICV must initially be for three years and must not be confirmed until a six-month probationary period has been satisfactorily completed. Full re-assessments of suitability must 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. Any decision not to renew the appointment must follow the principles of natural justice and must be publicised in the scheme's memorandum of understanding or guidance. There are additional training and selection requirements for TACT ICVs as set out in paragraphs 37-38.

Removal

30. A PCC can terminate an ICV's appointment because of misconduct or poor performance.
31. Procedures for considering possible termination of appointment must follow the principles of natural justice and must be publicised.

Complaints Procedures

32. Procedures must be in place to deal with complaints against ICVs by detainees, police personnel or others. Equally, there must also be a clear mechanism for handling any complaints from visitors.

Payment

33. ICVs are entitled to be reimbursed for their legitimate expenses incurred in carrying out their role.

Insurance

34. The PCC must ensure adequate cover and provision for claims arising from an ICV's role.

Training

35. The basic responsibility for initial and ongoing training lies with the PCC and a structured plan with clear objectives must be developed in consultation with the police service and the local independent custody visiting community.
36. The PCC must evaluate the effectiveness of training and the extent to which it is achieving its objectives.

Training, selection and guidance for ICVs visiting TACT detainees

37. The Independent Custody Visiting Association (ICVA), with Home Office support, is responsible for developing and keeping under review an additional training package for ICVs visiting TACT detainees. Training will cover an explanation of the legal framework, review process, arrangements for visits, the role of the IRTL and how ICVs will work with the IRTL in carrying out their functions, and the conduct and reporting of visits.
38. Training for ICVs visiting suspected TACT detainees is part of the selection process, and successful completion of training is a condition of selection for this role. ICVs must have successfully completed eighteen months of PACE custody visits before they can be considered for TACT detainee visits. Selection, performance management and de-selection of ICVs is the responsibility of the relevant PCC.

Frequency and Coverage

39. The PCC should liaise with the chief officer about the frequency with which visits should be carried out.
40. Visits must be sufficiently regular to support the effectiveness of the system, but not so frequent as to interfere unreasonably with the work of the police.
41. The frequency of visits must be monitored against expectations and reported to the PCC at regular intervals. Where insufficient visits are taking place, the causes must be investigated and corrective action taken.
42. 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.

Visiting TACT detainees

43. In respect of PACE detention, ICVs regularly conduct unannounced visits to police stations. This element of "spot-checking" is an important tool in ensuring ICVs are able to provide an accurate "snapshot" account of detention conditions. Appropriately trained and security cleared ICVs may still undertake unannounced visits to terrorism detention suites, but given the low number of TACT arrests in comparison to PACE arrests, it is unlikely that a terrorist suspect will be in detention during visits which are conducted on an ad-hoc basis. For this reason, the relevant ICV scheme administrator will be notified when terrorist arrests take place and where those arrested are being detained.
44. This notification will be made by the police custody officer as soon as practicable after the detainee has arrived at the detention suite.

45. The ICV scheme administrator will inform appropriately trained and security cleared ICVs that an individual has been arrested under TACT and of the detention facility at which they are, or will be, held.
46. One of the nominated ICVs will make contact with the police custody detention suite to inform them of their intention to visit. The selected pair of ICVs may visit unannounced but a police officer of at least Inspector rank may delay access until such a time as is practicable (as set out in Section 51(4)(a) of the Police Reform Act 2002 and in paragraphs 49 and 55 of this Code). The police will accommodate an initial visit as early as possible, although visits may need to be delayed where multiple arrests take place simultaneously in order to allow suspects to be “booked in”. This ensures that suspects are able to receive notice of their statutory rights, and to exercise their right to inform someone of their arrest and receive legal advice. The process also ensures that the police are able to collect any necessary physical evidence from a person for analysis (e.g. forensic samples, DNA profiles, fingerprints etc). However, ICVs should be able to conduct an initial visit as soon as is practicable after the detainee has arrived at the detention suite.
47. Pre-charge detention under TACT can continue up to a maximum of 14 days. Therefore, subsequent visits by appropriately trained ICVs may be appropriate but this will depend on the length of the detention. Subsequent visits may take place until the detainee is charged or released. As a matter of good practice, different pairs of ICVs should visit the same detainee in the same pre-charge detention period. The police cannot direct when ICVs should conduct their visits; ICVs can visit a detainee whenever they wish – subject to the detainee’s consent (see paragraphs 64 and 72).

Working arrangements

Conducting visits

48. To ensure the safety and wellbeing of volunteers, visits must be undertaken by pairs of ICVs working together.

Visiting Procedures at Stations

49. ICVs must be admitted to the custody area immediately. Delay is only permitted when immediate access may place the visitors or another individual within the custody area in danger. 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.
50. ICVs must have access to all parts of the custody area and to associated facilities, such as cell accommodation, washing and toilet facilities, facilities for the provision of food and medical rooms (which in some cases, may only be accessible when the force's healthcare practitioner is present) for the purposes of inspection. However, it is not part of their role to attend police interviews with detainees. Custody visitors will be allowed access to CCTV cameras and systems (in PACE detention facilities) to ensure that they are operational.
51. Police staff must be alert to any specific health or safety risks ICVs might face and must advise them appropriately at the commencement of the visit.
52. The custody officer or a member of custody staff must accompany ICVs during visits (subject to paragraph 58).

Access to Detainees

53. Subject to the exceptions referred to in paragraph 55, ICVs must be allowed access to any person detained at the police station. However, only ICVs who have undergone the appropriate security vetting and training will be permitted access to TACT detainees, irrespective of where they are being held. Detainees may only be interviewed with their consent which will be established either by:
- i) self-introduction – the ICVs will introduce themselves and their purpose and seek permission to speak to the detainee
 - ii) the escorting officer explaining the purpose of the ICV visit and asking the detainee whether they are willing to speak with the visitors.
54. Juveniles may be spoken to with their own consent. If, for whatever reason, a detainee is not in a position to give consent, the escorting officer must allow the visit unless any of the circumstances set out in paragraph 55 apply.
55. In accordance with section 51(4) of the Police Reform Act 2002, the custody officer may limit or deny ICVs access to a specific detainee only if authorised by an officer of, or above, the rank of Inspector and where either of the following specified grounds apply:
- i) after a risk assessment has been carried out the officer reasonably believes that to be necessary for the visitors' safety, or
 - ii) if the officer reasonably believes that such access could interfere with the process of justice.
56. Where any of the circumstances referred to in paragraph 55 apply, consideration should be given to allowing the visitors some limited form of access to the detainee, such as speaking through the cell hatch or seeking consent to view the custody record. Such a delay under the specified ground at paragraph 55 would not prevent the ICVs from inspecting the rest of the detention facility.
57. Any decision to deny or limit access must be recorded in the detainee's custody record (together with the relevant authorisation) and by the ICVs in their report of the visit.

Discussions with Detainees

58. Discussions between detainees and ICVs must, wherever practicable, take place in the sight, but out of the hearing, of the escorting police officer. Where this is not possible, the police officer will not take any active part in the conversation. Police officers should not actively listen to conversations between ICVs and detainees. For TACT detainees, discussions may take place in either the interview room, the solicitor's consulting room or some other convenient place.
59. Discussions must focus on checking whether detainees have been offered their rights and entitlements under PACE, their health and wellbeing, and the relevant safer detention guidelines and confirming whether the conditions of detention are adequate.
60. ICVs 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 will be made known to the custody officer and may be disclosed in legal proceedings.

61. If an ICV realises they know or are known by a detainee, they must declare this and consider whether to withdraw from the visit.
62. ICVs 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.
63. If a detainee indicates to an ICV that they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.
64. Subject to obtaining the detainee's consent to examine their custody record, the ICVs should check its contents against what they have been told by the detainee. This will provide ICVs with an overview as to how the detention has been carried out. ICVs may also have access to other relevant documentation, which relates to a detainee e.g. risk assessment. All such information must be treated confidentially.
65. 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 ICVs to examine it.

Audio and video recording of TACT interviews

66. ICVs visiting TACT detainees may request that they are given access to audio or video recordings of interviews. ICVs may only request access to the whole or part of the audio or video recordings of any interview that has been conducted during the period of detention:
 - a) at the request of the detainee; or
 - b) where the ICVs have particular concerns about the conduct of an interview (the consent of the detainee will still be required).

Such a request will only be in order to:

- a) ensure that the detainee has been offered their rights and entitlements under TACT;
 - b) that their health and wellbeing has been ensured throughout; and
 - c) that the relevant statutory code of practice has been followed .
67. Given the interests of the detainee will be protected by their legal representative and, if relevant, an appropriate adult, during the interview, the ICV will not routinely need to access audio or video recordings of TACT interviews. Should the ICV continue to have concerns after viewing the recording, they should take this up as soon as possible with the custody officer in order to seek a resolution and follow the complaints procedures set out in the PCC arrangements.
 68. Access to the whole or part of an audio or video recording of an interview may only be denied to ICVs if:
 - (a) it appears to an officer of, or above, the rank of inspector that there are grounds for denying access (as set out in paragraph 69) at the time it is requested; and
 - (b) the procedural requirements imposed by the arrangements in relation to a denial of access to such recordings are complied with.

69. The only permitted grounds for denying access to the whole or part of an audio or video recording of an interview under paragraph 68 (a) above are:
- a) if the officer reasonably believes that it is not practicable to provide access at the time it is requested; or
 - b) if the officer reasonably believes that such access could interfere with the process of justice.
70. In the case of access being denied to audio or video recordings, an explanation must be given to the ICVs and this must be recorded on both the visit report form and the custody record.
71. ICVs will not be permitted to watch or attend live interviews of terrorist suspects.
72. ICV access to audio or video recordings of interviews must always be subject to obtaining the consent of the detainee. Consent will need to be obtained at each separate visit.

Medical Issues

73. ICVs 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 required while in custody should be recorded in the custody record itself and may be viewed.

Dealing with Issues and Complaints

74. Where a detainee makes a complaint or raises an issue about their general treatment or conditions, ICVs must (subject to the detainee's consent) take this up as soon as possible with the custody officer in order to seek a resolution. The same applies to similar issues identified by visitors in the course of their attendance.
75. 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.

Effective Working Relationships

76. 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.

Reporting on a Visit

77. At the end of each visit, and while they are still at the police station, ICVs must complete a report of their findings to include conditions and facilities, rights and entitlements and health and well being. One copy of the report must remain at the station for the attention of the officer in charge. Copies must go to the PCC and other parties as determined locally.
78. Report forms must include an undertaking not to reveal the names of persons visited or other confidential information obtained in the course of a visit.

TACT detainees

79. Reports of visits should be submitted to the IRTL and to the PCC for both the police station where the suspect was held and also the police area in which the arrest was made. Co-ordination of reports will be done via the PCC and the ICV Scheme Administrator.

Feedback

80. Systems must be 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.
81. The PCC is responsible for drawing together issues and identifying trends emerging from visits in their area and addressing these with relevant police supervisors.
82. The PCC must have a regular and formal opportunity to raise concerns and issues with a designated senior officer with force-wide responsibilities. It will usually be appropriate for that officer to be of at least Assistant Chief Constable/Commander rank. Regular reports shall be provided by the administrator of the scheme to the PCC. These reports must be discussed at PCC meetings as appropriate and reflected in an entry about independent custody visiting in the PCC's own annual report.
83. In addition, for TACT detainees the IRTL may choose to follow up issues separately.

Sharing Experience

84. The PCC must ensure that ICVs have regular opportunities to meet together to discuss their work.

Reviewing Performance

85. PCCs must take steps to assess how effectively their independent custody visiting arrangements are working. Key aspects of that process will be having regard to the National Standards, including quality assurance in respect of reports, remedial actions taken by the police in response to issues raised, the frequency with which visits take place and the number of occasions on which detainees refuse to speak to visitors.

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