



Annual Report

October 2023

City of London

Independent Custody Visiting Scheme

Foreword, by the Chairman of the ICV Panel, Godfrey Baillon-Bending

In the fifth year of my tenure as Chair of the independent Custody Visiting Panel (ICV), we encountered another challenging year due to concerns demonstrated by the wider public regarding trust and confidence in policing.

The City Scheme has continued to play an important role by continuing to act as critical friend to the City of London Police, ensuring that the provision of detainee's rights, welfare, and entitlements continue to be delivered throughout the custody process. It is fair and right that the City of London Police continue to take all reasonable steps to demonstrate that the needs and vulnerabilities of all detainees are met. Our City scheme has learned more about the possible needs of transgender individuals in respect of personal needs relating to health, hygiene and welfare to ensure that they are not overlooked.

All independent custody visits have continued to be carried out in person by our small and committed group of volunteers. In a somewhat similar position to that of the Appropriate Adult Service, our City Scheme has continued to experience a reduction across our volunteer cohort. I look forward to continuing to support the Scheme Manager and City of London Police with recruitment initiatives across the forthcoming year to expand the membership of the panel, and to continue the delivery of our statutory responsibilities.

As expected, custody detention figures have continued to increase because of several factors which include challenges attached to the emerging cost of living crisis and a significant uplift in the number of vulnerable individuals seeking mental health support from the City of London Police's support services, such as their mental health triage team and Samaritans listening service. This service has continued to provide detainees with opportunities to receive mental health support during mental health crises. The reintroduction of Operation Safeguard is also expected to place increased pressure on the City's existing custody detention facility, due to a national requirement to house male prisoners from His Majesty's Inspectorate of Prisons (HMIP).

Protests Groups such as Just Stop Oil and Extinction Rebellion remained active across London, along with other protest groups. On the occasions where protest activity was experienced within the City and detention observed by ICVs, I am pleased to report that City of London Police officers continue to act professionally, and appropriately risk managed situations when presented with the most challenging circumstances.

Despite some delays, improvements have continued to be made across Appropriate Adult attendance times. On occasions where attendance times have fallen below the required key performance indicators, the City of London Police have worked proactively to ensure timely support can continue to be provided to all juveniles, female detainees and vulnerable individuals entering detention; whilst the Appropriate Adult service endeavours to find solutions to existing workforce challenges. This will continue to be monitored and prioritised by the City Scheme.

Further to the recommendations outlined by HMICFRS in 2018, the Panel will carry on working jointly with the City of London Police to ensure that the new custody estate developed meets the required compliance standards set out by the National Police Estates Group and continues to deliver parity of care to all.

I would like to thank all the ICVs together with the support of the Vice Chair for their dedicated and continued support and undertaking visits in another challenging year. I also extend my thanks for the City of London Police, Custody Manager, Lead ICV Scheme Sponsor Member from the Police

Authority Board and the City of London Scheme Manager for their continued cooperation and support across the smoothy running of visits.

James Thomson, Chair Police Authority Board

Deborah Oliver, ICV Scheme Sponsor, Police Authority Board

Foreword, by Independent Custody Visiting Scheme Sponsor, Police Authority Board Member Deborah Oliver:

There have been a number of events which have shaken public confidence and perceptions towards police legitimacy and procedural justice across the last year. This has extended to instrumental concerns about police behaving fairly and effectively during their daily interactions with the public, tackling increases in crime and keeping the public safe.

The continued work of the City Independent Custody Visiting Scheme has been critical in both protecting the welfare of detainees and supporting the City of London Police to deliver the best service possible in custody; and in reassuring the public through the external monitoring and scrutiny undertaken by our volunteers.

Despite these obvious challenges, City Independent Custody Visitors have remained steadfast in their commitment to provide an effective oversight function on behalf of the Police Authority. They have continued to act as a critical friend to the force by sharing their ideas and experiences from visits to enhance the conditions in custody; and pressed the force to focus on delivering parity of care for all individuals entering the detention process.

I have been pleased to see our City Independent Custody Visitors speak freely about their observations and feel empowered to bring to attention to any feelings of discomfort or practices that stand out as positive or poor across custody practice. This has been visible in the feedback provided by volunteers following visits, which have drawn attention to the dedication, care, and professional behaviour demonstrated by custody staff, while also highlighting areas of improvement. This applies to requests from the Scheme for the force to continue to deliver effective mental health provision and improve the timescales attached to the delivery of vetting procedures. I look forward to seeing the City of London Police continue to build on the improvements made to these areas across the next year.

I would like to extend my thanks to the City Independent Custody Visitors and the City of London Police Custody Team for the excellent work they continue to do.

INTRODUCTION

THE CITY OF LONDON INDEPENDENT CUSTODY VISITING SCHEME (ICV SCHEME)

The purpose of this report is to provide an overview of the City of London ICV Scheme in the period of 1 April 2022 to 31 March 2023 including:

- the Panel's performance.
- areas of good practice or issues and concerns the visits have raised; and
- objectives of the ICV Scheme for 2023/24.

The City of London Corporation, as the Police Authority for the City, is a separate body to that of the City of London Police. It has a statutory duty to ensure the delivery of the Independent Custody Visiting Scheme. Oversight of the ICV Scheme is provided by the Police Authority Board.

Independent custody visiting is governed by a range of legislation and guidance including the Police and Criminal Evidence Act (PACE) 1984 and Home Office Codes of Practice and National Standards (2013).

ICVs are members of the local and business community who volunteer to visit police stations on an unannounced basis to check on the treatment of detainees and the conditions in which they are held. To be eligible to become an ICV, individuals must:

- be over 18.
- be independent from the police force and policy authority; and
- have no direct involvement in the criminal justice system.

The City of London ICV Panel currently consists of 7 volunteers who visit the custody suite situated at Bishopsgate Police Station on an unannounced basis once a week.

The City of London ICV Panel work in close collaboration with the Mayor's Office for Policing and Crime (MOPAC).

A member of the Police Authority Board attends the quarterly Panel meetings along with a representative of the City of London Police to ensure that any questions or concerns that have surfaced from visits to custody can be adequately addressed. The quarterly Panel meetings are supported by the Police Authority ICV Scheme Manager.

THE ROLE OF INDEPENDENT CUSTODY VISITORS

To ensure the safety and wellbeing of volunteers, it is mandatory for visits to custody to be undertaken in pairs. Visits to custody are made on an unannounced basis so ICVs can look, listen, and report on conditions in custody at the time of their visit.

The primary objective of all visitors is to observe and report on the treatment and conditions of individual detainees and to check that their rights and entitlements are being observed.

ICVs are always accompanied by a custody officer throughout their visit to custody. Each detainee is provided with an opportunity to engage and speak directly to custody visitors. Circumstances may arise where detainees should not be disturbed, particularly when they are asleep during a rest period, or when specific health or safety risks have been identified which prevent an interview from taking place. Detainees may only be interviewed with their consent and may choose not to provide permission.

Visit interviews with detainees are undertaken in clear sight, but out of earshot of the escorting officer so details of what visitors see and hear remain confidential. Strict rules of confidentiality apply so detainees are identified by their custody numbers only. ICVs are independent and impartial. They do not provide advice or involve themselves in the process of investigation. In this respect, they are not

concerned with any alleged offence and cannot perform tasks on behalf of the detained person.

ICVs complete a report to record details of the visit. The information included in this report focuses on actions for City of London Police and the ICV Scheme Manager and can include:

- details of any good practice ICVs have observed during their visit;
- reference to any immediate problems encountered and resolved at the time of visiting; or
- details of any matters requiring further action.

Copies of the reports are provided to the Superintendent (if appropriate), the Custody Manager and the ICV Scheme Manager. The information provided within each report is discussed by the ICV Panel at the next review meeting. If necessary, more serious issues can be highlighted directly to the Police Authority Board or dealt with outside Panel meetings.

PANEL MEETINGS

Quarterly Panel meetings provide ICVs with an opportunity to discuss each visit and raise any issues that have arisen across the previous quarter.

Short update and information sessions are also incorporated into each agenda to ensure ICVs are kept up to date and well informed of national developments regarding the custody environment.

Topics discussed this year included:

1. Exercise Yard

The joint inspection by His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) and His Majesty's Inspectorate of Prisons (HMIP) in 2018 outlined the lack of a suitable exercise facility for detainees at Bishopsgate Custody Suite was as being a cause for concern, as detainees could be held in custody for long periods without having access to time outside or opportunities to exercise.

Outcome: The City of London Police completed the implementation of the new custody yard in June 2021, which has enabled detainees to have routine access to fresh air and helped their health and wellbeing while detained.

However, there have continued to be several challenges encountered post implementation, which have included:

- blockages to the drainage system
- intermittent flooding during periods of inclement weather

Since the publication of the last Annual Report, the City Scheme has worked closely with the City of London Police and has encouraged them to undertake necessary measures to identify remedial activity which could help to improve and de-risk the current exercise yard.

While the current drainage unit installed within the exercise yard is correctly sized according to requirements set by the National Police Chiefs' Council (NPCC) concerning requirements for exercise yards, there have continued to be occasions where blockages to the drainage system have remained.

Additionally, the City of London Police have worked closely with the City Volunteer Cadets on a project to design and paint a mural of the City Skyline in the new outside custody exercise space. This mural is a welcomed addition which has helped to improve the space generally, provide a less austere space and assist with the de-escalation of agitated and anxious detainees.

Outcome: A new cleaning contract has been implemented via the City of London Police Facilities Management Team which now includes a daily cleaning schedule for the exercise yard, which has helped to prevent some drainage issues.

2. Secure City Programme – Custody CCTV Project

The City of London Police completed the implementation of the Secure City programme,

which included allowing for the enhanced monitoring of detainees whilst held in custody.

It should be noted that internal IT infrastructure difficulties, which were experienced as a result of this installation, led to a temporary closure of the custody suite; and a short-term relocation of detainees to a neighbouring custody suite (British Transport Police).

Additionally, the City Scheme learned that the costs associated to the implementation of this programme exceeded initial projections and attracted separate running costs (linked to the maintenance of CCTV associated equipment and video management systems) which would be financed via the forces policing budget.

Outcome: The City Scheme have acknowledged the difficulties attached to the existing ageing custody estate. Whilst challenges remain, colleagues across the City of London Corporation and the City of London Police are very engaged and work closely to respond to issues quickly.

3. Final Project Plan for custody at Fleet Street

There have been several COVID-specific issues which have continued to contribute to the delayed development of the new custody provision at Fleet Street.

It is of paramount importance that the new custody facility reflects the multi-agency nature of engagement during detention. This includes providing opportunities for diversion, through access to medical, vulnerability and mental health support along with substance misuse programmes, while continuing to maintain the dignity of detained persons while in custody.

The Scheme Manager and Chair of the ICV Panel have continued to express the need for a refreshed and updated design plan which is cognisant of the developments in policing and technology while continuing to support the development and support for officers and staff working in the custody environment.

To this end, work remains ongoing with the City of London Custody Management Group to ensure that all stakeholders including The Scheme Manager and Chairman of the Independent Custody Visiting Scheme are consulted on design plans; and provided with an opportunity to provide input before plans for the new custody estate at Fleet Street are finalised.

Outcome: The Scheme Manager and Chair of the ICV Panel have continued to request that they are consulted on design plans and provided an opportunity to feed into the design process.

The Scheme Manager will continue to work closely with CoLP to ensure that options relating to medium term improvement works across the custody suite are brought to the Police Authority Board for decision.

4. Appropriate Adult Attendance

The provision of an Appropriate Adult's oversight of proceedings undertaken with juvenile and vulnerable adults held in police custody is a safeguard enshrined within the Police and Criminal Evidence ('PACE') Act (1984).

The role of the Appropriate Adult is to safeguard the interests, rights, entitlements and welfare of children and vulnerable individuals who are suspected of a criminal offence, by ensuring that they are treated in a fair and just manner and can participate effectively throughout their journey in the detention process.

The Appropriate Adult's primary role is to facilitate communication, attend police interviews alongside the vulnerable person or juvenile at other key moments during the detention process, including the obtaining of samples at the time of charging and bail.

In accordance with national standards for appropriate adult attendance, response times should not exceed 90 minutes.

Outcome: Monitoring data identified that the Appropriate Adult Service met the required response time across approximately two-thirds of calls.

While the majority of response times for Appropriate Adult attendance has occurred within a 90-minute timeframe, there have been occasions where this key performance indicator has not been achieved.

Outcome: The ICV Scheme Manager has continued to liaise directly with the City Custody Manager to ensure that each detainee receives the service of support by an appropriate adult. Quarterly contract monitoring meetings have also been arranged between the Custody Manager, City of London Corporation Commissioning Contract Officer, and Appropriate Adult Service to monitor, review and discuss key concerns.

The City of London Police have proactively taken steps to introduce an interim solution, to mitigate both the occurrence and impact of slow attendance times via the commissioning of on-the-spot purchases to the Appropriate Adult Network for their services, and allocation of a dedicated budget (£1K) for officers to draw upon to finance Appropriate Adult provision across a 24-hour period. It is important to note that the budget set aside for use is likely to exceed the original budget allocated due to demand for the service.

Any further issues arising will be escalated to Police Authority Director for early action.

It should be noted that the COVID-19 pandemic has continued to have a significant impact upon Appropriate Adults attendance times nationally.

The challenges include:

- **Increased demand for Appropriate Adults:** due to sharp upturn in arrests and detention nationally.
- **Reduced availability of Appropriate Adults due to a dramatic reduction of the AA workforce:** Volunteers constitute a significant percentage of

the Appropriate Adult workforce, with many of these individuals tending to be older and have underlying health conditions.

5. As a result, many have withdrawn from the network, leading to a reduced pool of Appropriate Adults to call upon. **Use of Force**

Scrutiny and governance of Use of Force has remained a re-occurring theme in recent HMICFRS custody inspections and has attracted wider scrutiny in relation to the case of the strip searching of Child Q, by the Metropolitan Police Service, in 2020.

One the whole, Use of Force remains low within City custody with 5.67% of detainees recorded as force used. The majority of instances using force involved detainees remaining in handcuffs while in custody.

Outside these instances, rationale for use and CCTV of Use of Force is viewed on CCTV by Custody Management. Reviews of records have highlighted:

- good and thorough rationale provided by officers in use of force reports supporting use, with detailed descriptions of detainee behaviour and risk and
- detailed explanations of officer rationale provided to the ICVs querying use of force during visits; and following review of individual detainee custody records.

City and Hackney Safeguarding Children Partnership (CHSCP) Child Q Practice Review

In March 2023, a report by the Children's Commissioner highlighted that *'strip searches of children under stop and search powers have a pronounced and deeply concerning ethnic disproportionality'* recommending that police forces commit to working with the Equality and Human Rights Commission (EHRC) in order to delivery necessary reforms.

Further to the Local Child Safeguarding Practice Review initiated by the City and Hackney Safeguarding Childre Partnership (CHSCP), the City of London Police were invited to map their safeguarding arrangements.

Outcome: Guidance has been circulated to all officers by the City of London Police to remind them of the powers and reinforce key considerations to bear in mind when undertaking searches, particularly where searches are more intimate in their nature and involve the search of juveniles.

It details the relevant legislation and provides guidance on process and recording to ensure that all officers comply with the requirements of the Police and Criminal Evidence Act 1984 and Force policies. The communication also sets out clear expectations relating to safeguarding and available resources within the Force to support officers in their decision making.

6. Mental Health Initiatives in Custody Samaritans

In June 2022, HMICFRS published *'Expectation for Police Custody'* which set out the framework and criteria used by the Inspectorate to assess police custody arrangements and the outcomes of those detained across all police forces in England and Wales. This framework placed particular focus on the treatment, conditions, and standards the Inspectorate expected services to meet.

The framework reinforced the need for police services to work with partner services to enable the diversion of vulnerable adults and children away from custody, and to protect their welfare whilst in custody.

Outcome: March 2023, marked 21 months since the Samaritans and the City of London joined in partnership to support individuals entering police custody as well as officers across the workforce. The success of this partnership has included:

- 6 forces at various stages of implementation of their own

Samaritans partnerships based on the CoLP model.

- Embedding of the Samaritans into CoLP's policing family, supporting public initiatives including Operation reframe, wellbeing events and input on learning and organisational development training sessions.
- 170 Officers and Staff receiving listening skills training from the Samaritans, including the Economic Crime Victim care unit.

7. Recruitment of New ICVs

Membership of the Panel has reduced from 9 to 7 as a result of two members withdrawing from the scheme, which has reduced the capacity of the scheme significantly.

Outcome: Further members will be recruited by the Scheme Manager as a priority to ensure that the City Scheme can continue maintain oversight and meet its statutory requirements in relation to custody visiting practices.

8. Re-introduction of Operation Safeguard

The Ministry of Justice gave notice to the National Police Chiefs' Council in February 2022, to make custody cells available to house lower risk male detainees as planned under Operation Safeguard.

Outcome: 3 custody cells have been allocated to house male defendants under Operation Safeguard at Bishopsgate custody suite. The City of London Police will continue to keep both cells available to use until they are required under Operation Safeguard. It should be noted that no cells have been required to date.

9. Priorities for 2023/24

The ICV Panel has set itself the following priorities for 2023/24:

To work with City of London Police to ensure feedback provided by ICVs regarding the custody design programme for Fleet Street is reflected in the consultation process and delivery of a code compliant custody suite.

- Strengthen the resilience of the City Scheme through the recruitment of new volunteers.
- Deliver a Silver Code Compliant Independent Custody Visiting Scheme, in accordance with the Independent Custody Visiting Association (ICVA) Quality Assessment Framework.

Conclusion

City ICVs continually report on a well-run and professional custody environment.

The commitment and dedication of volunteer visitors ensures a continued and appropriate level of scrutiny; however, opportunities and challenges continue to exist. The Scheme has suggested that the Force would benefit from a scaled-down cost analysis exercise to:

- identify any suboptimal practices, technologies, and gaps across the existing custody estate.
- ensure that any outstanding remedial work required within the custody suite is balanced against a cost effective, value for money approach, ahead of the impending move to the new custody estate.

The City of London Police have acknowledged the Schemes concerns and have committed to the commission of a Custody Gap Analysis by the National Police Estate Group. This is expected to commence in mid-2023.

Visit Statistics

	Total number of detainees in Custody at time of visit	No of detainees offered visit	No. of detainees accepted visit
Bishopsgate Q1	38	27	19
Bishopsgate Q2	24	19	19
Bishopsgate Q3	37	19	15
Bishopsgate Q4	30	18	16
Total			

ISSUES AND CONCERNS ARISING FROM VISITS

This list of issues and concerns reflects the range of issues that have been raised by detainees in the last year and other issues which have been reported by ICV Panels elsewhere for which there has been a nil return in the City of London.

	Bishopsgate
No of Total Visits	0
Report Form with no matters requiring a police response	39
Infrastructure/furnishings/fittings/out of service	18
Comments individual officers – Positive	0
Comments individual officers – negative	0
Cleaning, tidiness, and general hygiene – positive	5
Cleaning, tidiness, and general hygiene negative	3
Information Technology	3
Temperature	3
Health related matters	21
Procedures not followed	0
Rights and entitlements seemingly delayed	0
Personal hygiene requests – (showers, washing etc)	2
Requests for phone calls	4
Perceived risk to detainees	2
Periodic checks (15, 30 minutes) not maintained	0
Requests for food and drink	3
Requests for literature/documents	6

Station	Target No of Visits	Achieved	% of Target
Bishopsgate	52	50	96.15

DAYS OF VISITS

	No of Visits	% (figure expressed to two decimal place)
Monday	3	6.00%
Tuesday	15	30.00%
Wednesday	13	26.00%
Thursday	17	34.00%
Friday	2	4.00%
Saturday	0	0
Sunday	0	0
Total	50	

TIME OF VISITS

00.01-06.00	0
06.00-12.00	26
12.01-18.00	6
18.01-00.00	18

DAYS OF VISITS/TIMES – COMBINED

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
00.01-06.00	0	0	0	0	0	0	0
06.00-12.00	1	7	8	8	2	0	0
12.01-18.00	0	3	1	2	0	0	0
18.01-00.00	2	5	4	7	0	0	0