



STRATEGIC POLICING AND CRIME BOARD **1 March 2016**

Independent Custody Visiting Scheme Annual Report 1 April 2015 – 1st February 2016

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 1 April 2015 – 1 February 2016.

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. ICVs 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 ICV 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 2015/16 1 April 2015 – to 1st February 2016 is detailed below.

Team	Visit Target	Number of Visits
Birmingham West and Central	44	42
Walsall	44	32
Birmingham South	44	46
Dudley	44	51
Solihull	44	40
Coventry	44	42
Birmingham East	44	59
Sandwell	44	28
Birmingham North	44	49
Wolverhampton	44	41
Totals	440	430

7. 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 by the following table which shows that more than 36% of visits begin during weekday evenings between 6pm and 9pm. However, ICVs 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 ICVs between midnight and 8am.

Time/Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0000 – 0859	1%	0%	0%	0%	0%	0%	0%
0900 – 1159	2%	2%	4%	4%	2%	2%	3%
1200 – 1459	2%	2%	3%	2%	2%	2%	2%
1500 – 1759	6%	3%	5%	4%	4%	1%	3%
1800 – 2059	9%	8%	7%	8%	4%	0%	1%
2100 – 2359	0%	0%	0%	0%	0%	0%	0%

8. 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 to waiting for a staff member to become available to facilitate the visit amongst others. This is highlighted by the following table.

Duration	0 – 10	11 - 15	16 - 20	21 - 25	26 - 30	31 - 35	36 - 40	41 - 45
Visits	3	19	25	33	29	22	34	39
Duration	46 - 50	51 - 55	56 - 60	61 - 65	66 - 70	71 - 75	76 - 80	81 - 85
Visits	31	31	34	30	19	25	12	11
Duration	86 - 90	91 - 95	96 - 100	101 - 105	106 - 110	111 - 115	116 - 120	121min +
Visits	9	4	5	3	0	4	3	5

9. 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

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 Minutes	0-5	6 - 10	11 - 15	16 - 20	21 - 25	61min +
Visits	304	80	29	6	1	8

FINDINGS

10. ICVs 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 ICVs 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 13 below custody visitors talked to 2134 detainees who were in custody at the time of arrival. The volunteers spent over 356 hours independently reviewing custody safeguarding both detainees and staff.
12. This year has seen the continued ICV presence on social media in the West Midlands. Over 99 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. 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 West and Central	496	89	35	372	91.54%
Walsall	283	57	44	182	80.53%
Birmingham South	453	100	46	307	86.97%
Dudley	224	67	17	140	89.17%
Solihull	161	38	32	91	73.98%
Coventry	288	88	28	172	86.00%
Birmingham East	419	126	43	250	85.32%
Sandwell	291	51	33	207	86.25%
Birmingham North	252	61	30	161	84.29%
Wolverhampton	433	97	84	252	75.00%

TEAMS

14. 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. Work is being undertaken in respect of reorganising the teams once the new custody sites become operational later in the year. Familiarisation visits will be offered to ICVs prior to the opening of the new sites.

RECRUITMENT AND TRAINING

15. 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 and March 30 new ICVs will be undertaking training provided by the scheme manager.
16. 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. This course will be provided in the West Midlands later in the year.
17. As part of initial training for all new custody sergeants, custody officer assistants and detention escort officers in the Force the scheme manager gave six inputs on the role of the ICV.

REGIONAL AND NATIONAL CONFERENCES

18. Staffordshire hosted a regional conference in September with over 50 ICVs from all four schemes attending. Presentations included juveniles entering custody, Police custody healthcare provision - Health & Justice Commissioning for Midlands Region NHS England and provision of language line interpretation service. The scheme manager developed a 'bingo' based training tool which has been used by a number of schemes throughout the country.
19. The Independent Custody Visitors Association National Conference was held at the National Indoor Arena in Birmingham in January. 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, the NPCC view of future custody, IPCC investigations and drug treatment.

TERRORISM ACT DETENTION VISITS

20. As the West Midlands has a regional custody site specifically for detainees arrested under the Terrorist Act a team of 11 ICVs 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.
21. During the year there were four 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. A total of 33 visits were undertaken. In addition a number of detainees were held at the TACT site but not under TACT provision.

22. Following 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 has continued to add valuable integrity to the visit process. The scheme manager also provided a briefing to reassure a public meeting surrounding a detention further enhancing the reassurance aspect of the custody visit process.

UNITED KINGDOM BORDER AGENCY CUSTODY VISITS

23. 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. In addition a number of visits had been undertaken following dynamic arrests when persons were detained at the site.

APPROPRIATE ADULTS FOR VULNERABLE ADULTS

24. An HMIC inspection of custody in 2010 recommended that Appropriate Adults should be readily available to support vulnerable adults in custody, including out of hours. Following this, West Midlands Police established a new Appropriate Adult Scheme, and several ICVs volunteered to take part. They underwent further training and now assist the Force in this valuable role. A further training course will be held during 2016 to add resilience to the Appropriate Adult provision. The Appropriate Adult Scheme is not managed by OPCC.
25. During the three years that the Appropriate Adult scheme has been operating ICVs acting in this capacity have attended custody voluntarily on over 1300 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.
26. A small number of ICV/Appropriate Adults have received additional training to act for TACT detainees.

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

Gender	Scheme %
Male	51
Female	49

Age demographic

Age group	Scheme %
18-24	11
25-35	15
36-45	17
46-55	24
55-65	26
65 +	7

Ethnicity demographic

Ethnic Origin	Scheme %
White British	60
White Irish	1
White Other	3
Mixed White and Black Caribbean	2
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

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
Scheme Manager

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

- 1 Detainee (PIC) on Level 4 watch, checked custody record which showed detainee had seen nurse, doctor and medical team.
- 2 PIC requested a shower and fresh clothes before court appearance. They had significant anxiety and depression issues. Custody staff noted both of these issues and would inform detainee that they could shower and change clothes after their return from hospital. They had complained of pains in their head together with a dripping ear and was awaiting to be taken to hospital.
- 3 PIC had been just been seen by paramedics and had low blood sugar levels but did not need hospitalisation. PIC said that they had not received their rights or any updates since arriving at 6am. With permission, his custody records were reviewed and this confirmed he had been given an update at 12.45pm. and also received food and drink. PIC wanted a solicitor which was also actioned and also wanted someone to know he had been detained. At the end of the visit we updated him to explain we had reviewed his custody record and were satisfied in what we had seen.
- 4 Advised not to visit by Detention Escort Officer (DEO) as PIC was aggressive, visual check done and chest movement observed whilst asleep. DEO happy and satisfied with medical state. Custody record checked and PIC had received medication and seen doctor three times.
- 5 PIC declared that the DEO was very helpful. They had some issues, however, over fasting because he preferred to sleep when he was able to and had not had enough food during the night time hours. They also wanted to know if parents had been contacted. We raised both issues with DEO who said that he would check whether the PIC's parents had been informed and would offer the PIC food at appropriate times.
- 6 PIC in an upset frame of mind and carrying out dirty protest. Custody staff were calm and coping well with the situation.
- 7 12 PICs in custody. Two adults and three juveniles waiting for Appropriate Adults. Various issues were raised by detainees including queries over medication, clothing, frustration at perceived lack of police action, lack of phone calls and worries over family needs. One PIC praised the staff handling and attitude. We were escorted by a very helpful and proactive custody officer who created a calming atmosphere for the custody block.
- 8 PIC requested a telephone call to their mother but the DEO explained that their rights had been delayed.
- 9 PIC with mental health concerns was very anxious but became less agitated as we talked to them. He had chosen not to take any medication and threatened to starve himself.
- 10 PIC was somewhat unresponsive when we asked some questions. In view of their behaviour and the fact they had been in custody a long time, we checked the custody record to satisfy ourselves everything was in order. Record showed PIC had seen a nurse, was due a second visit from a nurse and received a formal review of their detention in accordance with PACE.
- 11 Home Office detainee in custody. We asked to see his custody record and were told we needed the detainees permission for this. Sgt Kyle contacted an interpreter by phone and we took the phone to the cell where we were able to get the detainees permission and ask him about his time in custody. He complained of severe pain in his hand and voluntarily showed us marks on his shoulder which he said were giving him pain and that he wanted to see a doctor. He had been given pain killers. We checked the custody record and

- saw that he had been examined by a doctor and been given appropriate medication.
- 12 PIC no issues raised generally but requested medication. Staff confirmed that the detainee had not reached the six hours in detention so meds would not yet be given. A nurse would be called.
 - 13 PIC verbally abusive and violent, advised by staff not appropriate to be seen in person, but could definitely be heard shouting and banging cell door. He was monitored on CCTV.
 - 14 Busy cells, with one extremely noisy Level 4 PIC who made it difficult to understand much. We were advised not to do a visual check as he was throwing excrement at the peephole.
 - 15 PIC had spinal injury, seen by the nurse. Stated that medication was at home. Staff said will collect from home. PIC claimed they are overdue in having taken meds.
 - 16 There was a husband and wife (in separate cells) who both expressed concern for their one-year-old child who was being looked after by another one of their children. The custody sergeant was informed of this and asked to look into the matter urgently to ensure both children's wellbeing.
 - 17 PIC was viewed through the door-hatch as they appeared to be intoxicated, semi-naked and agitated. It was not possible to have a conversation with them but they asked repeatedly for a doctor. The escorting officer informed us that they had been seen by the nurse and that a doctor was scheduled to visit shortly.
 - 18 During our visit we spoke briefly to the nurse, who stated that she had been kept busy as usual; we visited the CCTV monitoring room and spoke to the member of staff there; and we inspected the kitchen, which we found to be clean and tidy.
 - 19 PIC had been upset at the delay in seeing his solicitor, claiming police had not contacted him all day. He consented to us viewing his custody record. We checked the custody record and found that police had contacted his solicitor within 10 minutes of the PIC being booked in, so there had been no visible delay. The solicitor arrived just as we began filling in our paperwork.
 - 20 Informed by custody Sgt of daily check of first aid kit, also shown online portal and systematic checklists.
 - 21 Custody site was busy due to an emergency with person in custody awaiting ambulance to take him to hospital due to alcohol related illness.
 - 22 PIC stated that they were awaiting CPS decision. Mentioned that medication was required before bed time. Has had drinks. Sgt stated that if there was a further delay, which is possible, medication will be collected. Noted on custody record.
 - 23 PIC appeared very angry, happy to speak and stated that they wanted to kill themselves. Swearing/bad language. Stated that they only had one telephone call - concerns for their family. Informed staff of threats to self harm.
 - 24 PIC awaiting appropriate adult due to autism, ADHD and behavioural issues. AA on way. Due in court this morning. Seen nurse and doctor, threatened to self harm if here tonight. Doctor aware of mental health issues. Wanted food, had plenty to drink. Responding appropriately to us. On Level 3 observation as per risk assessment.
 - 25 Prime Care issue- difference in opinion whether nurse or doctor is needed. concern about time delay from Sergeant. He has requested doctor but only nurse sent. Awaiting call back from Prime Care Contract Manager. This is a repeated concern. During our visit, at 6.10 pm, Prime Care phoned (not contract manager) Nurse is being sent, doctor requested by Sgt. Sgt has expressed concern about this.
 - 26 PIC had received treatment at hospital prior to arrival at custody due to stab wounds. Doctor was onsite when we arrived at custody but had to leave to attend another PIC at another site and was therefore unable to administer his medication which was ready for him to provide to the PIC. The custody sergeant contacted PrimeCare whilst the doctor was still onsite and was advised that they would request another

doctor and would be onsite within the next 90 minutes. The PIC was not best pleased whilst in custody anyway and we believed this would have settled him down and relieved any pain he had due to injuries.

- 27 PIC due to be deported via Dudley Court AM on 28/07 – immigration are involved and will intercept at courts. Has had several calls to family and received additional fresh clothing. Custody staff aware he has a 4 months old child, so very emotional. Custody staff advised they will provide extra checks due to emotion. He was asleep but could see his face through window visual check
- 28 Enough supplies of clothing, wash packs, first aid resources, female hygiene packs. Ligature set on staff. Lighting in kitchen not working- already reported. Heating, CCTV and call bells all working fine. Air con working- can get very warm at times. Some grafitti on cell doors.
- 29 Visit time delay due to Sgt. talking to doctor. Front desk officer reluctant to interrupt.
- 30 Very quiet atmosphere in the custody site. Staff were very friendly and appeared to have good relationships with all of the 4 detainees that we visited. CCTV, lights, and electrical items appeared in good working order.