

Committee:	Date:
Independent Custody Visitors Panel Police Committee	19 October 2016 18 January 2017
Subject:	Public
Independent Custody Visitor Guidelines	
Report of:	For Decision
Town Clerk	
Report author:	
Craig Spencer, Town Clerk's Department	

Summary

These are the updated guidelines for the Independent Custody Visiting (ICV) Scheme in the City of London. The scheme has run since 2007 and required an update due to some of the content being out of date. The guidelines have been shared with the ICV Panel, made up of the visitors, and the City of London Police who have had their comments integrated into the report.

Recommendations

Members are asked to:

- a) Note the contents of the report; and
- b) Approve the guidelines for Independent Custody Visitors (ICVs) in the City of London going forward.

Main Report

Background

The City of London ICV Scheme has existed since 2007 and require an update to reflect changes both in the City of London and through national legislation. The guidelines set out the governance of the scheme, the recruitment of ICVs, arrangements for visiting, training of ICVs and procedures once ICVs are in custody suites.

Proposals

There are a few particular areas that have needed updating since the first version of these guidelines:

- Organisational arrangements within the Town Clerk's department who oversee the scheme.
- The training given to ICVs.
- The frequency of visits which has increased in the last year which was agreed with the City of London Police. Also, regular visits to Snow Hill custody suite have been removed due to the lack of regular use of this facility.
- A refreshed process for ICVs entering Bishopsgate custody suite.

- Procedures when visiting detainees under 18 and those with mental health difficulties.
- Detainees who have been subject to PAVA spray and Taser.

Conclusion

The ICV guidelines have been updated to reflect organisational, operational and legislative changes both nationally and within the City of London.

Appendices

- Appendix A – Proposed ICV Guidelines

Craig Spencer

Policy and Projects Officer

Town Clerk's Department

T: 020 7332 1501

E: craig.spencer@cityoflondon.gov.uk



CITY OF LONDON INDEPENDENT CUSTODY VISITING SCHEME GUIDELINES

1. INTRODUCTION

Independent custody visiting became statutory with effect from 1st April 2003 and the provisions within the statutory instrument, related codes of practice and national standards for the process are included in this guide.

In order to assist independent custody visitors carry out their role within the City of London area the Police Committee, following consultation with the Commissioner of the City of London Police, has produced these guidelines.

The custody visiting process enables members of the local community to observe, comment and report on the conditions under which persons are detained at police stations and the operation in practice of the statutory and other rules governing their welfare, with a view to securing greater understanding and confidence in these matters. These arrangements also provide an independent check on the way police officers carry out their duties with regard to detained persons.

These visiting arrangements are carried out with the consent of all parties involved. However, in specific circumstances when detainees are unable to give their consent because of language, understanding or health difficulties, non-consensual checks will take place in the interests of the individual detainee, public openness and confidence.

2. ORGANISATION

The City of London Police Committee, acting in its role as the police authority for the City of London, has established this scheme in consultation with the Commissioner of the City of London Police. The operation of the scheme is the responsibility of the Police Committee, which has the final responsibility in all matters relating to the operation of the scheme.

3. INFRASTRUCTURE

To achieve these objectives, the Police Committee in conjunction with the Commissioner will make any revisions to the frequency of visits in the annual report. This will refer to visits across the City of London police stations, against which performance is monitored, measured and published annually.

The agreed visit frequency sets the minimum number of visits deemed appropriate to individual designated stations, but is not intended to stop additional visits in response to local activity, custody visitor concerns and special visits requested by the police (see 5.2)

The ICV Scheme Manager will be an officer of the Town Clerk's department and the ICV Scheme Coordinator will be a member of the Committee and Member Services Team in the Town Clerk's Department.

4. INDEPENDENT CUSTODY VISITORS

4.1 Eligibility

Subject to the exceptions set out below, any person over 18 who works, who did work or resides within the City of London may be appointed as an independent custody visitor. Independent custody visitors should be persons of good character who are able to make unbiased observations, in which the community can have confidence, and which the City Police will accept as fair criticism when it is justified.

Anyone who has been convicted of an offence punishable with imprisonment within the last five years, or who has ever served a term of imprisonment or detention, may not be suitable. Applicants will therefore be asked to include on their application form details of any such 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.

Wherever information provided from the police differs from that provided by the applicant, the ICV Scheme Coordinator will discuss the discrepancy with the person concerned before deciding whether or not to pursue the application.

In appointing independent custody visitors, care must be taken to avoid any potential conflict of interest. For example, serving police officers and other serving City of London Corporation staff will be unsuitable for that reason. The same will apply to special constables, justices of the peace and members of the Police Committee. Other people may be excluded, after discussion with the individual applicant, if they have a direct involvement in the criminal justice system such as solicitors or probation officers.

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

4.2 Recruitment

The Police Committee and the ICV Scheme Manager will ensure that adequate numbers of suitably trained and accredited independent custody visitors are available at all times to carry out its statutory function. To do this it recruits independent custody visitors by inviting applications from the general public. This is done by means of advertisements or other publicity in local publications, such as Cityview, and any other means which the Police Committee or ICV Scheme Manager may consider suitable.

4.3 Application Process

Interested parties will be sent an application pack containing the following; background information on custody visiting, an application form, equal opportunities monitoring form, independent custody visitor job description and a person specification form.

A selection panel comprising of the ICV Panel Chairman, the ICV Scheme Manager and a representative from the City of London Corporation will identify suitable applicants based against the person specification.

4.4 Selection

Selection will be based on an applicant's suitability as detailed in the person specification, and in line with equal opportunities. All reasonable adjustments must be made to accommodate those with disabilities and those who do not have English as their first language where they are considered suitable candidates.

Following the interviews and initial training, the selection panel will then make a final decision. The decisions will be ratified by the Police Committee ICV member and notified to applicants. An unsuccessful applicant may seek feedback, in broad terms from the selection panel as to the reasons for the panel's decision. However the decision of the selection panel is final.

An unsuccessful applicant may not re-apply to become an independent custody visitor within two years of their last application.

4.5 Induction Day

Training is organised by the Mayor's Office for Police and Crime (MOPAC) and is held at City Hall. All Custody Visitors will need to attend this training before visiting custody suites in a pair. New visitors can shadow existing pairs if they are yet to be trained.

4.6 Appointment

Following notification of their appointment, the City of London Police will issue each independent custody visitor with an identity card which will show the holder's photograph and an expiry date. The identity card will authorise the holder to visit Bishopsgate Police Station and Snow Hill Custody Suite. The access arrangements have been confirmed with the City of London Police.

Independent custody visitor identity cards must be used only for the purpose of making custody visits. If anyone is found to be using their card for any other purpose, it will be withdrawn and that person's appointment as an independent custody visitor may be terminated.

4.7 Monitoring And Review Of Custody Visiting Procedures

It is important that the performance of the independent custody visiting process is reviewed on a regular basis and each independent custody visitor has an important part to play in this process. Therefore following the successful completion of their probation period, and at 36 months the ICV Scheme Coordinator will arrange an opportunity for all individual independent custody visitors to discuss their performance. Independent custody visitors who are re-appointed after three years will be offered the same opportunity at 18- month intervals. A key factor in maintaining an appointment will be the continuing ability and willingness of an individual to carry out the role effectively.

To ensure that this is a meaningful process the Clerk to the Police Committee will also seek feedback from the visitors and will bring to the discussion any comments received from the City of London Police. Consideration will also be given to the following criteria:

- the number of visits made
- the number of training sessions attended

This will enable all parties to identify and discuss any difficulties or problems and to identify any training needs.

4.10 Termination Of Appointment Of Independent Custody Visitors

Although the work is entirely voluntary, a police authority has the right to terminate the appointment of any independent custody visitor whose conduct or performance does not meet the required standard as set out below.

In the event of misconduct the Police Committee will consider whether it is appropriate to terminate the appointment of that independent custody visitor. Misconduct will encompass matters such as misuse of the identity card, conviction of a criminal offence, abusing one's position as an independent custody visitor, for example, by consistently flouting the guidelines.

Independent custody visitors must notify the Police Committee if they are arrested, cautioned or charged with a criminal offence. In the case of any offences committed within the City of London, the City Police will notify details of the offence to the Clerk to the Police Committee. In such circumstances, the Police Committee will suspend the appointment of that independent custody visitor until the outcome of any criminal proceedings is known. If the independent custody visitor is subsequently found to be not guilty, they may be reinstated. In the case of a caution, the Police Committee will review the appointment of the independent custody visitor with regard to the nature of the offence.

Dismissal will also be considered in instances where the Custody Visitor has without justification not made any visits within a six month period.

4.11 Complaints of Misconduct by an Independent Custody Visitor

All complaints or issues of concern regarding an individual custody visitor will be notified to the ICV Scheme Manager. The Manager will, after consideration, decide if the complaint should be dealt with locally. Complaints of a more serious nature or repeated complaints must be made in writing to the Manager, who will decide how best to deal with these complaints.

Where the Manager receives a written complaint of misconduct, the individual custody visitor's appointment will be suspended until such time as the complaint is resolved. Should it be considered appropriate to refer the individual's appointment to the Police Committee for consideration, the Independent Custody Visitor will be notified in writing.

4.11 Referral of Complaints to the Police Committee

When visitors have been referred to the Police Committee for consideration the individual independent custody visitor will be informed of the date and venue of the referral and invited to submit either a written statement, or to attend the section of the Police Committee meeting at which their appointment is to be considered. An independent custody visitor may if preferred have a representative attend on their behalf. In this case the individual independent custody visitor must inform the Clerk to the Police Committee of the name of the person attending on their behalf.

At the meeting at which the referral is to be heard the Chairman or Deputy Chairman of the Police Committee will identify a minimum of three Members of the Police Committee who will take no part in the referral discussions and who will not be present when these considerations take place. These members will form part of an appeal panel should it be required at a later date (see 4.13).

The decision of the Police Committee will be notified to the independent custody visitor in writing within seven working days of the meeting. If appropriate the suspension of their appointment will be cancelled.

4.12 Appeal Process

Where an independent custody visitor's appointment is terminated, the individual will have the right to appeal. The intention to appeal must be notified to the ICV Scheme Coordinator in writing, within 21 days following the notification of termination of appointment.

The appeal panel will consist of those members of the Police Committee not involved in the referral process and an appropriate officer, nominated by the ICV Scheme Manager.

The appeal panel will meet to consider the termination of appointment within 30

days following the notification of appeal. The independent custody visitor will be notified in writing of the date and venue of the appeal, not less than seven working days prior to the appeal, and will be invited to submit a written statement or attend the appeal in person. An independent custody visitor may, if preferred, have a representative attend the appeal on their behalf. In this case the independent custody visitor must inform the Clerk to the Police Committee of the name of their representative at least seven days prior to the appeal.

The decision of the appeal panel will be notified in writing to the custody visitor within seven working days of the appeal hearing.

The decision of the appeal panel will be final. The Police Committee will not enter in to any further discussions or correspondence concerning the termination of the appointment.

5. INDEPENDENT CUSTODY VISITING ARRANGEMENTS

5.1 Number of Independent Custody Visitors

The Police Committee will appoint sufficient independent custody visitors to ensure that visits in accordance with agreed rosters and in line with the laid down visiting frequency are made. It is suggested that, in the first instance, up to 12 visitors are recruited.

5.2 Visiting Frequency

The visiting frequency to custody facilities in the City of London has been suggested as follows:

Bishopsgate Police Station - three every fortnight
Snow Hill Police Station- special visits when arranged

This follows advice both from the ICVA and the Commissioner of the City Police. Visits must be sufficiently regular to support the effectiveness of the system, but not so frequent as to unreasonably interfere with the work of the police.

The frequency of visits will be monitored against expectations and reported to the Police Committee annually (normally the May Police Committee). Where insufficient visits are taking place, the causes will be investigated and corrective action taken.

Consideration must be given to making visits to all police stations where detainees are held, even where they are only accommodated for relatively short periods of time.

5.3 Visiting Rosters

The ICV Scheme Coordinator is responsible for drawing up rotas for each quarter in advance. Visit rotas will randomly pair custody visitors together who will be

responsible for visiting identified designated stations during an identified time period. The time period will reflect the agreed visit frequency for each designated police station. The ICV Scheme Coordinator will be responsible for monitoring performance against the roster.

5.4 Visiting in Pairs

Independent custody visitors are required to visit in pairs at all times. Any independent custody visitor arriving at a police station on their own will not be granted access to the custody area to make a custody visit.

New visitors who are shadowing pairs of visitors will also be granted access; this will be the only circumstance where more than two visitors will be granted access. Any unauthorised persons must not accompany independent custody visitors. Custody visits can only be made when accompanied by another accredited City of London independent custody visitor.

5.5 Frequency and Timing Of Visits

The frequency and timing of a custody visit is a matter for the individuals, within the framework of the rota for their panel area. However, Independent Custody Visitors will be expected to make an agreed number of custody visits per year in accordance with the needs of the scheme. Care will need to be taken that custody visits, whilst sufficiently frequent to meet the agreed visiting frequency, do not take place so frequently that they impair the efficiency of the administration of the police station concerned, or the operational work of the officers attached to it. Independent custody visitors should bear in mind that custody visits impose an unexpected responsibility on custody officers and they should also be aware of possible delays during custody officer change over periods.

Independent custody visitors should arrive at the police station without prior notice, and should avoid making custody visits at regular or predictable times.

5.6 Attendance At The Police Station

Custody officers will only respond to independent custody visitors attending in person at a police station. Telephone enquiries as to the custodial situation at a police station will not be responded to.

To emphasise their impartiality, independent custody visitors should not combine the making of a custody visit with the conduct of any other business at a police station.

5.7 Custody Visits At The Request Of The Police

While custody visits should normally be unscheduled, there may be instances when there is particular tension within the local community about the treatment or wellbeing of one or more persons being detained at a police station. In such circumstances, the duty officer at the police station may invite independent custody visitors to attend, to clarify the situation. The police officer requesting the

custody visit will be responsible for contacting the Coordinator to make the custody visit.

5.8 Effective Working Relationships

For the independent custody visiting scheme to be effective it is essential that independent custody visitors and police staff develop and maintain professional working relationships based on mutual respect and understanding of each other's legitimate roles. Such relationships can only exist where there is politeness and consideration on both sides.

6. **TRAINING**

6.1 Induction

This should cover the basic knowledge and skills required to effectively carry out independent custody visits. It is likely to require a minimum of one whole day, supported by appropriate pre-reading. Key contents will include:

- The purpose of and background to independent custody visiting
- The relevant aspects of the Police and Criminal Evidence Act 1984 and of its associated Code C covering Detention, Treatment and Questioning
- Current Home Office statutory requirements
- National standards
- Local guidance, conditions of service and working practices
- The basic practicalities of conducting independent custody visits.
- Communication skills to assist effective contact with detainees and custody staff
- Equal opportunities and race awareness issues
- Health and safety issues
- Data protection considerations
- The Police Complaints System

6.2 Continuous Training

There is always scope to refresh and enhance training and there may be specific issues to address in relation to changing legal, procedural and Health and Safety requirements, developing best practice or practical issues emerging from the visiting process. Training may also be part of quarterly panel meetings for custody visitors.

7. **INDEPENDENT CUSTODY VISITING PROCEDURES AT POLICE STATIONS**

7.1 Immediate Access To The Custody Area

Upon arriving at the public enquiry counter, independent custody visitors must identify themselves and explain the purpose of their visit. At this point, they must be admitted immediately to the custody area. Independent custody visitors must accept that they may have to wait their turn to receive attention by the counter

clerk. The current process means they may not interrupt a person who is in conversation with the counter clerk, but will be the next to be attended to in this situation.

If access is delayed at the point of request, this will affect the credibility of the independent custody visiting scheme.

It is inappropriate for access to be delayed because the custody officer is busy. In such circumstances, the independent custody visitors must be admitted to the custody area and invited to wait until the custody officer, or another officer who has been authorised by the custody officer, is available to escort them on the custody visit. It is recommended that access should be delayed only where the independent custody visitors may be placed in danger, for example if there is a disturbance in progress in the custody area. A full explanation must be included by the independent custody visitors in their report and endorsed by the custody officer as appropriate.

7.2 Access To The Custody Area

Independent custody visitors must be allowed to inspect all parts of the custody area where the detainee has access e.g., cells, detention rooms, charging areas and medical room (this does not include access to locked drug cabinets). Independent custody visitors will need to check that any CCTV systems installed to observe the custody area or individual cells are operating properly. Independent custody visitors will wish to satisfy themselves that these areas are clean, tidy and in reasonable state of repair and decoration, and that bedding in cells, when appropriate, is clean and adequate. It is not always necessary to inspect stores, but visitors should establish that suitable arrangements exist for adequate stocks of mattresses and blankets, and for the cleaning of such items, and for regular replacement of necessary furnishings and equipment. They may inspect empty cells and detention rooms to check heating/ventilation systems, and that cell alarms and toilet flushing mechanisms are working properly. They may visit interview rooms in the custody area if unoccupied. Independent custody visitors may not visit CID rooms or other operational parts of the station.

7.3 Security And Safety

The custody officer, or another officer authorised by the custody officer must ensure at the onset of a visit that both independent custody visitors are familiar with emergency alarms, routes and exits, and how accidents should be reported and recorded, in accordance with the appropriate risk assessment for any particular station.

7.4 Access To Detainees

Subject to the exceptions referred to below, independent custody visitors must be allowed access to any person detained at the station. However, detainees may only be spoken to with their consent and the escorting officer is responsible for establishing whether they wish to speak to the independent custody visitors.

Subject to the exceptions referred to below, independent custody visitors must be allowed access to any person detained at a police station. Detainees will fall into the following categories:

- **PACE Prisoners** – These will constitute the vast majority and are held under the provisions of the Police and Criminal Evidence Act.
- **Home Office Prisoners** – These are remanded or sentenced prisoners who would normally be held in prison.
- **Immigration Detainees** – These are 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** – These may be persons held under the Mental Health Act 1983 for their own protection or children taken into police protection under the Children Act 1989.

7.5 Consent to Custody Visits by Detainees

Detained persons are not obliged to see independent custody visitors or to answer questions. The card is printed in several other languages on the reverse, for the benefit of any detainee whose first language is not English.

Where detainees are unable to read, the custody officer will read out what is printed on the card. Where practical in order to preserve the privacy of detainees who may not wish to be visited, detainees will be asked by the custody officer within earshot, but out of sight of Independent custody visitors, whether or not they wish to receive a visit.

Each detainee will then be asked for a verbal agreement, indicating whether or not they consent to a custody visit. Whether or not detainees agree to see the independent custody visitors, the escorting officer should seek permission from each detainee for the independent custody visitors to have access to their custody record. Any agreement will be written into the custody record and signed by the detainee.

The police officer must be out of hearing during the visit, but must remain in sight of independent custody visitors.

7.6 Detainees Who Are Unable To Consent to A Custody Visit

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

7.7 Detainees Who Are Asleep or Resting

Sleeping detainees can be woken at the discretion of the escorting officer to seek

consent to visit. However, where that would involve interrupting the continuous period of eight hours rest provided under PACE, the normal procedure should be not to wake the person but to observe them through the cell hatch.

When an escorting officer applies their discretion for sleeping detainees not in a period of eight hours rest to be woken, they will take into account the potential for detainees to become violent.

7.8 Access To Vulnerable Persons

Vulnerable persons include:

Persons under 18:

They 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 to support a juvenile or vulnerable person, the detained person's wishes should be sought and respected as to whether the appropriate adult should attend any custody visit.

Vulnerable adult:

Has been defined as "A person who is 18 years of age or over, and who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him/herself, or unable to protect him/herself against significant harm or serious exploitation". (Law Commission – Who Decides? Making decisions on behalf of mentally incapacitated adults 1997)

Vulnerable adults include: People with learning disabilities, mental health problems, older people and disabled people may fall within this definition, particularly when their situation is complicated by additional factors such as:

- Physical frailty
- Chronic illness
- Sensory impairment
- Challenging behaviour
- Social problems
- Emotional problems
- Poverty
- Homelessness
- Substance abuse

7.9 Access To Custody Record

If any detainee, including a juvenile, refuses access to the custody record, Independent custody visitors will not be allowed to see it. If a person is incapable of giving consent by virtue of mental illness or disability, being comatose, or incapacitated through the influence of drugs or alcohol, access to the custody records must be allowed if the independent custody visitors so desire. Except

where a detainee objects, the independent custody visitors will be shown the parts of the custody record relating to the provision of welfare while within police detention.

7.10 Detainees Who Are Being Interviewed

If a person is being interviewed, the interview will not be interrupted. If the independent custody visitors wish to see the person later in the visit after the interview has been completed they may do so, but may, if necessary, have to wait for this purpose.

7.11 Restrictions on Access To Detainees

In exceptional circumstances the Police may judge that it is not in the public interest for a detained person to be seen by independent custody visitors. Any decision to deny independent custody visitor's access to a detained person should be taken only by an officer of Inspector rank or above. An explanation of the reason for refusal should be given to the independent custody visitors on each occasion and recorded in the custody record. The decision to deny access should be taken in each case in the light of all relevant circumstances. Access by independent custody visitors must not necessarily be denied to any particular category of detainee, or where a decision has been made that a person should be held incommunicado.

7.12 Conversations Between Detainee And Independent Custody Visitors

Where practical, police officers will be out of hearing of the visit, but must remain within sight of both independent custody visitors and detainees. If for some reason the police decide that the escorting officer should remain within hearing, the custody officer must take this decision.

Independent custody visitors 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 the police officer may deter or frustrate assaults on the independent custody visitors.

7.13 Documentation

The proper maintenance of contemporaneous records plays an important part in the application of rules governing the treatment of detained persons, and the process of supervision. Independent custody visitors will therefore wish to satisfy themselves that the custody record fully and properly records the action taken in connection with detainees while in police custody. Independent custody visitors may not see other police documents concerning the detainee or medical forms. The custody record should include all relevant information about necessary medication for a detainee and the frequency of administering it. Custody officers are responsible for ensuring that medication is given at appropriate times.

7.14 Medical Conditions

Independent custody visitors will wish to pay particular attention to detained persons who are suffering from any form of illness, injury or disability. They should satisfy themselves that, if appropriate, a medical examiner has been called and establish from the custody officer what instructions for medical treatment have been given, and confirm by consulting the custody record that these instructions have been carried out. Independent custody visitors may visit detainees (but not persons released from custody) in hospital, subject to the agreement of both the custody officer and the hospital authorities. To prevent a wasted journey it may be advisable to establish via the hospital whether the detainee is willing to talk to the independent custody visitors. Where a detainee in hospital is under police guard, the police officer will remain at all times with the detainee. Access to the custody record can be permitted only if the detainee has given consent in the normal way.

7.15 CCTV

Custody visits must be carried out in person and not by viewing either live CCTV footage or recorded footage. However independent custody visitors may ask the custody officer whether the CCTV is working and be given a demonstration if necessary. For information not all custody suites currently have CCTV.

7.16 Deaths in Custody

All deaths in custody are the subject of a coroner's inquest to which the police will report formally. Where a death in police custody occurs, officer in charge of the police station will notify the ICV Scheme Manager with such information as they consider appropriate. The ICV Scheme Manager will then notify the visitors - **for information only**. Consideration will need to be given with regard to the reassurance of detainees who may have been in the proximity of where the death in custody occurred.

7.17 Young Persons and Children

The first point of contact for young persons and children when they enter custody is an assessment interview, this is either done by a Police Officer or a liaison and diversion nurse if available to ensure CoLP are not missing any incidents of Child Sexual Exploitation or criminal factors of adult cohesion.

The principle custody suite in Bishopsgate has a secure Perspex room, commonly known as 'the bubble' within the reception area of custody. It is designed for use by children and vulnerable persons who have been detained for a criminal matter. This is believed a more suitable place than a cell, as both police and the detained person continue to be visible to each other and there is less chance of the detainee being further alienated or stressed by their predicament. A custody cell is used only as a last resort, dependant on the circumstances at the time and this would be with other control measures in place to reduce stress and risk as much as possible.

7.18 Appropriate Adults

Independent custody visitors may also act as appropriate adults. However, individuals must not switch between those roles during the course of a visit to the same police station.

If in a private capacity a custody visitor acts as an appropriate adult for family or friends they must not then make a custody visit to the same individuals during that period of detention.

7.19 Treatment of Detainees

Independent custody visitors must satisfy themselves that their statutory rights have been explained to detainees and they have been given the written notice of those rights. They should also be satisfied that detainees have received those rights and entitlements to which they are entitled under Code C of PACE Codes of Practice.

7.20 Dealing With Issues Raised By Detainees

Where a detainee makes a complaint or raises an issue about their general treatment or conditions at the police station independent custody visitors must (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. The same applies to similar issues identified by visitors in the course of their attendance.

7.21 Dealing With Complaints Of Misconduct

If a detainee makes a complaint of misconduct by a police officer, he or she must be advised to address it to the duty inspector. With the detainee's consent, it may be appropriate for independent custody visitors to notify the duty inspector that the detainee wishes to make a complaint. In addition visitors may want to remind them 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, which are laid down and there is no broader role for independent custody visitors. They must not involve themselves in individual cases or make representations on detainees' behalf.

7.22 Remand and Sentenced Prisoners

Remand and sentenced prisoners held in police stations may seek to complain about conditions in prisons or the treatment they have received there. Independent 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 contractor for the Court Escort Services also has their own procedures for recording complaints about their staff. Any complaint alleging a criminal offence will be reported to the police and the HM Prison Monitor Service immediately.

Any complaint made to the contractor, which amounts to a police complaint, will be referred to the police for investigation as at present.

7.23 Detainees Who Have Been Subjected To PAVA Spray/Taser

Independent custody visitors may in the course of their visits encounter detainees who have been sprayed with PAVA or have been tasered during their arrest. Independent custody visitors may wish to assure themselves of the health and wellbeing of such persons. If independent custody visitors believe that the detained person is suffering due to the after effects of PAVA spray or tasering they should bring this to the notice of the custody officer who has responsibility for seeking medical assistance.

7.24 Persons Detained Under Section 136 Of The Mental Health Act 1983

When a person has been arrested and it becomes apparent whilst the person is in custody they are suffering from a mental health issue, the custody officer must implement the procedure for a mental health assessment. The custody officer will request the Health Care Practitioner (HCP) for an initial assessment of the detained person and if found the detained person is displaying symptoms of a mental health crisis the HCP will initiate a full assessment. The detained person will be assessed in one sitting within custody as soon as practicable by doctors and social services. On their decision only and not the police, it will result in the detained person being transferred to a designated Mental Health Trust Hospital for further evaluation or to remain in custody for continuation of the criminal process.

IMPARTIALITY AND CONFIDENTIALITY

7.25 Advice

Independent custody visitors must not involve themselves in individual cases to the extent of offering advice about whether or not detainees should make a statement or otherwise co-operate with police inquiries. If an independent custody visitor realises they know or are known by a detainee, they must declare this and consider whether to withdraw from the visit. In the interests of impartiality, independent custody visitors must not visit friends or relations who are in custody.

7.26 Contact With Persons Outside The Police Station

Independent custody visitors must not agree to make contact with any person outside the police station at the request of a detainee. Neither must they agree to pass on a message to any other detainee within the police station, nor must they immediately notify the custody officer of such a request. Such a request must also be recorded on the visit report form.

7.27 Independent Custody Visitors Giving Evidence in Criminal Proceedings

Independent custody visitors must remain impartial and must not seek to involve themselves in any way in the process of investigation. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the visitor must tell them that

the relevant contents of the visit may be disclosed in legal proceedings.

Independent custody visitors are under no obligation to give evidence or produce documents otherwise than in response to a court order, but would be obliged to respond to such an order.

7.28 Confidentiality

In accordance with Data Protection Act, independent custody visitors will acquire considerable personal information about persons in police custody. The great majority will not yet have appeared before a court, and many never will. Personal information relating to detainees must be protected against improper or unnecessary disclosure. Independent custody visitors will therefore be asked to give an undertaking (included on the custody visit report form) 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.). It is in the interests of the strict application of the principles of confidentiality, that independent custody visitors do not name or otherwise identify persons in custody even in reports to committee.

7.29 Breach Of confidentiality

Breach of this undertaking may make independent custody visitors liable to civil proceedings by the detained person concerned. Independent 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.

8. INDEPENDENT CUSTODY VISITOR REPORTS AND FOLLOW-UP ACTION

8.1 Completion Of Independent Custody Visitor Reports

On completion of a visit the independent custody visitors must complete the independent custody visiting report, recording their observations. At this point the custody officer or other custody staff can enter a response on the form outlining any action taken.

The top copy of the independent custody visitor report must be sent, as soon as possible, to the ICV Scheme Coordinator using the pre-paid envelope provided. The remaining copies will be held by the Police. If a custody visitor wishes to access these copies, this can be requested. These copies will be distributed to relevant police personnel who have managerial responsibility for custody. The final copy earmarked for the custody visitors should be left in the book of forms which is kept in Custody suite.

Visitors must ensure that both forms are completed, including the individual cell numbers and detainee custody numbers.

8.2 Reports on Unsatisfactory Treatment And Conditions

If independent custody visitors discover any aspect of the treatment of detainees or conditions at the station, which are unsatisfactory, they must also be included on the report form and raised with the custody officer at the time. Any action, which the custody officer takes, must also be recorded.

8.3 Expenses

The work is entirely voluntary, but travelling expenses will be payable to all Independent custody visitors when travelling on authority business. Only public transport fares or private car mileage at the agreed rate will be paid. Independent custody visitors using their own motor vehicles to and from their visits are advised to inform their insurers about their duties. Expenses can also be claimed for attending training sessions, and panel meetings. Claims must be made on the appropriate form.

8.4 Guidelines

A copy of these guidelines will be placed within the custody area of every designated police station within the City of London for the information of custody staff, and so that they may be referred to by independent custody visitors and police officers alike.

9. **PUBLICITY GUIDELINES**

9.1 Publicity

It is generally desirable that the role and aims of the scheme should be promoted to the public. Independent custody visitors must, however, bear in mind that the purpose of publicity is to inform the public about the scheme and not to draw attention to individual cases or to themselves.

Independent custody visitors should not discuss the cases of individuals with whom they come into contact during visits to police station and under no circumstance should individual contacts or specific events be discussed except in general, anonymous, terms which support any explanation of the purpose of the scheme.

Any invitation to speak to the press, or local groups or organisations (other than the community consultative group's in their area), about any aspect of independent custody visiting must be referred to the ICV Scheme Coordinator and should not be undertaken by individual independent custody visitors except at the request of the police authority, who will in normal circumstances have consulted with the Commissioner of the City of London Police.

Independent custody visitors should remember that they are accountable to the Police Committee and not to the press or individual members of the public.

9.2 Confidentiality

The Police Committee provides other independent custody visitors' names and telephone numbers in the strictest confidence, purely for convenience in making contact to arrange a visit. Such details must not be disclosed to any other person.