



STRATEGIC POLICING AND CRIME BOARD
16th May 2017

Independent Custody Visiting Scheme
Annual Report
April 2016 – March 2017

PURPOSE OF REPORT

1. Police and Crime Commissioners 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 April 2016 – March 2017.

BACKGROUND

2. There has been a custody visiting scheme in the West Midlands since 1985, and one of its key objectives is to contribute to 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. ICVs come from all walks of life and every effort is made to make sure that they reflect the make-up of the West Midlands in terms of age, gender and ethnic background.
5. Due to a change in personnel within the office in August 2016, the opportunity arose to review the scheme and update the current handbook which outlined how the scheme was run. As a result a new handbook was produced and was presented to ICVs at a launch meeting held in December.

VISIT FREQUENCY

6. Establishing and maintaining a program of frequent visits is essential to the effectiveness of the scheme. It is acknowledged that occasional visiting would be considered unsatisfactory in terms of community reassurance.

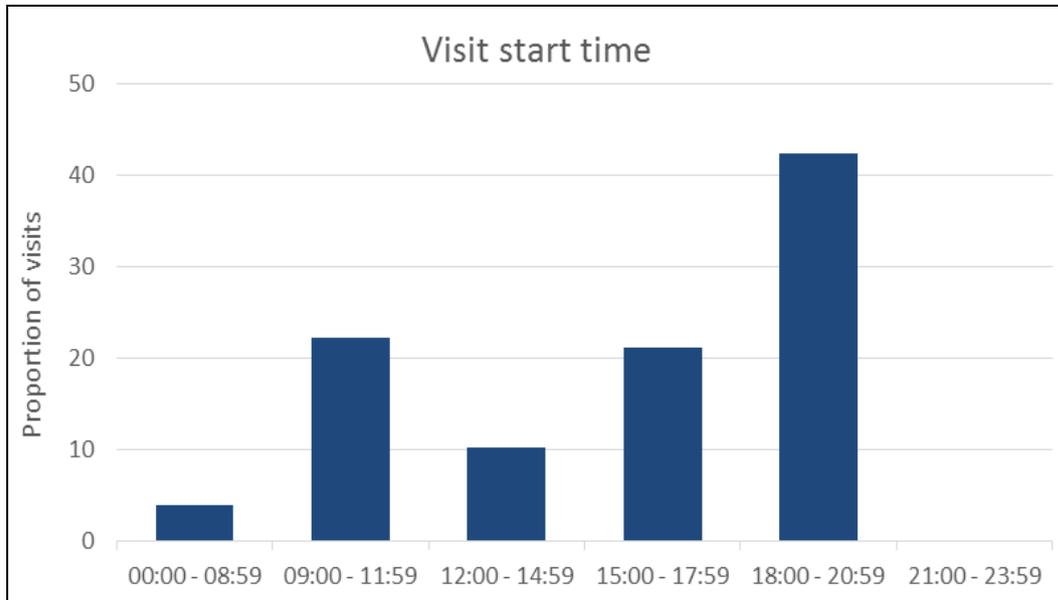
7. Each ICV panel operates a rota, which provides an opportunity for a pair of visitors to conduct an unannounced visit every five or six weeks. However, this can vary depending on ICVs' holidays, work commitments or health reasons. The current recommended target is that each designated custody site receives one visit per week unless it is a "super block", in which case, it is expected to receive two visits due to the size of the site and number of cells. A visit to a super block suite would consist of two pairs of ICVs who would divide the sixty cell facility between them to carry out their visits.
8. Performance of the scheme for April 2016 – March 2017 is detailed below.

April 2016 – March 2017

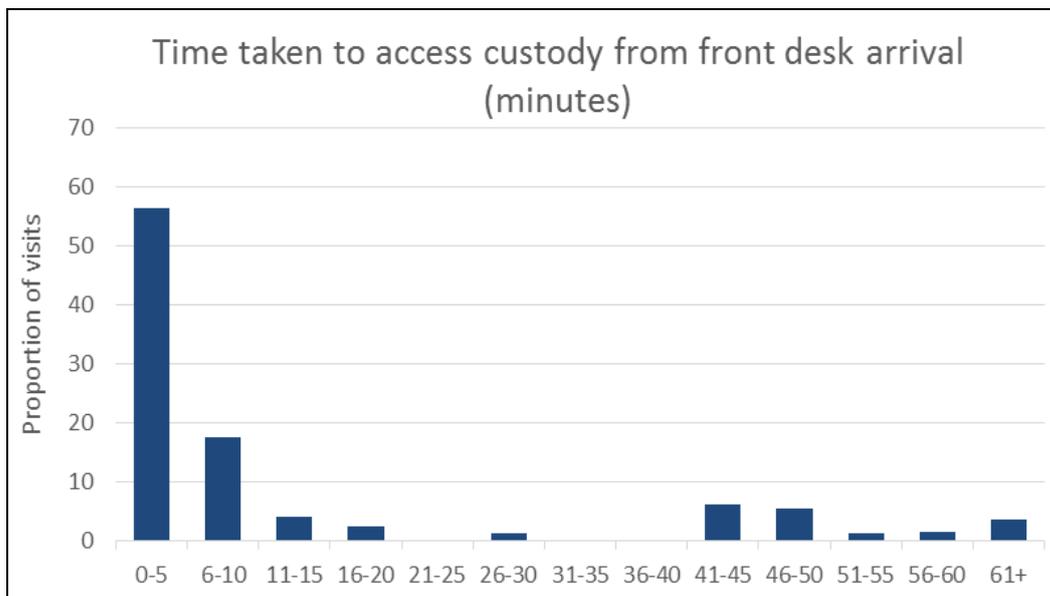
Custody Site visited	Expected target of visits	Number of visits achieved
Wolverhampton	52	40
Coventry	52	53
Birmingham South (Bournville)	52	54
Solihull	52	53
Perry Barr	92	71
Oldbury	104	65
Total	404	336

9. In the 12 months from April 2016 – March 2017, 83% of the target of visits were achieved. The difference between visits achieved compared with the expected target figure can be explained and understood by a number of mitigating factors. When the new super blocks, Oldbury and Perry Barr, became operational, there had been no panel co-ordinators in place to help oversee and support the substantial size of new panels, each consisting of thirty five to forty ICVs. In addition, there were also a number of ICVs who naturally left the scheme due to work or personal circumstances. This created a gap in visits which was not always possible to cover at short notice.
10. The Wolverhampton panel have struggled to meet their target of visits due to the absence of a panel co-ordinator and ICVs not engaging fully in the scheme all of the time i.e. unavailable to carry out visit or not contactable. It is intended that recruitment later on in the year will help address this issue.

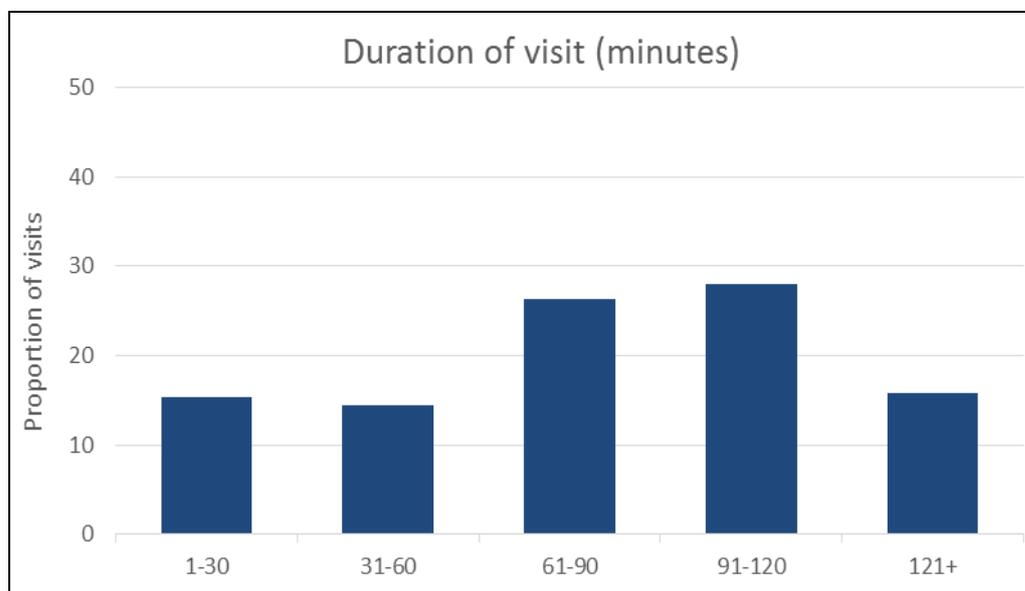
11. A high percentage of ICVs are in full time employment which has an impact on the time that they can conduct visits. This is highlighted in the table below which shows that more than 42% of visits are conducted during the evenings between 6pm and 9pm. However, ICVs are regularly encouraged to vary their visit times and this is reflected in the spread of their 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 ICVs between midnight and 8am.



12. Once ICVs 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, for example due to a violent detainee 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 Inspector. The length of time taken to access the custody suite from arrival at the front office is highlighted by the following table.



13. The length of time ICVs spend on police premises is dependent on a number of factors including the length of time spent with a detainee, waiting for a staff member to become available to facilitate the visit or the size of the custody suite i.e. super block. This is highlighted by the below table.



FINDINGS

14. The majority of matters raised by ICVs were in relation to maintenance issues particularly within the newly built super blocks at Oldbury and Perry Barr i.e. showers leaking. It is understood that the period of warranty with the building contractor for the two sites has expired and that the Force now have in place their own contractor who will be able to address the continuing maintenance issues.
15. The only other site that had any concerns of note was Birmingham South (Bournville Police Station) which was inadequately stocked with suicide blankets (blankets had become worn and damaged). Custody staff and ICVs had raised concerns which were brought to the Force's attention. In response, the Force confirmed an order for new stock had already been placed and were awaiting delivery. It is understood that at the time of writing this report, that Bournville has now taken possession of the new order.
16. An overarching concern which was raised by ICVs on a number of occasions was in relation to the healthcare provisions in place. ICVs noted the length of time it took for a nurse to see detainees in custody. It is understood that the contract for healthcare provision is to be reviewed and that these concerns have been noted by the Force.

17. As can be seen by the table below, custody visitors were able to speak to 2535 detainees who were in custody at the time of arrival and who agreed to be seen. It is important to note that not all detainees are offered visits (for example those in interview, in consultation with their solicitor, were asleep or for health and safety reasons), in addition, not all detainees agree to a visit. The number of detainees seen cannot be used as an indicator of performance due to custody visitors having no influence over whether or not the detainee agrees to be seen. However, where possible ICVs have used “the self-introduction” approach rather than allowing the escorting officer to introduce them. This approach has been noted by ICVs as producing better acceptance results and is something that the scheme will continue to encourage.

Detainees visited	Detainees present	Visits offered	Visits accepted	% of detainees present who accepted visits
PACE Adult	3,393	2,657	2,286	67
PACE Juvenile	257	173	151	59
Home Office	68	54	48	71
Other	99	71	50	51
Total	3,817	2,955	2,535	66

TEAMS

18. Since the introduction of the new super blocks at Oldbury and Perry Barr, former teams/panels Sandwell, Birmingham West & Central, Walsall, Dudley, Birmingham East and Birmingham North were dispersed and subsequently reformed as new panels for Oldbury and Perry Barr. There are now six panels assigned to custody sites across the West Midlands. Currently, the scheme has about 93 ICVs who cover the West Midlands region.

RECRUITMENT AND TRAINING

19. In light of the new custody blocks becoming operational, a recruitment exercise was undertaken and a substantial number of ICVs were recruited in order to be able to conduct visits at the new 60 cell super blocks.

REGIONAL AND NATIONAL CONFERENCES

20. Warwickshire hosted a regional conference in September 2016 with a number of ICVs from across the regional schemes – West Midlands, Staffordshire, West Mercia and Warwickshire in attendance. Presentations included Integrated Offender Management, New Super Detention Blocks (including their management), the lead up to charging procedures in custody, ASIST Independent Mental Health Advocacy and communication and electronic recording update on systems.

21. The Independent Custody Visitors Association held their National Conference in Birmingham in March 2017. The conference included a presentation about Vulnerable Adults and Appropriate Adults with the afternoon focusing on talks from the St Giles Trust and “Dr Em” who provided moving and emotional stories of personal experiences of police custody. A talk about the Liaison and Diversion in the West Midlands concluded the conference.

RECOGNITION OF CUSTODY VISITORS

22. Custody visitors give up their time and dedicate a number of hours in supporting the scheme. In July 2016 it was decided that custody visitors would receive a service award at the Police and Crime Commissioner’s annual Outstanding Citizens Awards event. Custody visitors who reached certain mile stones in terms of years’ service i.e. five, ten and fifteen years would receive a gift. The awards ceremony itself would be a thank you and recognition event for their work and commitment.

TERRORISM ACT DETENTION VISITS

23. A team of 11 ICVs including a co-ordinator are in place to undertake visits for detainees arrested under the Terrorist Act if and when requested.
24. During the year there were at least 70 TACT visits undertaken. Once a request from CTU had been received by the PCC’s office, the TACT co-ordinator was informed and would arrange for visits to be conducted within the first 24 hours of detention to comply with statutory requirements. After that, a visit would be conducted every day until the detainee was either charged or released. Copies of the completed report forms were submitted to the Independent Reviewer of Terrorism Legislation.

UNITED KINGDOM BORDER AGENCY CUSTODY VISITS

25. Visits continue to be carried out for Border Force on a monthly basis by a team of ICVs at the Border Force’s custody site within Birmingham airport. In addition, some visits had been undertaken following dynamic arrests when persons were detained at the site.

APPROPRIATE ADULTS FOR VULNERABLE ADULTS

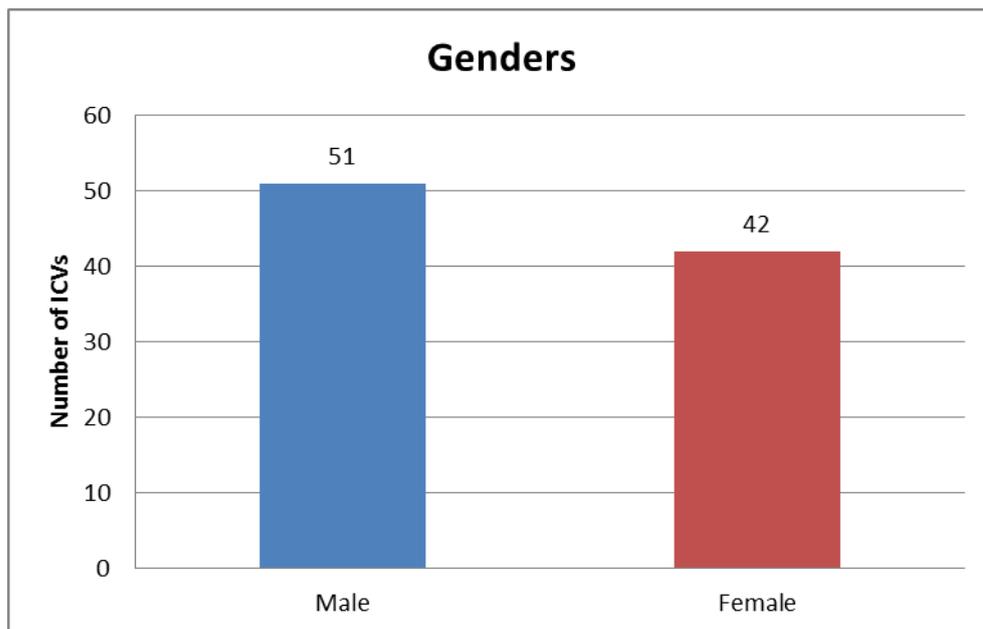
26. Vulnerable people in police custody should be accompanied by an appropriate adult. If a family member or friend is not available to undertake this role, the local authority has a statutory responsibility to supply an appropriate adult in the case of young people, but there is no statutory responsibility in the case of vulnerable adults. Police forces across the country have found it very difficult to secure appropriate adults for vulnerable adults. In response, West Midlands Police has resorted to using custody visitors to act as appropriate adults. There is concern that this has not given a sufficient degree of independence, and there have also been problems finding custody visitors available at short notice.

The Commissioner has agreed to take over the management of the Appropriate Adult Scheme, and new arrangements are now in place to train and use custody visitors to perform this important role. The new arrangements are still bedding in, and further information on the performance of the new scheme should be available in the coming months.

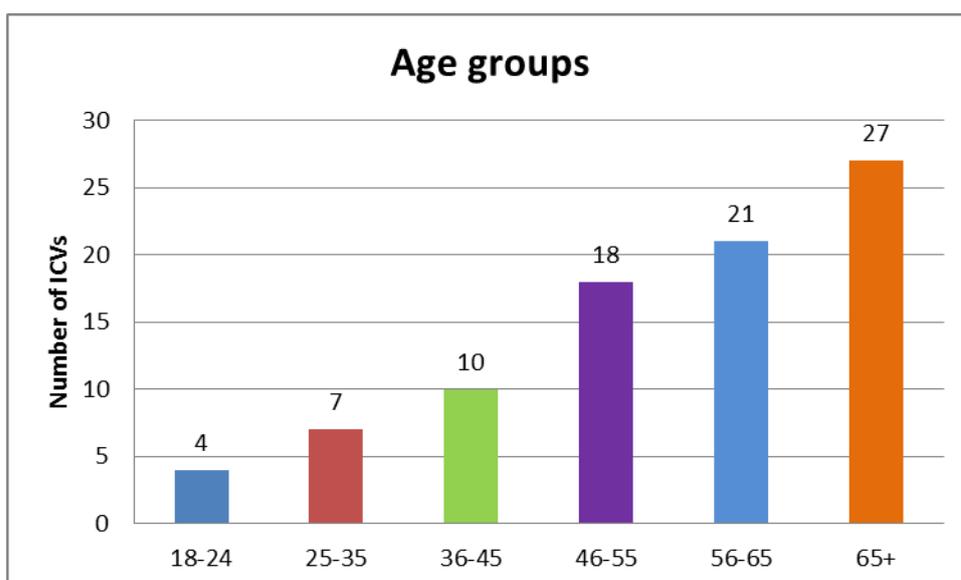
EQUALITIES IMPLICATIONS

27. 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.

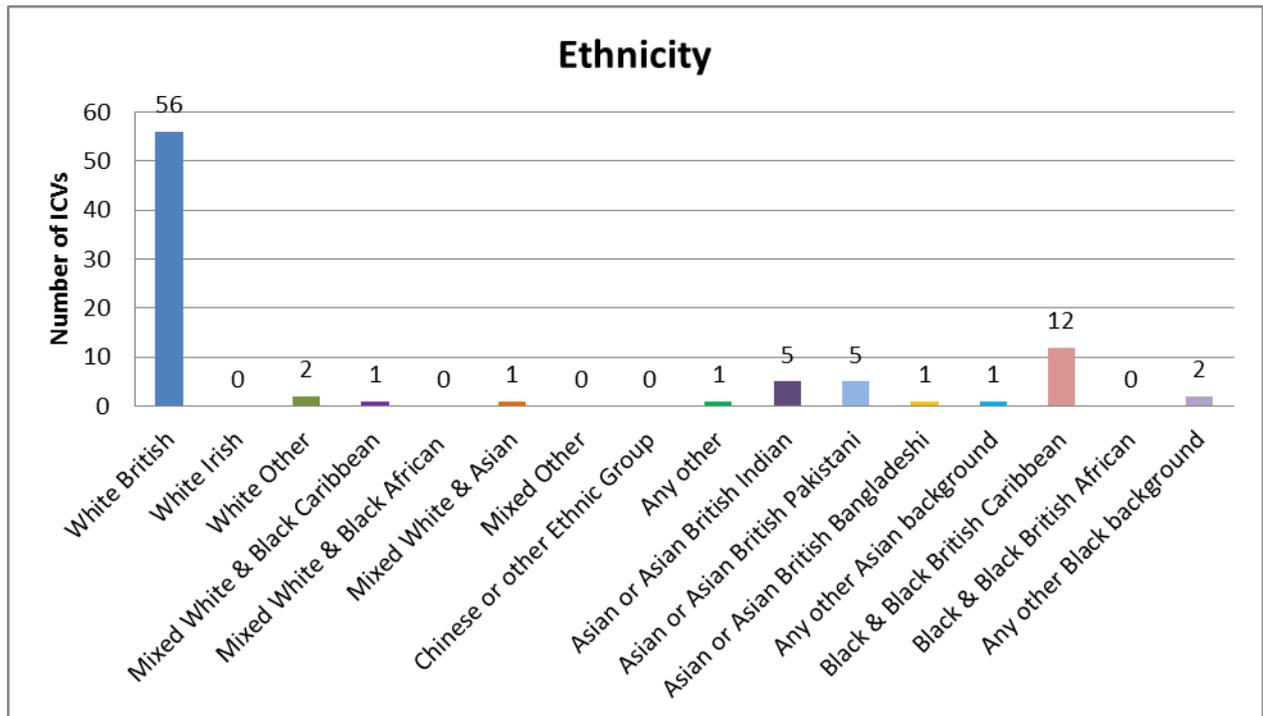
Gender demographic of ICVs



Age demographic of ICVs



Ethnicity demographic of ICVs



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.