

Handbook and Scheme Guidelines for Independent Custody Visitors

Office of the Police and Crime Commissioner for
Bedfordshire



Introduction

Independent Custody Visiting (previously known as ‘Lay Visiting’) to police custody suites owes its origin to Lord Scarman’s report following the Brixton riots in 1981. That report recommended a system of independent, unannounced inspection of procedures and detention in police stations by members of the local community. The intention was to counteract public mistrust of the police and to increase their accountability.

Now, custody visiting is to enable members of the local community to observe, comment and report on the conditions under which people are detained at police stations, which became a statutory requirement in the Police Reform Act, 2002 (section 51). Police and Crime Commissioners are responsible for organising, maintaining, and overseeing the delivery of Independent Custody Visiting.

This Handbook contains instructions on how the scheme operates in practice. It provides information about the recruitment of volunteers, how the scheme is managed and details the responsibilities of the Police & Crime Commissioner (PCC) and those who volunteer with the scheme. It is written primarily for ICVs and is designed to support in their role; however it may also be helpful to others who are connected with custody and associated related matters.

It is reviewed annually (or sooner if deemed necessary by the PCC) and is updated in line with:

The Home Office Code of Practice on Independent Custody Visiting [Code of Practice on Independent Custody Visiting](#)

The Independent Custody Visiting Association (ICVA) National Standards www.icva.org.uk/publications

The Police and Criminal Evidence Act (PACE) Code C - [PACE code C](#)

The Human Rights Act (1998) - [Human Rights Act 1998](#)

About Independent Custody Visiting

The Police and Criminal Evidence Act 1984

The *Police and Criminal Evidence Act* (PACE) is the reference point for inspections of police custody suites. PACE sets out how police officers carry out their roles, states codes of practice for procedures and outlines detainee's rights. Code C of PACE deals with the Detention, Treatment and Questioning of Persons by police officers. These guidelines and codes of practice provide a way of measuring actions taken by the police and a means of checking that people being detained are treated properly.

How is the scheme managed?

The Office of the Police and Crime Commissioner (OPCC) has responsibility for organising and overseeing the delivery of the Independent Custody Visiting Scheme.

Panels meet on a quarterly basis, attended by the Chief Inspector or Inspector and a member of the OPCC staff, to discuss common issues and contribute to the development of the scheme.

Equality, diversity, and human rights

Promoting equality and diversity is an important element of the work of the OPCC. As representatives of the Police and Crime Commissioner (PCC), Independent Custody Visitors are expected to carry out their role in accordance with these principals. The PCC has a duty to monitor the performance of the Police Force in complying with duties imposed by the *Human Rights Act 1998*. The Custody Visiting Scheme makes an important contribution to safeguarding the rights and welfare of people held in police detention and checking the conditions in which they are held.

The OPCC is committed to compliance with relevant equality legislation including the Equalities Act 2010 to create environments where:

- Unlawful discrimination, harassment or bullying is not tolerated.
- People are treated fairly, and according to their needs.
- There is equality of access to all opportunities.

We will treat everyone with the same attention, courtesy, dignity, and respect regardless of age, disability, race, sex, gender identity, religion or belief, sexual orientation, marriage, or civil partnership status, pregnancy, or maternity status.

ICVs will ensure that they effectively challenge and report any issues regarding discriminatory language or behaviour seen in custody to the appropriate managing body for investigation/escalation/management action. ICVs commit to ensuring that police custody has equitable treatment for all that are detained there.

ICVs commit to ensuring that their own practices are inclusive, and that detainees are treated respectfully regardless of any protected characteristic.

The Bedfordshire scheme is a member of the Independent Custody Visiting Association (ICVA). ICVA represent custody visiting and local schemes at a national level, provide training and advocacy, and produce and review the national standards for custody visiting. ICVA are a member of the National Preventative Mechanism (NPM). To find out more about ICVA, visit <https://icva.org.uk/about/> and the NPM visit www.nationalpreventivemechanism.org.uk.

Complaints procedures

Complaints about the custody visiting scheme

Any complaints in relation to the Custody Visiting Scheme, services provided by the OPCC, or Staff or Members involved in the scheme should be made ideally in writing to the Chief Executive of the OPCC. Complaints will be dealt with in consultation with the Chief Executive of the Office of the Police and Crime Commissioner as appropriate.

Complaints against Police personnel

Complaints by custody visitors against police personnel should be raised at the time with the Custody Sergeant or Duty Inspector. If the complaint cannot be raised at the time, details should be forwarded to the Independent Custody Visiting Manager within the OPCC, who will pass the complaint to the Police Force to be dealt with under police complaints procedures.

In either situation, all complaints relating to police personnel must be notified to the Independent Custody Visiting Manager within the OPCC, in writing, by the custody visitor concerned.

Complaints against Independent Custody Visitors

Complaints against individual custody visitors may come from different sources, including detainees, police personnel, fellow visitors, or others who may come into contact with them in the course of their duties. In the event that a complaint is made against a custody visitor, the following procedure will be followed:

- The Independent Custody Visiting Manager within the OPCC will request the complaint is put in writing.
- The Independent Custody Visiting Manager within the OPCC will notify the custody visitor of its receipt and content
- The Independent Custody Visitor will be given the opportunity of responding to the complaint in writing

- The Independent Custody Visiting Manager will make the necessary enquiries to determine the substance of the complaint
- The Independent Custody Visiting Manager will agree findings and recommendations with the Chief Executive and inform the custody visitor of the outcome in writing.

If the custody visitor wishes to appeal against the outcome, the appeal should be made in writing to the Chief Executive of the Office of the Police and Crime Commissioner. Every attempt will be made to resolve the complaint in a timely manner.

About the custody visitor role

Eligibility

The OPCC may appoint any person as an Independent Custody Visitor who is aged 18, has been a resident in the UK for at least 3 years prior to the date of application and resides in Bedfordshire. The OPCC endeavours to ensure that custody visitors recruited to the scheme are reflective of the of the local community, providing a suitable balance in terms of age, gender, and ethnicity. Custody visitors should be able to make unbiased observations which in turn will ensure that the community, Police and Crime Commissioner, and police can have confidence.

Each application will be treated on its merits, but the over-riding factor will be to prevent possible conflicts of interest, and to maintain the independence and integrity of the scheme as a whole.

Anyone who has been convicted of an offence which could be punishable with imprisonment within the last five years, or who has ever served a term of imprisonment or detention, may not be suitable for the role.

All applicants go through police vetting procedures. Applicants will be asked to include details of any convictions, other than those which are spent by reason of the Rehabilitation of Offenders Act 1974, and to consent to police vetting enquiries being made.

Applications will not be considered from people who are:

- (a) A serving officer of a Police Force (this may include serving members of the Special Constabulary, Police Community Support Officers (PCSOs) and support staff employees (including OPCC staff) as well as Police and Crime Panel members and justices of the peace.
- (b) Under the age of 18 years (at the time of appointment)
- (c) Lay Observers in the Bedfordshire County.
- (d) Currently an Appropriate Adult in the Bedfordshire area.

Due to a conflict of interests in the two roles, as custody visitors may, on occasion, have cause to give critical feedback regarding the provision of appropriate adult services in the

area they visit. Therefore, the independence element of the custody visitor role precludes one person covering both ICV and Appropriate Adult roles in a suite.

Independent Custody Visitors may act as an Appropriate Adult if:

- *in relation to a child, they are the parent or guardian; or*
- *in relation to a vulnerable adult, they are a relative, guardian or other person responsible for their care or custody.*

Consideration will be taken on whether applications are accepted from those who have previously served as an officer of a Police Force (including staff, PCSOs and Special Constables).

Recruitment and selection

The OPCC will recruit custody visitors by inviting applications from the general public. This will be done by means of public advertisement which the OPCC consider suitable.

- All potential applicants will be emailed/sent an application pack.
- Selection will be made on the basis of an agreed recruitment process.
- Selection will be based on an applicant's suitability as detailed in the Person specification, flexibility regarding visiting frequency and in line with the OPCCs commitment to equality and diversity.
- Custody visitors are appointed following an interview, undertaken by the selection panel.
- All appointments are subject to satisfactory references and vetting clearance.

Training packages

Induction

As part of the induction, a visit to the local Custody Unit will be arranged, as well as going through the Independent Custody Visiting Association (ICVA) Custody Visiting Induction Pack. This would, ideally, be conducted by the Independent Custody Visiting Manager.

Initial training

A one-day training session will be organised by the OPCC to provide those who are appointed with the basic knowledge and skills needed to make visits, using the ICVA induction programme.

Upon completion of vetting checks and references, new custody visitors will be issued with an ID pass on the initial training day.

ID passes include a photographic picture of the custody visitor and there is **strictly no access** to any police building for custody visitors, other than car park areas.

To retain anonymity for ICVs, it is expected that identity cards are not displayed during the actual visit with detainees.

If an ID or access card is lost or stolen this should be reported to the OPCC as soon as possible. If anyone is found to be using their cards for any other purpose, they will be withdrawn and that person's appointment as an ICV terminated immediately. Upon leaving the scheme, the identity card and access card must be returned to the OPCC.

Trial period

All OPCC offices have a six-month probation period and applicants will only be confirmed on successful completion of this. A mentor of the ICV will be asked to complete a form at the end of this trial period which will be returned to the OPCC for consideration.

Appointments of confirmations are in accordance with:

- Number of visits completed (minimum of 4 to be completed)
- Feedback from fellow Panel Members, the Panel Manager, Custody Staff
- Attendance at panel meetings and training sessions

Tenure and role renewal

Custody visitors in Bedfordshire are appointed for a total three-year period which can be renewed. For every three-year evaluation, a review and vetting are conducted.

Termination of appointment

The OPCC has the right to terminate the appointment of any custody visitor whose conduct is not felt to be of the required standard.

Expectations are set out in the Volunteers' Agreement (Memorandum of Understanding) which custody visitors are required to sign upon appointment. Circumstances in which termination of appointment may be considered include:

- Misuse of the ID card/one's position as a custody visitor
- Failing to act in accordance with guidance and expectations
- Bringing the PCC and the office into disrepute
- Deliberate falsification of expense claims
- Abusive behaviour and/or language
- Inappropriate behaviour and/or language
- Breach of confidentiality
- Breach of data protection
- Conviction of a criminal offence
- Breaching the guidelines and Code of Practice
- Repeated failure to attend visits
- Repeated failure to attend panel meetings/training

- Repeated failure to complete satisfactory reports

Expenses and insurance

Custody visiting work is entirely voluntary, but travelling expenses below are paid:

- Public transport fares and/or private car mileage at the agreed rate.
Up to 10,000 miles 55 pence per mile
Over 10,000 miles 25 pence per mile
- Mileage claims must be supported by a valid VAT fuel receipt.
- Expenses can be claimed for attending training sessions – need to be authorised by the OPCC (prior to training being completed).

Rates are reviewed annually (from 1 April) in line with rates set by the National Joint Council for Local Government Services. Claims should be made on a bi-monthly basis and should be sent to the Scheme Manager.

The OPCC has arranged appropriate insurance cover for custody visitors during a custody visit at a police station. Details of specific cover are available from the OPCC.

It should be noted that custody visitors' personal motor insurance may require them to hold 'business' cover. This should be checked with individual insurers depending on how they class their business travel. The PCC is not responsible for ensuring the custody visitor has the appropriate level of motor insurance for their private vehicle. The PCC does not provide insurance cover for custody visitors' vehicles or for any subsequent liability arising from a road traffic collision involving a custody visitor.

Failure of custody visitors ensuring that they have valid insurance in place to cover their visits could result in their insurers declining to pay in the event of a claim. Custody visitors should also ensure their vehicle is kept in a roadworthy condition with valid tax and MOT. If it is found that these requirements have not been adhered to, this again, could affect insurance cover policies.

Publicity

It is desirable that the role and aims of the scheme should be promoted to the public. Any publicity is to inform the public about the scheme. **Custody visitors should not speak to the press except at the request of the OPCC.**

The OPCC circulates Independent Custody Visitors' names in the strictest confidence, purely for the efficient management of the scheme. Such details must not be disclosed to any other person.

Selection of ICVs visiting TACT detainees

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 custody visitors 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.

Custody visitors accredited to visit TACT detainees will need to have successfully completed 18 months of PACE custody visits before they can be considered for TACT detainee visits. Custody visitors who visit TACT detainees must have Security Check (SC) level clearance and have undertaken specific training provided for visiting TACT detainees.

A regional pool of custody visitors for visiting TACT detainees has been established. ICVs are selected by the local area and trained on a regional basis. Selection, performance management and de-selection of custody visitors is the responsibility of the OPCC. Given the specific nature of the remit of this role, separate guidance has been formulated for those visiting TACT detainees.

Custody Visiting Arrangements

Visiting in pairs

Custody visitors are required to visit in pairs at all times. Any custody visitor arriving at a police custody suite alone will **not** be granted access and must not enter any police building without a fellow custody visitor **and** member of custody staff present. If one member of the pair cannot attend for any reason, the visit must be cancelled and rearranged. Custody visitors are responsible for making their own travel arrangements and will be provided with fellow visitors' contact details for this purpose.

No more than two custody visitors should visit together, except for training/mentoring purposes. To emphasise their impartiality and independence, custody visitors should not

combine the making of a custody visit with the conduct of any other business at a police station.

At the end of the visit and when typing up the report, both custody visitors must contribute to typing up and submitting the report.

Visit information

There is an expectation that custody visitors will undertake a minimum of 8 visits per year to 12 visits as a maximum.

New starters are required to complete 12 visits in their first year to ensure that they are learning the role and for experience.

The frequency of custody visits is set by the Police and Crime Commissioner (PCC) in consultation with the Chief Constable. Visits should be sufficiently regular to support the effectiveness of the system, but not so frequent as to unreasonably interfere with the work of the police. Custody visitors will be provided with a link to a Microsoft Form to submit their availability for the next quarter. These will be sent out around one month before each panel meeting and a deadline will be provided for custody visitors to provide their availability. The Scheme Manager will then allocate visits depending on the custody visitor's availability and will provide this via email to all prior to the panel meeting. They will also monitor pairings and numbers of visits and feed this back to the OPCC.

Where insufficient visits are taking place, the causes will be investigated, and action will be taken to address the causes.

Custody visitors should bear in mind that custody visits impose an unexpected responsibility on custody staff and they should also be aware of possible delays during custody staff change over periods.

Additionally, delays are also possible during exceptionally busy custody periods and during shifts where staff are experiencing staff shortages. Custody visitors should arrive at the police custody suite without prior notice and should try to avoid making custody visits at regular or predictable times.

Unannounced visits are made at varying times of the day and night, with independent custody visitors having immediate access to the custody area - if access is not given within a reasonable time, this must be reported back to the OPCC via the report form, for the OPCC to raise with the Chief Inspector for Custody to investigate.

Custody Visiting Procedures

Immediate access into custody

On arrival at the police custody suite, the pair of custody visitors should buzz the intercom outside of the custody suite and explain that they wish to undertake a custody visit. Once a member of custody staff allows access to the building, custody visitors must clearly display their access pass to the custody staff.

Custody visitors should never admit themselves into any police building without a member of custody staff being present.

Visitors should be admitted immediately and ideally within 10 minutes to the custody area. In cases where custody is busy or if there is an incident taking place, custody visitors will be asked to wait until safe to be admitted into the custody area. Custody visitors should always document a full explanation for the delay as well as timings on the final report.

Contact telephone numbers are issued to all custody visitors enabling them to telephone the relevant custody suite directly.

Access areas within custody

Custody visitors should have access to all parts of the custody area where the detainee has access such as:

- Cells
- Detention rooms
- Charging areas
- Food preparation areas
- The medical room (not including access to locked drug cabinets)
- Empty cells and detention rooms to check heating/ventilation systems
- Exercise yards
- Interview rooms (if unoccupied)
- Washing facilities

Custody visitors will look at these areas to see if they are clean, tidy, in a state of repair and decoration, check for clean and adequate bedding. It is not always necessary to inspect stores, but custody visitors can look at where mattresses, blankets, furnishings, and other equipment are stored.

They may inspect that cell alarms and toilet flushing mechanisms are working properly. Custody visitors will ensure that all welfare needs are adequately met, for example that female detainees have been offered female hygiene packs and have access to a female officer.

Words of introduction

Introductions vary between custody visitors, but generally the following script should be as follows:

- The Detention Sergeant or Detention Officer first says to the detainee: “two custody visitors are visiting and would like to speak to you, if you agree.”
- Custody visitors introduce themselves to the detainee: “as the Sergeant/Detention Officer said, we are custody visitors – we are independent members of the community (nothing to do with the police) and we visit this police custody suite on your behalf to check, privately, that everything has been done according to the law and regulations, and that you have been treated correctly. We would like to speak to you privately and afterwards to check the police custody record of what has happened since you were detained today if necessary and if you agree. Are you happy to talk briefly with us?”

Access to custody records

The custody visitors will seek consent from the detainee to have access to their custody record. Subject to obtaining consent, the custody visitors should check its contents against what they have been told by the detainee. 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 custody visitors to examine it. In particular, custody visitors may wish to look for:

- Whether entitlements under PACE have been given
- Ensure medication, injuries, medical examinations, meal/diets are recorded
- Ensure procedures to assess special risks/vulnerabilities presented by the detainee have been properly recorded.
- The timing and frequency of cell inspections of inebriated/other vulnerable detainees
- The timing of reviews of the continuing need for detention.

Duration and management of visits

Custody visitors will need to allow adequate time to ensure that detainees can be spoken with, custody records can be checked, and conditions of facilities can be examined. It is recommended that custody visitors spend no longer than 2 hours in the custody suite given the operational demands required in escorting custody visitors.

Depending on the number of detainees present in custody, custody visitors may wish to select a ‘sample’ of detainees to offer visits to so that there is still sufficient time to undertake the other aspects of the role within the 2 hour timeframe. It is left to the discretion of the custody visitors as to how many individuals are selected albeit

consideration should be given to prioritising vulnerable detainees, females, children, and young people.

Closed Circuit Television (CCTV)

Custody visits must be carried out in person and not by viewing either live or recorded CCTV footage. However, custody visitors are encouraged to check that the CCTV is functioning. Please report if the CCTV equipment is not working so that the OPCC can escalate this issue.

Medical records

Custody visitors may not see the detainee's medical record, even if attached to the custody record. The custody record should include all relevant information about medication for a detainee and the frequency of administering it. Custody visitors may wish to pay particular attention to detained persons who are suffering from any form of illness, injury or disability and check that medical advice has been offered.

Accommodation

Juveniles

Juveniles can and will be placed in a cell for the duration of a police investigation at the pre-charge stage. After being charged at this post-charge stage, the juvenile should be housed in Local Authority safe or secure accommodation (depending on their risk assessment non-secure versus secure). It is the Local Authority's duty to provide post-charge accommodation. If one is not available, then the juvenile could remain in police custody prior to being taken to court. The process to obtain appropriate accommodation (post-charge) will be recorded on the Custody Record.

Multiple occupancy cells

Guidelines will vary between police services but on occasions, more than one person may be detained in the same cell. If custody visitors encounter this situation, they should note the reason for this decision on the report form. If, during a visit, custody visitors encounter two persons held in one cell, custody staff will make introductions to the two detainees at the same time. If one or both people agree to see you, the visit will be held in private. The second person must be removed from the cell until the visit has been completed (repeat this process if the second person has agreed to a visit).

Conversations between detainees and custody visitors

Discussions between detainees and custody visitors must normally take place in sight but out of hearing of the Custody Sergeant/Detention Officer, if practical. Please record if the Custody Sergeant decides that custody staff should remain within hearing and the OPCC will investigate.

Some detainees may be behaving in a violent manner and may request a custody visit. In such cases custody visitors should seek the advice of custody staff to discuss if a visit is allowed/should be undertaken.

Custody visitors should always follow the guidance and advice of custody staff as to whether it is safe to visit a detainee and should not speak to detainees via the cell hatch due to health and safety risks (such as the detainee spitting through the hatch or throwing food/beverage).

Visits to non-English speakers

Visits should normally be conducted in English. If an interpreter is available in the police custody suite, custody visitors should check with the Custody Officer if it is possible to check on the detainee's welfare via the interpreter. If an interpreter is not available, custody visitors are encouraged to check on the detainee's welfare as far as is possible e.g., checking the custody record, using flash cards to communicate any immediate needs.

Treatment of detainees

Custody visitors should primarily be concerned with the welfare of detainees and overall conditions, standards, and procedures at police custody suites. However, if there are immediate concerns about the treatment of particular detainees, this must be passed on immediately to the Custody Sergeant. If a detainee indicates that they may harm themselves or any other person, custody visitors should abort the visit immediately and inform the Custody Sergeant.

Custody visitors should be satisfied that the detainees have had their statutory rights explained and that they have been given the written notice of those rights. They should also be satisfied that detainees have received those facilities to which they are entitled under Code C of PACE Act 1984 – printed on the reverse of the written notice of the detainee's statutory rights.

Where a detainee makes a complaint or raises an issue about their general treatment or conditions at the police custody suite, or their treatment prior to arrival at police custody, custody visitors should record the issue on the report form and report this to the custody officer. In cases where custody staff are the subject of the complaint, custody visitors should report this directly to the Duty Inspector and take no further action in the case of that detainee, other than recording the incident on the report form. The custody visitors can inform the detainee that if they wish to make a complaint, they can do so by either speaking to custody staff or by submitting a complaint using the police website, or via phoning 101, when they have left custody. The OPCC or custody visitors cannot involve themselves in complaints against the police.

Deaths in custody

All deaths in custody are referred immediately to the Independent Office for Police Conduct (IOPC) and are the subject of a coroner's inquest to which the police will report formally. When a death in police custody occurs, the on-call Chief Officer Group member will notify the Police and Crime Commissioner.

There may be circumstances in which the Senior Investigating Officer dealing with such an incident needs to refuse or restrict access to particular areas while investigation takes place. The OPCC will ascertain whether access restrictions are in place and inform custody visitors if there are changes to visiting arrangements.

Subject to access restrictions, the OPCC will determine whether a visit should be organised following a death in custody in the spirit of openness and to reassure the community.

Custody visitors must take care not to discuss the incident with anyone else as this may compromise the investigation. Any breach of confidentiality may result in immediate removal from the scheme. Any concerns or queries should be directed to the Scheme Manager.

When the IOPC investigation is complete, recommendations will be reported to the Police and Crime Commissioner. General learning points will be taken to the relevant meeting for information and discussion with custody visitors.

The OPCC would not normally notify custody visitors of 'near miss' situations which happen at times other than during a visit, other than to advise of any access restrictions that had been put in place as a result of the incident.

Impartiality and confidentiality

Advice and disclosure

Custody visitors should remain impartial and must not seek to involve themselves in any way in the process of investigation. If detainees press them for advice about co-operating with the police, making a statement or anything in relation to their defence, the custody visitor should explain that it is not part of their role, and that their sole responsibility is to ensure that the detainee is being treated in accordance with their rights and entitlements.

Custody visitors should discuss only those issues relating to the conditions in which persons are detained and their treatment in the custody area. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the custody visitor must stop them immediately, reiterate their role and tell them that the relevant contents of the visit may be disclosed in legal proceedings.

If this situation arises, custody visitors should report this, and anything said to the Custody Sergeant. Custody visitors may ask detainees if they have been informed of their right to access free, legal advice. If the detainee has not yet received legal advice and now wishes to do so, the custody visitor should inform the Custody Sergeant.

In the interests of impartiality, custody visitors must **not** visit anybody that they know in any capacity, including friends or relations who are in custody. If one custody visitor recognises a detainee, the detainee must be advised that they are not permitted to make visits to persons whom they know. The visit to that detainee should be aborted immediately and reported on the visit report form.

Custody visitors should emphasise that any information about anyone they see will be kept confidential and will not be released to anyone outside the police station. Legal action may be taken against a custody visitor that does release any confidential information.

Contact with persons outside custody

Under no circumstances should a custody visitor accept anything from a detainee or give anything to a detainee. Custody visitors must not agree to make contact with any person outside the police custody suite at the request of a detainee. Neither must they agree to pass on a message to any other detainee within the police custody suite. Custody visitors must immediately notify the Custody Sergeant of such a request.

Custody visitors and criminal proceedings

Conversations between custody visitors and detainees are not privileged and it would be open to a court to issue a witness summons requiring the attendance of custody visitors to give oral evidence or to produce documents such as a report on a particular custody visit. Custody visitors are under no obligation to give evidence or produce documents other than in response to a Court Order but would be obliged to respond to such an Order. All records are held by the OPCC and not the custody visitor, so if a request was received, this would be forwarded to the OPCC to provide the documentation.

Confidentiality

Custody visitors will be asked not to release the identity of, or information capable of identifying any person in police custody (except where a visit has exceptionally been arranged in connection with the treatment of a particular person). Custody visitors should not request names of detainees; in the interests of the strict application of the principles of confidentiality, that custody visitors do not name persons in custody in reports or in discussion with custody visitors. When speaking to custody staff about their discussions with detainees, custody visitors should ask to speak to staff in a more private room or office.

Custody visitors must not discuss the cases of individuals with whom they come into contact during visits to police custody suites and under no circumstances should individual contacts or specific events be discussed except explanation of the purpose of the scheme.

Any breach of confidentiality may result in removal from the scheme. Breaches of this undertaking may make custody visitors 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.

Health and safety

Custody staff and custody visitors are responsible for their own Health and Safety and the safety of others through their own actions and omissions. Custody visitors must be fit and able to carry out the visit. Practical steps should be taken to ensure that custody visiting duties can be performed safely, for example wearing appropriate clothes and jewellery, and being mindful of appropriate body language and positioning when speaking to detainees.

For the personal safety of custody visitors and to reduce the risk of the detainee being able to self-harm, custody visitors are asked to leave all personal items at the Custody Desk whilst they visit detainees in the cells. The only items that custody visitors should take into the cells are a pen, a notepad/checklist/flashcards and the scheme handbook if required.

The following health and safety guidelines must be adhered to in carrying out visits:

- In the interests of security and safety of custody visitors, the custody officer/member of custody staff will accompany visits. However, the escorting officer should be in sight but out of hearing during discussions with detainees at all times. Custody visitors should never be left unaccompanied within a police custody suite on a visit.
- Custody visitors must be made aware of any detainee who is or has been violent. On this basis, the custody officer can advise that the visit does not go ahead. Custody visitors should ask to speak to the Duty Inspector if they are not satisfied with the given explanation. Custody visitors should always act on and follow the advice given by custody staff to protect their health and safety.
- Health risks can include: any known risk of infection, exposure to CS spray, any risks posed by the detainee (e.g. that the detainee may spit at staff).
- Access to the custody area should be delayed if custody visitors and/or detainees and staff are placed in danger. A full explanation should be given as to why access is delayed, which must be recorded in the custody visitors report.

- Cell doors must always remain open during detainee visits and custody visitors must never step into a cell/past the cell door whilst it is occupied by a detainee.
- Custody visitors must never handle items within the cell (e.g., mattresses or blankets), only custody staff.
- Custody visitors should **never** make physical contact with the detainee.
- Custody visitors should not hand anything to detainees or leave any objects/materials within reach.
- Custody visitors must follow any instructions given by custody staff in the event of a fire alarm activation and/or evacuation of the custody suite.
- Custody visitors must report all accidents/near misses to custody staff immediately and write up findings within their report.

ICVs should inform the Scheme Manager of any changes to their health which may affect their ability and suitability to carry out the role. When appropriate, a period of leave of absence may be agreed between both the ICV and Scheme Manager.

The PCC and Bedfordshire Police have a duty of care to ICVs whilst carrying out their role. However, ICVs must consider their duty of care to their colleagues and Police staff and ensure that they are fit to carry out a visit. Following major illness, surgery or physical injury, the guidance of the Scheme Manager should be sought.

It is Bedfordshire Police's policy that ICVs who are pregnant should not be allowed to enter the custody environment. ICVs should inform the Scheme Manager of their pregnancy as soon as practically possible to ensure our duty of care to the ICV and their unborn child is met. ICVs should be familiar with the forces Custody Risk Assessment and Health and Safety information as point of induction.

Detainees in custody

Access to detainees

Subject to the paragraphs below, custody visitors may have access to any person detained at a police custody suite.

- PACE detainees: the majority of detainees in police custody are held under the provision of the Police and Criminal Evidence Act 1984.
- Home Office detainees: remanded or sentenced prisoners who would normally be held in prison.

- Immigration detainees: persons held under the Immigration Act 1971 and Immigration and Asylum Act 1999 who are subject to deportation proceedings or who are waiting to be removed from the UK as illegal entrants
- People at risk: persons held under the Mental Health Act 1983 for their own protection or children taken into police protection (the Children Act 1989).

As part of the Places of Safety Regulations 2017 within the Mental Health Act, adults can only go to police custody as a place of safety under s136 in exceptional circumstances. As part of the Places of Safety Regulations 2017 within the Mental Health Act children under the age of 18 must not be taken to a police station as a place of safety under S136.

<https://www.gov.uk/government/publications/concordat-on-children-in-custody>

Only custody visitors who have undergone the appropriate security vetting and training will be allowed access to persons detained in accordance with *section 41 and Schedule 8 of the Terrorism Act 2000*.

In exceptional circumstances, the police may judge that it is necessary for a detained person not to be seen and/or spoken to by custody visitors to avoid any risk of prejudicing an investigation. Any decision to deny access to a detained person should be taken by an officer of the rank of Inspector or above and recorded. Custody visitors should record this on the recording form and contact the OPCC.

Remand and sentenced prisoners

From time to time, due to operational constraints experienced by the prison service, custody visitors may see remand and sentenced prisoners held in police cells for a short period of time. Remand and sentenced prisoners held in police cells have different rights to detainee's subject to PACE, however for visiting purposes, custody visitors should consider sections 8 and 9 of PACE (Conditions of Service and Care and Treatment of Detained Persons) as a minimum standard and seek to ensure that all detainees are treated with regard to these provisions under PACE.

If a prisoner requests something outside of entitlements provided under PACE, custody visitors should report their request to the Custody Sergeant. Custody visitors should be aware that certain rights and entitlements for convicted, or remand prisoners may not be feasible within a police setting.

Remand and sentenced prisoners held in police custody suites may seek to complain about conditions in prisons or the treatment they have received there. Custody visitors must not involve themselves in such matters. There are recognised grievance procedures open to prisoners such as writing to, or petitioning, the Home Secretary, or writing to their solicitor

or Member of Parliament. The contractors for the Court Escort Services also have their own procedures for recording complaints about their staff. Any complaint alleging a criminal offence should be reported to the Police and the HM Prison Monitor Service by the prisoner immediately.

Any complaint made to the contractor, which amounts to a police complaint will be referred to the police for investigation. Complaints made by remand or sentenced prisoners should be referred to the custody officer and noted on the report form. In cases where custody staff are the subject of the complaint, the custody visitor should report the issue directly to the Duty Inspector and take no further action with respect to that detainee.

Privacy of detainees

Custody visitors should not know the name of the detainee or the reason for their detention. Custody visitors should be given only the cell numbers and detention numbers of the detained persons from which they can choose who they would like to offer a visit. In this way, the custody visitor's choice of whom to speak to is totally random and transparent to anyone who might wish to check on the operation of the scheme.

This procedure will not deal with all situations as it is difficult to prevent custody visitors from seeing people who have not given their permission to be seen. For example, custody visitors may see detainees being moved from a cell to an interview or medical room or being booked in at the desk etc.

Detainee consent to custody visits

Detained persons are not obliged to see custody visitors or to answer questions. The officer who is escorting the custody visitors is responsible for establishing whether or not each detainee wishes to speak to the custody visitors.

Where practicable, and in order to preserve the privacy of detainees who may not wish to be visited, detainees will be asked by the Custody Sergeant or detention officer within earshot, but out of sight of the custody visitors, whether or not they wish to receive a visit. An entry on the custody record, indicating whether or not the detainee consents to a visit will be made in all cases.

Detainees unable to consent visits: under the influence or asleep.

If a detainee is under the influence of drink or drugs to such an extent that they are unable to give consent or is for some other reason unable to indicate willingness or otherwise to be seen, custody staff should allow custody visitors access unless it is considered that their safety could be at risk.

Detainees who are asleep should **not** be woken and instead can be observed via the cell hatch. Custody visitors are then able to observe the condition of the cell and detainee such as whether the detainee can be seen breathing, whether they have a blanket, or to note if

they have had access to food and beverage. It is important to note that detainees are entitled to a continuous period of eight hours rest, which is provided for under PACE.

It is recognised that an individual who is asleep is not classed as 'incapable' and therefore automatic access to the custody record is not granted in such circumstances. If detainees are under the influence, custody visitors can access the custody record.

Detainees in interview

If a person is being interviewed, the interview will not be interrupted.

Access to vulnerable detainees

Juveniles

Juveniles may be visited with their own consent. It is not necessary to obtain the additional consent of a parent or guardian. If an appropriate adult is in attendance, the detainee must express whether they want them to remain with them during the custody visit.

Persons detained under *the Mental Health Act 1983*

Custody visitors should have access to visit persons detained under section 136 of the *Mental Health Act 1983*. The Act states that persons who appear to be suffering from mental disorder and to be in immediate need of care or control can be held for up to 72 hours in a place of safety e.g., a police station. *The Mental Health Act 2007* amendment allows for detainees held under section 136 to be transferred from one place of safety to another for assessment by a doctor and approved social worker. This means that the detainee no longer has to remain at the police custody suite until that assessment has been carried out.

Detainees subjected to CS spray

The police service has advised that custody visitors must not enter the cells of contaminated detainees until such time as decontamination has been carried out. If a custody visitor becomes cross-contaminated, he/she should go to a well-ventilated area to recover or seek medical advice if concerned.

Custody visitors are encouraged to check the health and wellbeing of detainees who have been subjected to CS spray. If the detained person is suffering due to the after effects of CS spray, custody visitors should bring this to the attention of the Custody Sergeant who has responsibility for seeking medical assistance.

Reports and follow-ups

Completion of reports

During each visit, custody visitors must complete a report of their findings using the tablet/iPad found in custody and via Microsoft Forms. Custody visitors should be left in a 'safe space' (e.g. professional waiting room or consultation room) to review/discuss custody records and complete the report form.

Custody visitors can if required refer to the report from the previous visit at the start of their own visit and make a note of action taken and any outstanding action required on the report form.

Completion of the report is the responsibility of both of the custody visitors and ensures that the Custody Sergeant has site of the form when completed.

Custody visitors are required to complete the report even when there are no detainees in custody, so as to ensure that all custody visits are accurately recorded.

Once both custody visitors agree with the contents of the report, they must select submit and it is automatically sent to the OPCC, Chief Inspector and Inspector's of custody.

Custody visitors must **never** under any circumstances take any paperwork out of custody including any notes which have been made.

Unsatisfactory treatment and/or conditions

If a visit discloses any aspect of the treatment of detainees or conditions at the police custody suite which are unsatisfactory, the issue should be recorded on the report form and raised with the Custody Sergeant at the time.

Any action taken by the Custody Sergeant should also be recorded on the report form. If custody visitors are not satisfied that the issue has been resolved, they may ask to speak to the Duty Inspector about their concerns and ensure this is brought to the attention of the OPCC for further review.

The following process is used for flagging and monitoring issues raised:

- Actions are referred to the relevant Custody Inspector and other departments as appropriate for response. Actions are flagged as open until a satisfactory response is received by the OPCC.
- Open issues that prove to be persistent or intractable are escalated to the OPCC Chief Executive and Head of Governance and Transparency to discuss at Performance and Governance Board.

- A summary of issues identified through the custody visiting scheme is reported to the PCC on a regular basis.
- Issues are discussed with custody visitors at Independent Custody Visiting quarterly panel meetings. Custody visitors are also able to discuss any issues with the Chief Inspector and/or Inspector of custody attending the meeting. This may require the Chief Inspector/Inspector finding out the information after the meeting and responding to the custody visitor at a later date.
- Issues and actions are discussed within monthly meetings held by the OPCC with the Chief Inspector and Inspectors.

National pandemic/crisis and remote monitoring arrangements

In the event of a global pandemic, such as Covid 19, or other national crisis that prevents custody visitors from undertaking physical visits to the custody suites, the PCC and Bedfordshire Police Force will work together to establish suitable alternative remote monitoring arrangements.

Data Protection

The purpose of the Data Protection Act 1998 is to protect the rights of the individual about whom data is obtained, stored, processed, or supplied rather than those of the people or organisations who control and use personal data. The Act applies to both computerised and paper records. The names, addresses and telephone numbers of custody visitors are made known to fellow custody visitors (via the ICV directory) for the purpose of making personal contact and for the co-ordination of visits. To preserve individual privacy, personal contact details must not be divulged to any other persons. Next of Kin details for custody visitors are also held by the OPCC for use in emergencies.

For the purposes of promoting the scheme in the media, including online and in print, and on our own website, we may use photographs and/or video of custody visitors performing their duties (staged or edited to preserve anonymity of detainees) or at arranged events or meetings, for example. If you would prefer that your image is not used in this way, please advise the Scheme Manager or the PCC's Communications Team of your preference.

Contact details

Office of the Police and Crime Commissioner for Bedfordshire

Point of contact: Bethany Coles

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Generic office email address: PCC@beds.police.uk

Bedfordshire Police Custody

Kempston Custody

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Luton Custody

Address: Luton Police Station, Buxton Road, Luton, LU1 1SD