

<b>Committee(s)</b>	<b>Date:</b>
Police Authority Board – for information Independent Custody Visitor Panel – for information	9 November 2020 28 October 2020
<b>Subject:</b> Independent Custody Visiting Scheme Annual Report 2019/20	<b>Public</b>
<b>Report of:</b> Town Clerk	<b>For Information</b>
<b>Report author:</b> Rachael Waldron, ICV Scheme Manager, Town Clerk's Department	

### Summary

This report completes the requirement to update Members on the progress of the City of London's Independent Custody Visiting Scheme, presenting the Panel's Annual Report and informing Members of some of the recent issues raised by the ICV Panel in relation to custody provision in the City. Issues raised at the Panel meetings over the past year include reference to outstanding recommendations highlighted in the HMICFRS/HMIP Custody Inspection; and significant challenges presented to the custody environment following the Coronavirus outbreak.

### Recommendation(s)

Members are asked to note the contents of this report.

### Main Report

#### Background

1. The current Independent Custody Visiting scheme is well established and has been functioning in its current capacity since November 2007. Members of the Police Committee agreed in May 2009, that a regular report would be presented to the Committee on an annual basis. This report fulfils that requirement.
2. Members may recall that Independent Custody Visitors (ICVs) conduct unannounced visits in pairs to custody suites to monitor and report upon the treatment and conditions of persons held in custody. They check that the rights and entitlements, wellbeing and dignity of detained persons are being observed; and monitor this on an entirely independent and confidential basis. Independent Custody Visitors undertake visits to custody in a voluntary capacity; and are there to look, listen and report on the conditions in custody at the time of their visit. They report their observations to the Force and to the ICV Panel, which is made up of all the visitors.
3. The City Visitors have all been trained in conjunction with the Independent Custody Visiting Association (ICVA) and the Mayor's Office of Policing and

Crime (MOPAC). Further training is provided to the Panel, which meets on a quarterly basis to discuss topical issues relevant to custody practice. The training provided expands upon potential issues of concerns for detainees in custody settings, such as mental health, vulnerability, restraint and use of force and sets out established good practice that Independent Visitors can draw upon and carry forward in their roles.

4. The visits take place on a three in two weeks basis for Bishopsgate Police Station as agreed by the Scheme and City of London Police (CoLP). Developments with the Covid-19 outbreak resulted in a reduction across the frequency of visits, with visits occurring once a week (from March 2019 to the present time). The visitors will also visit Brewery Road Custody (as part of the collaboration with the British Transport Police).
5. Each visit to custody is recorded by the two visitors who fill out a short visiting form and document any areas of concern following interviews with detainees. This form provides Visitors with the opportunity to outline their observations at the time of visiting and can include reference to any matters pertinent to the welfare of the detainee, such as the status of their immediate health following examination from a Healthcare Professional (HCP), adherence to any dietary requests and opportunities to practice any religious observations. Copies of each completed form are then sent to the Custody Manager, ICV Scheme Manager, ICV Scheme Administrator in the Town Clerk's Office and the Superintendent should any further action be required. The Panel should be commended for achieving an 89% visit rate in 2019-20, given the temporary disruption to custody visiting practices (nationally) following the emergence of the Coronavirus Pandemic.
6. Meetings of the ICV Panel continue to take place on a quarterly basis and are attended by all Custody Visitors, alongside colleagues from the Town Clerk's Department, City of London Police (usually the custody manager) and Board representative Deputy Keith Bottomley who continues to provide critical and focused scrutiny on key areas of custody practice in his role as SIA Lead for Safeguarding & Public Protection. It should be noted that adjustments were made across the latter end of Q1 (Jan-March 2020) to ensure meetings of the ICV Panel could be facilitated virtually following subsequent implementation of lockdown measures introduced by the Government.
7. The Panel reviews the records of visits since the last meeting and visitors are able to discuss any issues or areas of good practice as a collective. Visitors are also able to ask detailed questions of the representatives of the Force, including the custody manager, about any areas of concern. The Panel also considers more general aspects of custody practice such as the circulation of visiting rotations and availability. Furthermore, wherever appropriate the Panel also considers matters relevant to effective custody provision and provides feedback on how the conditions in police custody can be improved.
8. The ICV Panel would like to formally record its thanks to Independent Custody Visitors Peter Tihanyi, Stephen Mawson, Justin Su-Wan Yang, John Mead, Harold Ashley and Susan Kellas who have departed the scheme over the

previous year. All remained committed to ensuring the rights, entitlements and wellbeing of detainees were monitored and observed; and have provided valuable contribution to the Scheme across the duration of their time on the Panel.

9. The Panel also records their thanks to departing ICV Scheme Manager Craig Spencer, who maintained the role of Member Director on the National Board for The Independent Custody Visiting Association up until his departure from the CoL Corporation. Craig played a pivotal role in the Scheme achieving a Silver rating following assessment by the National Association.
10. The Panel also records their thanks to Chairman Godfrey Baillon-Bending and Vice Chairman Heather Thomas. Both should be commended for their steadfast commitment and guidance shown to new Panel Members across the year, and throughout the Coronavirus outbreak.

### **Panel Issues in 2019/20**

11. The Panel has produced its tenth Annual Report, which is attached at Appendix A. This reports on the Panel's performance over the last 12 months, provides information about the visits made and issues raised as a result. The report also sets out the Panel's objective for 2020/21. Key issues raised at the Panel meeting include the following:

- a) **HMICFRS/HMIP Custody Inspection**

The primary issues highlighted were poor privacy for detainees across the booking process, lack of adequate provision for children and vulnerable adults, lack of suitable provision for juveniles (charged), unsuitable travel arrangements for detainee's post release and suitable exercise provision available for detainees at Bishopsgate. However, it should be acknowledged that the Force has taken steps to make improvements to the issues highlighted. Particularly with regard to aspects relating to detainee privacy, safe release of detainees following detention in custody and adequate exercise provision. The Panel will work with the CoLP to address some of the more crucial recommendations currently outstanding. Particularly with regard to ensuring adequate exercise provision is completed as scheduled by January 2021.

- b) **Appropriate Adults**

The Panel and the custody manager have been concerned with an outstanding area of concern highlighted in the HMICFRS inspection report. Particularly regarding the provision of appropriate adults (AA) for juveniles and vulnerable individuals in detention out of hours. The contract for the AA service is commissioned by Community & Children's Services (CCS). A Memorandum of Understanding (MOU) is currently being revised to ensure specific focus is drawn to ensuring the rights and welfare of vulnerable detainees are upheld. The contract will also include reference to the AA

Service facilitating communication and attending police interviews alongside vulnerable persons and juveniles at key moments of the custody process.

c) **Coronavirus**

The emergence of the Coronavirus pandemic in March 2020 presented a significant challenge to the custody environment. The City of London Scheme continued to uphold its statutory duty across this time to ensure that a balance was struck between the need to monitor police custody and maintain the safety of all. The Chairman, Vice Chair, Scheme Manager and Custody Manager have continued to work collaboratively across this period. Action has been undertaken by all to ensure the treatment, welfare and rights of detainees are upheld at a time of increasingly difficult pressure for police. It should be acknowledged that monitoring has continued throughout the course of the outbreak, however the Scheme Manager will now work with the CoLP to ensure appropriate monitoring practices are in place longer term, should further lockdown periods ensue preventing physical visits to custody.

**Legal Implications**

12. In accordance with Section 51 of the Police Reform Act (2002), the City Corporation is required to have in place an Independent Visitors Scheme.

**Conclusion**

13. The City of London ICV Scheme provides an independent assessment across the treatment of detained persons. The commitment and dedication of volunteer visitors ensures a continued and appropriate level of scrutiny of the Force is maintained.

Further updates on this Scheme will continue to be provided to Members on an annual basis.

**Appendices**

- Appendix 1 – ICV Annual Report 2019/20

**Background Papers**

Annual Custody Report – November 2019 Police Committee  
ICV Guidelines – January 2017 Police Committee

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