



**POLICE & CRIME
COMMISSIONER**

Serving Hampshire
Isle of Wight
Portsmouth
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INDEPENDENT CUSTODY VISITING SCHEME

Handbook

September 2016

www.hampshire-pcc.gov.uk

 @HantsPCC  HantsPCC  @MichaelLanePCC

Michael Lane, Police and Crime Commissioner
St. George's Chambers, St. George's Street
Winchester, Hampshire SO23 8AJ

Welcome from the Commissioner

I would like to extend my gratitude to you for volunteering on the scheme; I very much value your contribution to keeping the people of Hampshire and Isle of Wight, Portsmouth and Southampton safer. We have a wealth of knowledge and experience within our members so you are in good hands.

Your work offers protections to detainees and transparency of detention processes. In your role as an Independent Custody Visitor (ICV), you are the eyes and ears of the public, providing reassurance that all is as it should be. Additionally, your work contributes to my Police & Crime Plan by providing accessibility, visibility and accountability of Hampshire Constabulary. Your contribution to the scheme helps me to fulfil my statutory duty to hold the Chief Constable to account.

If you are new to the scheme, good luck in your new role. If you have been volunteering for some time, and I know many of you have, keep up the good work.



Michael Lane
Police & Crime Commissioner

A handwritten signature in black ink, appearing to read 'Michael Lane'. The signature is stylized and written in a cursive script.

Welcome from the scheme administrator

I wish you a warm welcome to the Hampshire Scheme and Handbook.

Custody visiting, formerly known as lay visiting, was established in 1983 and the Hampshire and Isle of Wight scheme began in 1987. The Police and Crime Act (2002) made custody visiting statutory and the Home Office introduced the 'Code of Practice on Independent Custody Visiting'. The Police Reform and Social Responsibility Act (2011) introduced Police and Crime Commissioners and gave them the responsibility for operating and overseeing a scheme in their Police force area.

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 on the scheme. It is written primarily for ICVs and is designed to support them in their role, however it may be helpful to others who are connected with custody and related matters.

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

- The Home Office Code of Practice on Independent Custody Visiting <http://bit.ly/ICVcodeofpractice>
- The Independent Custody Visiting Association (ICVA) National Standards www.icva.org.uk/publications
- Association of Chief Police Officers Guidance on The Safer Detention and Handling of Persons in Police Custody 2nd Edition <http://bit.ly/ACPOguide>
- Relevant legislation such as The Police and Criminal Evidence Act (PACE) Code C <http://bit.ly/PACEcodeC> and The Human Rights Act (1998)
- Any other relevant and appropriate reports and recommendations

If you have any questions or suggestions about the Handbook, please contact the scheme administrator on 01962 871595, icv.scheme@hampshire.pnn.police.uk or by post.

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1. INTRODUCTION

1.1 *“Section 51(1) of the Police Reform Act 2002 places the responsibility for organising and overseeing the delivery of Independent Custody Visiting with Police and Crime Commissioners (PCCs) in consultation with Chief Constables. PCCs must therefore ensure that they have in place robust and effective procedures for establishing and maintaining their Independent Custody Visiting Scheme, including the allocation of appropriate resources to this function.”*

(Home Office Code of Practice, March 2013:06)

1.2 The operation of the scheme is the responsibility of the Police & Crime Commissioner (PCC), and that responsibility is exercised through the Chief Executive to the PCC and his staff. The PCC, in consultation with the Chief Constable, has the final responsibility in all matters relating to the operation of the scheme and the interpretation of these guidelines.

1.3 The 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 www.icva.org.uk and the NPM visit www.nationalpreventivemechanism.org.uk.

2. PURPOSE

2.1 *“Independent custody visiting is a 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.”*

(Home Office Code of Practice, March 2013:05)

2.2 The primary purpose of the scheme is to:

- Ensure those held in Police custody in Hampshire and Isle of Wight are treated in accordance with current legislation and codes of practice in relation to their welfare and human rights and in particular Code C of the Police and Criminal Evidence Act 1984 (PACE).
- Provide public reassurance that the above is being monitored.
- Contribute to the National Preventative Mechanism (NPM) and Optional Protocol to the Convention Against Torture (OPCAT).

2.3 The scheme enables volunteers from the communities of Hampshire and Isle of Wight to make unannounced visits to observe and report on the conditions in which persons are detained at Police stations, and the operation in practice of the statutory and other rules governing their welfare. This is done with a view to securing greater public understanding and confidence in these matters.

2.4 The scheme also serves as an independent check on the way Police officers carry out their duties with regard to detained persons and their engagement with, and support for the scheme, is a clear demonstration of their commitment to transparency and openness in relation to this critical aspect of their duties. Further, it can improve Police management of their own performance by pointing out areas where problems have occurred and which may have implications for policy, training, communications or the daily work of officers responsible for custody at Police stations.

2.5 In addition, custody visiting is an important aid in helping the PCC to fulfil his/her responsibility to ensure that policing in their area is carried out fairly, in accordance with legislation and other guidance, and with respect for the human rights of all those coming into contact with the Police.

3. INDEPENDENT CUSTODY VISITORS (ICVs)

3.1 Eligibility

3.1.1 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 three years prior to the date of application.

3.1.2 The Office of the Police and Crime Commissioner (OPCC) 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.

3.1.3 All reasonable adjustments as defined in the Equality Act 2010 will be made to accommodate those with a disability who are considered suitable candidates. However it must be recognised that custody is a dynamic and potentially dangerous environment, therefore applicants are asked to consider their own safety and suitability for the role.

3.1.4 Applications are welcomed from members of the community who do not have English as their first language. They should however be aware that visits are carried out in English and all documentation and communications relating to visits are written in English.

3.1.5 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 a barrier to appointment. Ultimately, the PCC is responsible for all appointments of ICVs, subject to meeting the requirements (for example vetting) set out in this guidance.

3.1.6 To avoid any potential conflict of interest, the PCC will not appoint any serving Police officers (including special constables), Police staff or OPCC staff. Where persons in these categories have left or retired from the relevant duties, they may be considered suitable for appointment after a period of three years.

3.1.7 The PCC may consider persons who have relatives currently serving as Police officers, special constables or Police staff as ICVs but their application may be declined due to the potential conflict of interest. An example of this is front line Police staff whose job may involve them working in custody or working closely with custody staff.

3.1.8 Applications from others involved with the Criminal Justice System will be considered on their individual merits having regard to the public service principle of being seen to be independent and impartial, e.g. solicitors, magistrates and members of the probation service may find the duties of an ICV conflict with their professional responsibilities. Where persons in these categories have left or retired from their duties, they may be considered suitable for appointment after a period of three years. The scheme administrator may consider earlier appointment based on individual circumstances.

3.2 Recruitment and appointment

3.2.1 The recruitment process should ensure that adequate numbers of suitably trained people, representative of the local community, are available throughout the Police force area to carry out the required visits.

3.2.2 The PCC should ensure that vacancies are openly advertised through such means as the PCCs website, local radio, press releases and volunteer bureaux.

3.2.3 Interested persons must complete an application form which can be downloaded from the PCCs website or posted on request. Applicants are assessed against the ICV role description and person specification (see Appendices 1 & 2). Short listed applicants must attend an interview with the scheme administrator (or other OPCC representative) and the area panel convenor. Interviews are structured around a list of questions and applicant's answers are scored. If successful at interview, two references are sought.

3.2.4 A Police vetting check is carried out. The appropriate vetting level is determined by the Home Office which is non Police personnel vetting level 1. In regards to vetting outcomes, the Chief Constable 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 Constable as to the reason(s) for recommending that an applicant should not be appointed.

3.2.5 Following initial induction training, ICVs serve a six month probationary period (which should enable them to carry out a minimum of six visits). If completed satisfactorily, the scheme administrator, in consultation with the panel convenor, will confirm an initial three year term (which includes the probation period).

3.2.6 ICVs are required to sign a Charter (see Appendix 3) which summarises the agreed responsibilities and legitimate expectations. The Charter is also signed by the scheme administrator on behalf of the PCC.

3.2.7 ICVs are provided with a photo identity card which they are required to produce at every visit and to wear whilst on PCC or Hampshire Constabulary premises or other custody visiting events such as trainings or seminars.

3.2.8 Identity cards must not be used as a means of identification for non-custody visiting related purposes. This also applies to the use of any car parking permits which may be issued to ICVs.

3.2.9 The scheme administrator must be notified immediately if an identity card is lost or stolen.

3.3 Training

3.3.1 The PCC, in consultation with the Chief Constable, will prescribe the programme of training in order that ICVs are made fully aware of the relevant statutes and other rules, including force orders governing the welfare of persons detained in Police custody. The training will be provided by the OPCC jointly with Hampshire Constabulary.

3.3.2 The PCC will provide regular training opportunities and there is an expectation that ICVs will attend. The scheme administrator will arrange an annual meeting at which relevant topics and matters of mutual interest or concern may be discussed.

3.3.3 The scheme administrator will consult with ICVs about their training needs and topics for consideration.

3.3.4 The PCC recognises that panel convenors and deputies (see 4.1.1 below) have a key role to play in the delivery of the scheme. Although there is considerable responsibility attached, the PCC hopes that the rewards of being a key contributor to the scheme balance the additional work involved. The scheme administrator will arrange trainings for convenors and deputy convenors on request. This may include training on how to chair meetings, taking minutes and other areas that are felt to be relevant and helpful to their role.

3.4 Performance

3.4.1 Renewal of a custody visitor's appointment is subject to a performance review. Reviews should include feedback on the quality of visits and satisfactory completion of report forms as

well as regular attendance at panel meetings (an absolute minimum of two per year), the annual seminar (an absolute minimum of one per three year term) and training sessions (an absolute minimum of one per three year term). Unless there are truly exceptional reasons why ICVs do not attend regularly, non attendance may result in termination of appointment. Apologies for non-attendance at panel meetings should be given to the convenor. Apologies for non-attendance at scheme meetings, the annual seminar and trainings should be given to the scheme administrator.

3.4.2 Reviews are carried out at three year intervals however this may be sooner at the discretion of the scheme administrator.

3.4.3 Reviews may be carried out either face to face, by telephone or by other means considered appropriate at the time.

3.4.4 Reviews are an opportunity for ICVs to feedback any issues or concerns relating to their role.

3.5 Leaving the scheme

ICVs should advise their convenor of their intention to leave. Whilst ICVs are asked to give notice the OPCC recognises that this is not always possible. On leaving the scheme, the scheme administrator will write to the member confirming the resignation. An exit questionnaire will be included which members are not obliged to complete but the data helps the PCC to find out why volunteers are leaving the scheme and to act on feedback where appropriate.

Members who leave the scheme are required to return their ID card and any other documents relating to their role. Items can be returned via the panel convenor or by putting them into an envelope addressed to the OPCC and taking it to any Police station in Hampshire or Isle of Wight.

3.6 References

In line with other public service appointments, the OPCC is unable to provide character references. The OPCC can provide a letter which states how long a member has volunteered for the PCC as an ICV and brief details of the role and necessary commitments.

3.7 Removal of ICVs

3.7.1 There may be occasions when consideration will be given to the termination of an ICVs appointment due to misconduct or poor performance, for example:

- failing to act in accordance with guidance and expectations
- bringing the PCC and his office into disrepute
- a conviction for a criminal offence
- deliberate falsification of expense claims
- abusive behaviour and/or language
- inappropriate behaviour and/or language
- breach of confidentiality
- breach of data protection
- repeated failure to attend visits
- repeated failure to complete satisfactory reports
- repeated failure to attend panel meetings, the annual seminar and trainings

3.7.2 ICVs should notify the scheme administrator in a timely manner if they are arrested and charged with, or reported for, a criminal offence. In such circumstances, the visitor may be suspended until the outcome of any criminal proceedings is known.

3.7.3 Procedures for considering possible termination of appointment will follow the principles

of natural justice (In English law, natural justice is technical terminology for the rule against bias and the right to a fair hearing) and will be in line with the OPCC procedures for handling misconduct or poor performance.

3.8 Settling differences and complaints

The PCC aims to treat all volunteers fairly, objectively and consistently and to ensure that volunteer's views are heard, noted and acted upon promptly for a positive and amicable solution.

3.8.1 Complaints made against individual ICVs by detainees, other ICVs, Police staff or others (who may come into contact with them in the course of their duties) will be dealt with in accordance with the PCCs Complaints Procedure.

3.8.2 Where an ICV raises a concern about the conduct of a member of Police staff, the scheme administrator will raise the issue with the relevant senior officer within the Constabulary to determine the most appropriate course of action.

3.9 ICV welfare

3.9.1 ICVs should inform their convenor and the scheme administrator 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 the ICV and the convenor.

3.9.2 The PCC and Hampshire Constabulary have a duty of care to ICVs whilst carrying out their role. However ICVs must consider their duty of care to their colleagues and Constabulary staff, and ensure that they are fit to carry out a visit. Following major illness, surgery or physical injury, it is advisable to seek guidance from the scheme administrator.

3.9.3 It is Hampshire Constabulary policy that ICVs who are pregnant should not be allowed to enter the custody environment. ICVs should inform their convenor and the scheme administrator of their pregnancy as soon as practically possible so as to ensure our duty of care to the ICV and their unborn child is met.

3.9.4 ICVs should be familiar with the Constabulary Custody Risk Assessment (found in the induction folder). If ICVs do not have a copy of this document, they should request it from the scheme administrator.

3.9.5 As a volunteer, you and your immediate family (living at the same address) have access to free, confidential and impartial support, provided by Health Assured (see Appendix 4).

3.10 Expenses

3.10.1 ICVs will be reimbursed for expenses incurred in carrying out visits, attending panel meetings and other events connected with their role. These will be predominantly travel expenses.

3.10.2 Ideally it is requested that expenses are claimed from the OPCC at the three monthly intervals shown in the table below. However ICVs are free to submit their expenses when it is convenient for them.

Expenses incurred during:	Deadline for submission:
Quarter 4 (January, February and March)	30 th April
Quarter 1 (April, May and June)	31 st July

Quarter 2 (July, August and September)	31 st October
Quarter 3 (October, November and December)	31 st January

The OPCC will send a quarterly reminder to members that they should claim their expenses. The OPCC will confirm receipt of expenses.

3.10.3 Public transport fares and car parking fees are paid in full and private car mileage is reimbursed at the current HMRC specified rate will be paid (at the time of this publication 45p per mile).

3.10.4 Where mileage claims are submitted, ICVs are asked to provide a VAT receipt which covers the date/s of visits. ICVs are required to submit petrol and all other receipts relating to the period of the claim, with their claim. Claim forms and receipts may be submitted in electronic format.

4. AREA PANELS

The PCC has established one panel to cover each local policing area. The panels are known as Isle of Wight, North, South East and South West.

4.1 Panel responsibilities

Each panel is responsible for:

4.1.1 Electing from within its members, a convenor (lead volunteer) who is appointed for a three year period (see Appendix 5 for role description). See 4.3 below.

4.1.2 Ensuring, in consultation with the scheme administrator, that a fair nomination process takes place in advance of the Quarter 3 December panel meeting.

4.1.3 Administering and minuting convenor and deputy appointments.

4.1.4 Sending a representative (usually the convenor) to the quarterly scheme meeting at the PCCs office to report on matters relating to their area panel and other matters relevant to the scheme. If a convenor is unable to attend the meeting, the deputy or an appointed member may attend to represent their panel.

4.1.5 Meeting as a panel on a quarterly basis in order to discuss the results of their visits and other matters of mutual concern.

4.1.6 Agreeing with the convenor an appropriate rota to include late night, early hours and early morning visits. Visits should not develop a regular pattern.

4.1.7 Providing an overview of their observations and findings to the scheme administrator (when required) for inclusion in the annual report to the PCC.

4.2 Election of convenors and deputies

4.2.1 Prospective convenors should be nominated in advance of the Quarter 3 (usually December) panel meetings. A 'Nomination of Convenor Form' (see Appendix 6) should be completed and returned to the scheme administrator before the panel meeting. Members may nominate themselves.

4.2.2 The election of the convenor takes place at the Quarter 3 December panel meeting. Panel members are asked to cast their ballot for one of the shortlisted candidates. The votes will be counted and the outcome announced and formally noted in the minutes.

4.2.3 A convenors term of office is three years and begins at the Quarter 4 scheme meeting of the following year (usually March). This allows for a handover period prior to the new convenor officially taking over the role.

4.2.4 If it is decided that a deputy convenor is required the election will take place at the Quarter 4 (usually March) panel meeting, by a similar process as that of the convenor. The deputy convenor will also take office at that time, and may serve for three years.

4.2.5 Convenors and deputies are able to serve more than one consecutive term of office subject to successful re-election.

4.2.6 There are no absentee ballots.

4.2.7 If there are no nominations the current convenor may continue in post.

4.3 Resignation of convenors and deputies

Whilst volunteers are asked to give notice of their intention to leave the scheme, the PCC recognises that this is not always possible. In the event that a convenor resigns or leaves the scheme, the deputy will assume the role until a formal election process can be completed, the timescale for which will be determined by the scheme administrator. In the event that a deputy leaves the scheme, the scheme administrator, in consultation with the panel convenor, will determine the timescale for election of another deputy.

5. VISITING ARRANGEMENTS

5.1 General

Visits should be unannounced and undertaken in pairs of volunteers working together. Visiting in pairs enables two perspectives and a shared understanding of issues and problems which may be encountered. If one member of the team should not be able to attend for any reason, the normal procedure should be to abort and re-arrange the visit. No more than two visitors should attend at one time as this may place an additional burden on custody staff. Additional ICVs or guests should be agreed in advance with the scheme administrator and Hampshire Constabulary.

5.2 Rotas

In consultation with the panel, the convenor will draw up a rota of visits for the following quarter. The rota will allow pairs of visitors the discretion to arrange dates and times between them. The first visitor will have responsibility to contact the second visitor and should make contact at their earliest convenience so as to ensure that the second visitor has sufficient notice. Panels should ensure that all designated stations within their area are visited by a variety of visitors and pairings.

5.3 Frequency and timings of visits

Panels will give particular attention to the frequency of visits and must ensure that each Police station is visited as set out in the table below or as agreed in exceptional circumstances or business need with the scheme administrator. The length of time that ICVs spend in custody should not exceed two hours. Young and vulnerable people should be seen first.

<u>Station</u>	<u>Category</u>	<u>Minimum visits per quarter</u>
Isle of Wight Panel Newport	A	13
North Panel Aldershot Basingstoke	B A	9 13
South East Panel Fareham Portsmouth Central Waterlooville	B A B	0* 13 0*
South West Panel Lyndhurst Southampton Central	B A	0* 13

*Part-time custody facilities can be inspected when they are open

All of the above is subject to changes in Police operations, including custody closures, in consultation with the OPCC.

5.4 Special visits

There may be occasions, in agreement with the Police, when a special visit may be justified. For example, when there is concern within the local community about the treatment or wellbeing of someone in detention. In such circumstances, the officer in charge of the station should make arrangements through the appropriate panel convenor for a visit to take place at short notice. The Constabulary should inform the PCC of the details of any special visits as soon as possible. Convenors are also required to notify the scheme administrator and to provide the usual written report.

6 VISITING PROCEDURES AT STATIONS

6.1 Immediate access to custody area

ICVs should be admitted immediately to the custody area. Access should only be delayed when they may be in danger, for example if there is a disturbance in the custody area. A full explanation must be given to ICVs as to why access is being delayed and that explanation must be recorded by ICVs in their report.

It is not acceptable for access to be delayed due to the custody officer being busy. In such circumstances ICVs should be admitted to the custody area and invited to wait until the custody officer or another officer is available to escort them on the visit. Whilst waiting, ICVs have the opportunity to observe what is happening in custody and may be allowed (with the detainee's consent) to observe the booking in process, fingerprinting and other procedures.

6.2 Access to all parts of the custody area

ICVs should be given access to the custody area including cells, detention rooms, charging areas, washing facilities, kitchen or food preparation areas, and the medical room (but not to the drugs cabinet). Access to the medical room, in some cases, may only be accessible when the healthcare practitioner (HCP) is present. ICVs should satisfy themselves that areas are clean, tidy and in a reasonable state of repair and decoration, and that bedding in cells is clean and adequate. Relevant storage areas may also be seen and ICVs should check that there are adequate stocks of bedding and other necessary items. Blankets may be inspected for damage

that may present a risk to detainee safety. ICVs should verify that arrangements are established for the cleaning of blankets and for any necessary replacement of furnishings and equipment. They may inspect empty cells to check heating/ventilation systems and cell bells and toilet flushing mechanisms are working properly. They may visit interview rooms in the custody area if unoccupied. It is not part of the ICVs role to attend Police interviews with detainees or visit CID rooms or other operational parts of the station.

Visits should also be considered and allowed where, following mass arrests, detainees are held for some time, possibly in vehicles within the places of detention yard or temporarily in a holding centre, prior to being booked in and formally detained.

6.3 Security and safety

In the interest of security and safety, the custody officer, or a member of custody staff, will accompany ICVs during visits. However, the escorting officer should normally remain out of hearing during discussions between ICVs and detainees. In addition, custody staff should also be alert to any specific health or safety risks visitors might face and should advise them as appropriate. For example, ICVs should always be told if there is a possibility of them coming into contact with detainees or cells exposed to CS spray.

6.4 Access to detainees

ICVs may normally have access to any persons detained at a Police station. Detainees may fall into the following categories:-

PACE detainees - these constitute the vast majority and are held under the provisions of the Police and Criminal Evidence Act 1984. This category includes detainees who are being held in custody awaiting a court appearance.

Ministry of Justice prisoners - these are remanded or sentenced prisoners who would normally be held in prison. It includes prisoners released on licence, who are being recalled to prison.

Immigration detainees (non PACE) - these are persons held under the Immigration Act 1971 and Immigration Asylum Act 1999 who are subject to deportation proceedings or who are waiting to be removed from the United Kingdom as illegal entrants.

People at risk - these may be persons held under Section 136 of the Mental Health Act 1983 for their own protection or children taken into Police protection under the Children Act 1989.

ICVs are not permitted to visit detainees supervised by the Prisoner Escort Service. These detainees are not in the care and control of the Police and independent lay observers are appointed to carry out this role.

6.5 Restricted access to detainees

In exceptional circumstances the Police may judge that it is necessary for a detained person not to be seen by ICVs in order to avoid any possible risk of prejudicing an important investigation or where the officer reasonably believes that the visitors' safety is at risk. Any decision to deny visitor access to a detained person should be taken by the custody officer, authorised by an officer of or above the rank of inspector, and recorded in the custody record. The decision to deny access should be taken in each case in the light of all the relevant circumstances. There should be no presumption that access should be denied to any particular category of detainee or because a decision has been made that a person should be held incommunicado. In the event of this happening, ICVs should note the reasons on their report form.

6.6 Terrorism Act (TACT)

Terrorism suspects are taken to specialist facilities outside of the county and therefore it is unlikely that ICVs will encounter TACT detainees. In the unlikely event of TACT suspects being detained, ICVs will not be given access to them.

6.7 Consent to visit

A detained person is not obliged to see ICVs or to answer questions. Detainees can only be visited with their consent and ICVs are responsible for establishing whether or not the detainee wishes to see them.

6.8 Detainees who are unable to consent to a visit

If a detainee is not in a position to give consent to be interviewed, for example due to the effects of drink or drugs or by virtue of a mental illness, the escorting officer should allow access unless it is considered that the visitors' safety would be at risk. In such circumstances where the ICVs might be in danger from a potentially violent detainee, they may wish to speak to the detainee through the cell hatch. If the detainee is comatose, the escorting officer should allow access if ICVs wish to satisfy themselves of the detainee's well-being.

6.9 Detainees who are asleep

Sleeping detainees can be woken at the discretion of the escorting officer to seek consent to a visit. However, where it would involve interrupting a continuous period of 8 hours rest provided for under PACE, the normal procedure should be not to wake the person but to observe them through the cell hatch. If ICVs cannot satisfy themselves as to whether a sleeping detained person is alive, the escorting officer may be asked to enter the cell.

6.10 Access to young (under 18) and vulnerable people

Young people may give their own consent. It is not necessary to obtain the additional consent of a parent, guardian or appropriate adult.

If an appropriate adult is in attendance to support a young or vulnerable person, the detained person's wishes should be sought as to whether the appropriate adult should be in attendance.

6.11 Detainees who are being interviewed

Police interviews with detainees should not be interrupted to facilitate custody visits. However, ICVs may await the completion of the interview if they wish to see the person concerned.

6.12 Conversations with detainees

Conversations between detainees and ICVs where practicable take place in sight, but out of hearing, of the escorting officer. If for some reason the Police consider that the escorting officer should remain within hearing, this decision must be taken by the custody sergeant; however the escorting officer should not take an active part in the conversation. ICVs should bear in mind, however, that some detained persons may be violent, or under the influence of drink or drugs, and that the presence of a Police officer may deter or prevent assaults on the visitor.

Visits should normally be conducted in English. Translation support should be provided where necessary. On occasions it may be more appropriate to conduct a visit in another language spoken by the detainee, if one of the ICVs is fluent in that language. However, in such circumstances, care must be taken to ensure that any other visitor present is kept informed of what is being said.

Conversations should focus on checking whether or not detainees have been offered their rights and entitlements under PACE and on confirming whether the conditions of detention are adequate. ICVs should do all they can to encourage an open exchange with the detainee and may wish to use a checklist to ensure that they cover all the relevant issues.

ICVs must remain impartial and should not seek to involve themselves in any way in the process of investigation. If a detainee asks for advice about co-operating with the Police, making a statement or anything in relation to their defence, ICVs should explain that it is not part of their role to discuss such matters. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the ICV must tell them that the contents of the visit may be disclosed in legal proceedings. If the detainee's concerns are associated with not yet having received legal advice, ICVs may wish to take this up with the escorting or custody officer.

If an ICV realises they know, or are known by a detainee, they should consider whether to withdraw from the visit. The decision should depend on the nature of the relationship and its likely effect on the visitor's impartiality.

ICVs must not pass messages for detainees or perform other tasks on their behalf as this might compromise impartiality or the interests of justice. If they are asked to do so they must immediately inform the custody officer.

ICVs are primarily concerned with overall conditions, standards, and procedures at Police stations. However, immediate concerns about the treatment of particular individuals should be passed on to those in a position to take corrective action. If a detainee indicates that they may harm themselves or any other person, this should immediately be brought to the attention of custody staff.

6.13 Access to custody records

ICVs should seek permission from the detainee to view their custody record and explain to the detained person why they are doing so. If any detainee, including a young person, refuses access to the custody record, ICVs should not be allowed to see it.

Subject to obtaining the detainee's consent to view their custody record, ICVs should check its content against what they have been told by the detainee. In particular, ICVs will verify:-

- Whether entitlements under PACE have been given and signed for.
- That medication, injuries, medical examinations, meals/diet are recorded.
- That procedures to assess special risks/vulnerabilities presented by the detainee have been properly recorded.
- The timing and frequency of cell inspections of inebriated or otherwise vulnerable detainees are recorded and that the comment contains personalised information.
- The timing of reviews has been recorded. If sleeping reviews are carried out, that the detained person has been notified of the outcome as soon as possible after they wake.

If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption should be in favour of allowing ICVs to examine the record. However this does not extend to detainees who are being interviewed by investigating officers during the visit.

ICVs may view the custody record either in paper format or on screen but at no time should they operate or be left in sole charge of a computer.

ICVs must note on the report form that they have viewed the custody record without consent and their reasons for doing so.

6.14 CCTV

ICVs should carry out their functions in person and are not entitled to view either live CCTV pictures or recorded footage. Their role is carried out by interacting with both detainees and Police staff and cannot be carried out remotely. There may also be issues about infringing the privacy of detainees who have not consented to ICVs observing them using CCTV. ICVs should view CCTV only for the purposes of checking that they are operational. ICVs can ask the custody officer to provide a demonstration if necessary.

6.15 Medical issues

ICVs do not have the right to view the detainee's medical records, even where these are attached to the custody record. However, key points relevant to medical treatment should be recorded in the custody record itself. ICVs should pay particular attention to detained persons who are suffering from any form of illness, injury or disability. They should satisfy themselves that, if appropriate, medical advice has been obtained and establish from the custody officer what instructions for medical treatment have been given, and confirm by consulting the custody record that the instructions have been carried out.

6.16 Deaths in custody

All deaths in custody are the subject of a Coroner's inquest to which the Police will report formally. Where there has been a death in Police custody, the PCC must be informed as soon as possible and, where possible, the officer in charge of the station should notify the convenor of the relevant panel. Consideration should be given as to whether a visit would be helpful in terms of informing and reassuring the local community. If it is agreed that a visit be made it should be on the basis of a clear understanding as to how that feedback to the community will be achieved. It is not necessary to notify a death which occurred after release from custody, unless the detainee was transferred to hospital from a Police station and died at hospital shortly afterwards. ICVs are not allowed to view the body in the cell, nor should they have access to the custody record.

6.17 Complaints by detainees

In the event that a detainee wishes to make a complaint about their general treatment or the conditions at the Police station, ICVs should (subject to the detainee's consent) take this up as soon as possible with custody staff or other staff at the Police station in order to seek a resolution.

If a detainee makes a complaint of misconduct by a Police officer, they should be advised to address it to the duty officer in charge of the custody block. With the detainee's consent, it may be appropriate for ICVs to notify the duty officer that the detainee wishes to make a complaint. In addition, ICVs may want to remind the detainee that they can seek legal advice in relation to the complaint or ask to see a doctor if an alleged assault is involved. However, such complaints must be dealt with through the formal procedures laid down by Hampshire Constabulary and there is no broader role for ICVs. ICVs should not involve themselves in individual cases or make representations on detainees' behalf.

6.18 Remand and sentenced prisoners

Remand or sentenced prisoners held in Police stations who seek to complain about their conditions or treatment in prison should be advised that ICVs cannot involve themselves in such matters. There are recognised procedures open to these detainees such as writing to or petitioning the Independent Monitoring Board of their Establishment or the Prison/Probation Ombudsman.

6.19 Appropriate Adults

ICVs may also act as appropriate adults in certain circumstances. However individuals must not switch between the role of independent custody visitor and appropriate adult during the course of a visit to the same Police station. Changing roles in this way may blur responsibilities and create confusion for all concerned. However, those fulfilling the role of ICVs should not be prevented from acting as appropriate adults on separate and distinct occasions, preferably at completely different stations. There is no compelling evidence that this kind of dual role causes significant conflicts of interest, and individuals who choose to do so should be free to act in both capacities. However they must declare if they have previously carried out either role with the same detainee.

6.20 Lay Observers

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.

7 IMPARTIALITY AND CONFIDENTIALITY

7.1 Impartiality

ICVs must not involve themselves in individual cases to the extent of offering advice about whether or not detainees should make a statement or otherwise cooperate with Police enquiries. Such advice would be inconsistent with the ICVs' independence from the processes of investigation. ICVs should therefore decline to discuss anything more than the conditions in which persons are detained and their treatment, even though some detainees may ask advice about their possible defence, particularly if they have not already received legal advice.

7.2 Friends and relations

In the interests of impartiality, ICVs should not visit friends or relations who are in custody. Where a visitor discovers that a friend or relative is present as a detained person, the visit should not be abandoned, but the visitor should neither visit the person concerned nor have access to the custody record for that person.

7.3 Evidence in criminal proceedings

Conversations between ICVs and detainees are not privileged and it would be possible for a Court to issue a witness summons requiring the attendance of a custody visitor to give oral evidence or produce documents such as a report on a particular visit. ICVs 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.

7.4 Confidentiality

ICVs acquire considerable personal information about persons in Police custody during the course of their duties. Personal information relating to detainees must be protected against improper or unnecessary disclosure. ICVs are therefore required to give an undertaking not to release the identity of, or information capable of identifying, any person in Police custody. It is essential that ICVs do not name or otherwise identify persons in custody in reports, in discussions with fellow ICVs, or to the OPCC.

7.5 Breach of confidentiality

Breach of the above undertaking may make a visitor liable to civil proceedings by the detained person concerned. ICVs also need to be aware that the unauthorised disclosure of facts concerning Police operations or the security of Police stations may constitute an offence under Section 5 of the Official Secrets Act 1989 (also see 3.7.1 above).

8. REPORTS AND FOLLOW-UP ACTIONS

8.1 Completion of reports

Recording the contents of a visit is an essential requirement of the scheme. ICVs may wish to make notes in the course of the interview, but should explain to the detainee why they are doing so.

At the end of each visit, and while still at the Police station, ICVs should complete a report on their findings. Custody staff should not be present while this is being done and wherever possible ICVs should be able to use a private area for this purpose. Details should include both specific matters (which have already been brought to the attention of custody staff) and more general issues relating to custody conditions or procedures. If serious concerns are found, that are unable to be resolved at the time, these should be written in the final box on the report. Items reported in this box are picked up immediately by the scheme administrator, added to the action log and taken up with the Constabulary until resolved. All reports must be completed in English even if the visit has been conducted in another language. Reports should be accurate, concise and legible. The completed report should be emailed to icv.scheme@hampshire.pnn.police.uk. A copy is left with custody staff for the attention of the officer in charge. ICVs may wish to keep a copy for immediate reference but this should be destroyed within one year of the visit.

Before signing the report, both ICVs must be in agreement about its contents. If, after the event, one visitor wishes to add any reflections or comments, they must first gain agreement from the other visitor. Once this has been done, then a communication should be sent to the scheme administrator with a copy to the other visitor and panel convenor, setting out any further comments wishing to be made.

8.2 Reports of unsatisfactory treatment and conditions

If ICVs find any aspect of the treatment of detained persons or the conditions at the station unsatisfactory; this should be included in the report. If a matter appears to require urgent attention, the officer in charge of the station should be informed immediately. This action should always be taken if a detained person makes a complaint of assault or ill-treatment, or appears to have sustained an injury which is not recorded on his custody record.

8.3 Issues arising from visits

It is recommended that ICVs should establish a continuing dialogue with the officer in charge of the station to ensure that appropriate action is taken on issues raised during visits. ICVs who wish to commend the conduct of a particular officer, a particular practice, or general conditions, can note this on the report.

The scheme administrator will have regular and formal opportunities to raise concerns and issues with a designated senior officer with Constabulary-wide responsibility for custody usually of Assistant Chief Constable rank.

8.4 Consideration of reports by panels and the OPCC

Each panel of ICVs should meet on a quarterly basis to discuss the findings of visits to designated stations in their area. The panel convenor should submit a report to the PCC every six months which forms part of a review carried out by the scheme administrator. The entire report is then presented to the PCC.

8.5 Reviewing performance

The OPCC assesses how effectively its custody visiting arrangements are by reviewing the quality of reports, the frequency and timing of visits and the number of occasions on which

detainees refuse to speak to ICVs. These statistics are reviewed and discussed with members during quarterly scheme and panel meetings.

9 PUBLICITY AND PRESS

9.1 Media

Appropriate media communications are used when there is a need to promote the scheme for the purposes of raising awareness, volunteer recognition or recruitment. ICVs may be approached by the OPCC to be involved in media activity. There is no obligation for ICVs to be involved.

Under no circumstances should ICVs respond to requests for specific information from the press, other organisations or individuals about specific cases or events at local Police stations which may involve the custody visiting scheme or its personnel. Any such matters should be directed to the PCCs Communications team opcc.comms@hampshire.pnn.police.uk on 02380 479681.

9.2 Promoting the scheme

It is generally desirable that the role and aims of the scheme should be promoted to the public. ICVs should bear in mind that the purpose of publicity is to promote the scheme in general and not to draw attention to individual cases or to themselves. Under no circumstances should individuals, or specific events, be discussed other than in general, anonymous terms to support an explanation of the purpose of the scheme.

9.3 Interviews and talks

General information regarding the role and scope of the scheme may be given to the press, local radio and other media. These may include quotes and personal comments of a positive nature. The advice of the PCCs Communications team should be sought before any such interview or talk is given and before any article is submitted for publication by a custody visitor. ICVs should be aware that they are accountable to the PCC, and not to the press or individual members of the public.

If an invitation to speak to a local group or organisation appears to be with a view to promoting the role and scope of the scheme, it is a matter for the discretion of panel members as to whether or not to accept such an invitation. In cases of any doubt the visitor should consult the PCCs Communications team.

9.4 Press enquiries

In all circumstances the advice of the PCCs Communications team should be sought before making a response. A response to enquiries from the press should be given by the convenor only if they are satisfied that the required information is of a sufficiently general nature.

Individual ICVs should discuss their intentions in relation to publicity with their panel convenor in order that there may be proper local co-ordination.

9.5 Photography

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 ICVs 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 administrator or the PCC's Communications team of your preference.

10 INSURANCE

The PCC provides adequate cover for claims arising from the ICV role. ICVs that are using a motor vehicle to travel to custody suites, panel meetings, trainings or events must have adequate insurance in place and are advised to discuss their volunteering role with their insurance company.

11 PCC ELECTIONS AND PURDAH (PRE-ELECTION PERIOD)

It is important that guidelines relating to PCC elections and the pre-election period are followed by those working and volunteering for the PCC. Guidance will be provided by the OPCC however should ICVs have any questions, they should contact the scheme administrator.

12 VOLUNTEER PERSONAL INFORMATION

Your contact details are held both electronically and in paper format by the OPCC. Contact details and personal information is stored securely and in line with data protection protocols. From time to time the PCCs Communications team may send members communications about topics and issues that the PCC is involved with (outside of the ICV scheme). If you do not wish to receive these communications, please advise the scheme administrator to remove you from the mailing list. Contact details are not shared with external agencies. On leaving the scheme, member details are kept for five years and subsequently securely destroyed.

For the purposes of paying expenses, your bank account details and NI number is held electronically by the Integrated Business Centre (IBC) who makes payments on behalf of the PCC. The IBC is a secure environment and has been accredited at Impact level 2 (IL2). It has achieved Public Service Network (PSN) accreditation and has reached all of the necessary security measures for processing personal information expected by the Cabinet Office.