



VISITING TIMES

WINTER 2011 - V20/3 the newsletter of the Independent Custody Visiting Association



Care not Custody

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ICVA
the independent custody
visiting association

NATIONAL
Conference 2011

ACROSS
the Regions

ICVs
Awarded

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A WORD FROM THE CHAIR



Welcome to the Winter 2011 edition of Visiting Times...

This time next year we will be several weeks into a new policing landscape, following the introduction of Police and Crime Commissioners and the abolition of police authorities on 15th November 2012. Despite significant changes in the governance of independent custody visiting, agreement to transfer custody visiting responsibilities to the new PCCs suggests a seamless transition for visitors.

Thanks to continued Home Office funding, ICVA will remain in support of custody visiting nationally, assisting with the transitional stages and beyond for the new PCCs. Our executive committee has already set in motion measures that will allow for constitutional changes to ICVA, for adoption at a future meeting.

As a result of changes to the timetable for the election of PCCs, the publication of the National Standards have had to be placed on hold and it is now intended that they will be issued with revised Codes of Practice for custody visiting by the Home Office.

The European Commission has published a proposal for an EU Directive on the right of access to a lawyer in criminal proceedings and on the right to communicate upon arrest; ICVA has contributed its views to this and will keep you updated on proceedings.

We have been looking at ways to encourage younger people to get involved with custody visiting... by approaching those who organise the Duke of Edinburgh's Award to see whether they might consider custody visiting as a potential volunteering activity for those aged 18-24.

Following useful guidance from Kevan Downer of the Northern Ireland Policing Board, I'm delighted to tell you that Leicestershire Police Authority is the first scheme on the UK mainland to apply for Investing in Volunteers (IIV) status. We would encourage others to follow suit!

In this issue of Visiting Times we connect at local level with those involved in custody visiting right across the UK and include feedback from the scheme administrators' conference and the Eastern Regional Conference.

Through our membership of the National Preventative Mechanism we are spreading the message of custody visiting throughout the world. We bring you an update on UK NPM Challenges and ICVA's international reach and provide an overview of lessons learnt to date through the joint inspections of police custody.

I'd like to take this opportunity to congratulate Nigel Newcomen on his new role as Prisons and Probation Ombudsman for England and Wales, and David Anderson QC as independent reviewer of terrorism legislation.

We were honoured to have David Anderson join us at our recent national conference in Belfast, where I had the pleasure of meeting so many of you face to face. Thank you to all those who attended and to our hosts. A summary of the day's events, including photographic evidence, can be found within these pages.

In the past year, by using the knowledge and experience gained from our partnerships ICVA has continued with its own development. This partnership approach has allowed us to deliver a national focus for custody visiting while still assisting the development of schemes and building relationships at a regional and local level. I would particularly like to thank our partners, the Home Office, members of NPMs, police services and police authorities for their ongoing support.

All that remains is for me to thank our chief executive Ian Smith OBE and executive assistant, Anna Jarratt and of course the ICVs, without whom ICVA could not make the strides it continues to make.

David Wood
Chair, ICVA

ICVA

ACROSS THE REGIONS

You said you would like VT to include details relevant to your region, so in this edition, we're doing just that, with a special series of updates on independent custody visiting across the UK...

WALES

South Wales

We produced our Annual Volunteering Report for 2010-2011 in June covering both the ICV and Animal Welfare schemes, which is available on line at www.southwalespoliceauthority.org.uk We have recently appointed an ex-Gwent visitor who had moved into our area (they had just taken one of our visitors for similar reasons) We completed all usual processes (interview/vetting) expected for training and have found that our new visitor has fitted in very quickly and very well. We expect that there will be some sharing of good practice arising from this 'transfer'.

Our annual seminar took place on Saturday 29th October, focusing on drugs misuse with input from medical services, a treatment agency and the Force. The seminar also looked ahead to developments taking place within custody and the new governance arrangements for Police and Crime Commissioners due in November 2012.

Issues raised by visitors have included the level of care for a very new mother in police custody; concerns about possible ligature points and sharp edges, highlighting issues around meal times and cultural differences such as Ramadan. One of our visitors took part in discussions and visits with the Force to consider diversity issues within custody suites; one of the outcomes of this was the establishment of a prayer room in Cardiff Bay custody suite.

Our visitors continue to assist in the training of new Sergeants and CDOs approx twice a year and three members of our scheme attended ICVA's annual conference in Belfast.

Dyfed - Powys

Dyfed-Powys Police Authority established an independent custody visiting scheme in 2001 and since its roll out, 1291 visits have been made to custody suites across the area. Custody visiting has introduced transparency of



the application and adherence to custody policies and procedures, which in turn, leads to increased public confidence. ICVs have a crucial role in ensuring the Human Rights of detainees are upheld and that the Police and Criminal Evidence Act 1984 is complied with. The enthusiasm, flexibility and clear commitment shown by all ICVs is instrumental in the continued success of the scheme, and the Authority is grateful for their undertaking of this important duty.

Within the Dyfed Powys Police area there are eight police stations with designated custody suites. Cell capacity within the Force area currently stands at 62 cells and 10 secure detention rooms (for juvenile detainees). During the period of 1st April 2010 to 31st March 2011 a total number of 142 visits have been undertaken.

This year, new visitors have been welcomed into the ICV scheme and it is hoped that they will serve for many years to come. The Authority is continually reviewing its processes in order to improve the effectiveness of the scheme and to increase the support given to its valued team of volunteers.

SOUTH WEST

Gloucestershire

Working arrangements for ICVs - We now have 17 ICVs who make visits to two designated custody suites. Due to several complaints and concerns regarding delays and security issues in reception, all ICVs now access the custody suites via the rear entrance. Although this appears to be working well in one of the suites, ICVs are increasingly concerned about their welfare at the other suite. Discussions are ongoing to have one single operating procedure for both suites; inevitably not everyone will be happy with the final outcome.

Training - The Police Authority is currently completing a business case for all ICVs to receive a basic training course run by Gloucestershire Constabulary on mental health issues and basic first aid.



Meetings - The Police Authority usually arranges an informal meeting for all ICVs in the autumn of each year, however, as the last few months have been relatively quiet the PA and ICV Co-ordinator's agreed that a meeting was not necessary.

Training

We had a training session on 16 July and was delivered by Anna Jarratt, which visitors found very useful, with 78% of them stating that the vulnerable detainee coverage was particularly helpful.

A second training session (1/2 day) took place in November, delivered by the ICV Chairman and the Scheme Administrator, concentrating on what issues should be recorded, and how they should be recorded, on the report form.

Avon and Somerset

Working arrangements for ICVs - We now have 85 ICVs who make visits to nine designated custody suites, approximately weekly. At some police stations the opening hours have been reduced and this is presenting more challenges for custody visitors who are trying to get unannounced access to custody units.

Training - An initial training day took place in October followed by Diversity Awareness Training in November. This took place on two different evenings at different locations to offer more choice to new visitors.

Recruitment - A small number of new visitors are required for Bristol and Bath teams. Police Authority staff are trying to actively target recruitment by attending events specifically aimed at diverse audiences.

Annual Conference - Avon and Somerset Custody Visiting Scheme held its annual conference on 24th September, attended by 42% of volunteers along with six Police Authority members. Chief Constable Colin Port opened the conference and welcomed speakers from U.K.B.A, the Bristol Criminal Justice Intervention Team and Reliance Healthcare who are the new providers of custody healthcare for Avon and Somerset. Custody visitors also participated in a workshop focusing on some of the more challenging scenarios they face and shared good practice between teams.

MIDLAND

Covering West Midlands, West Mercia, Staffordshire. and Warwickshire Police Authorities

The last 3 months has seen some local changes to custody visiting due to the August riots. Although they only lasted for a short time, the numbers detained put stress on custody staff and after discussion with the panels affected, it was decided that when there were large



numbers held in custody, the main object of visitors was to observe and report and only select a few detainees to talk to.

We have been arranging a seminar for all ICVs in the region, Staffordshire volunteered for us to use their new facility on September 24th at Police Headquarters on Weston Road Stafford and being close to the M6 it had easy access.

The programme was introduced by the Chairman of Staffordshire Police Authority beginning with the local Member of Parliament explaining the government policy on the election of the Police and Crime Commissioners in November 2012.

The other main speaker was Kevin Jolly, Immigration Inspector and Lead Officer for the UK Border Agency on their interaction with custody units and detainees. A session was given to the Person Escort Form and what could be expected from ICVs. On a lighter nature we included a demonstration on the method of search in custody, an interactive quiz, a short film on near misses in custody, which at times were quite violent. The day ended with a forum to answer any questions from members.

Our winter programme includes West Mercia at their Annual AGM being their 20th Anniversary presenting inscribed scrolls to all members in recognition of service. Staffordshire are arranging an evening of Service Awards at which the Chief Constable and Chief Executive will be present.

NORTHERN IRELAND

Staff Re-organisation

The NI Policing Board has completed a staff re-organisation. A new directorate will be called Planning, Performance & Partnerships and a new Director - David Jackson has been appointed. Janet Humphries will continue as the Scheme Administrator (4 days/week) and Kevan Downer will still have overall management responsibility.

Exchange Visit to Hampshire

On 29/30 June 2011 two ICVs from Northern Ireland undertook an exchange visit with colleagues from Hampshire PA's Scheme. The main points were:

- Access to the custody suite unescorted and without delay (in NI ICVs must wait to be escorted to the custody suite which can result in delays);
- The Southampton 'super-suite' contained 36 cells in four wings so visits were limited to two hours maximum;
- Hampshire ICVs were selective about which custody records to view, depending on what had emerged during interview - in NI the full record is checked; and



- The Hampshire local team covered 2 custody suites and each ICV averaged just 1 visit per month, whereas in Northern Ireland each of our 4 teams covers at least 3 suites and each ICV averages 2-3 visits per month.

Belfast Super-Suite

This opened in October 2011 and will eventually replace 4 other suites in the city. There will be up to 50 cells available and it has been decided that 1 in 4 of the visits will focus on conditions of detention, with the remainder focusing on speaking to detainees and viewing custody records.

IPCA-OPCAT Engagement - NI

On 8 July 2011, the NI Policing Board facilitated a visit by Janis Adair (Deputy Director of the Independent Police Conduct Authority, New Zealand). The purpose of the visit was to gain an overview of the Board's custody visiting arrangements and a visit to the Terrorist Suite was arranged together with a meeting with the 4 Custody Visiting Team Co-ordinators.

Conferences

The Board liaised with PSNI around security for the ICVA Conference on 19 November 2011. The PSNI carried out a full Threat Assessment in advance of the conference. The Northern Ireland ICV Conference has been scheduled for 29 March 2012.

SCOTLAND

Following a consultation on the future of policing in Scotland the Scottish Government announced last week that it is minded to create a single Scottish Police Force. A national Policing Board will oversee the Force. A further consultation is underway with a view to determining



the shape of policing and to establish the framework for scrutiny, accountability and governance. The Government has confirmed its intention to place Custody Visiting on a statutory footing in Scotland, as it is elsewhere in the U.K. Comment has been invited on the proposal.

The Scottish Scheme administrators met in October to discuss the implications of the proposal and to put in place a road map for transition to the single Force. It is anticipated that the Force will be established in 2013. It is vital that the arrangements in place at that time are fit for purpose.

The link to the consultation document is www.scotland.gov.uk/Publications/2011/09/08111413/0

The Scottish Scheme Administrators recognise the input of the Chief Executive and the Committee are helping to convince the Scottish Government of the need to place Visiting in Scotland on a statutory basis and would like to record our appreciation of the support.

Away from this both Strathclyde Police Authority and Central Scotland Joint Police Board in currently recruiting visitors.

SOUTH EAST

Southeast custody visiting schemes include Surrey, Hampshire, Sussex, Thames Valley and Kent. A summary of detainees held, approached and participating in visits follows, with more encouraging results in some areas than others.



AND NOW THE END IS NEAR

Police Reform & Social Responsibility Act - where we're at...

Police authorities have been coming to terms with the imminent changes ahead as a result of the Police Reform & Social Responsibility Act. Here we bring you an overview and an update on what stage the process is at now.



In the Queen's 2010 speech, the government announced the introduction of legislation that would make the police service more accountable to local people and tackle alcohol-related violence. The Police Reform and Social Responsibility Bill provides for this and other key coalition agreement commitments. It marks the next step in the government's programme to reduce central bureaucracy, increase democratic accountability and empower local communities.

Latest

Following agreement by both Houses on the text of the Bill, it received Royal Assent on 15 September. The Bill is now an Act of Parliament (law).

Summary

The Act covers five distinct policy areas: police accountability and governance; alcohol licensing; the regulation of protests around

Parliament Square; misuse of drugs; and the issue of arrest warrants in respect of private prosecutions for universal jurisdiction offences.

Key areas

- replaces police authorities with directly elected Police and Crime Commissioners, with the aim of improving police accountability
- amends and supplements the Licensing Act 2003 with the intention of 'rebalancing' it in favour of local authorities, the police and local communities

- sets out a new framework for regulating protests around Parliament Square. Relevant sections of the Serious Organised Crime and Police Act 2005 would be repealed and the police would be given new powers to prevent encampments and the use of amplified noise equipment

- enables the Home Secretary to temporarily ban drugs for up to a year, and removes the statutory requirement for the Advisory Council on the Misuse of Drugs to include members with experience in specified activities
- introduces a new requirement for private prosecutors to obtain the consent of the Director of Public Prosecutions prior to the issue of an arrest warrant for 'universal jurisdiction' offences such as war crimes or torture. The Government's aim in introducing this change is to prevent the courts being used for political purposes.



European NPM Newsletter

ICVA recently contributed to the first edition of the 'European NPM Newsletter', designed to keep NPMs aware of ongoing developments regarding their community and nurture an active network of European NPMs. Each newsletter issue covers retrospective news and information, but also contains information on forthcoming activities and events, including

those under the European NPM Project, and provides updates regarding the establishment, the legislative bases and the functioning of NPMs in the Council of Europe region. It also presents an issue considered to be of topical concern for the European NPM Network for discussion by members of the Network and associated experts.

ICVA ANNUAL CONFERENCE

Brian Rea, Chair of the Northern Ireland Policing Board welcomed everyone to this year's annual conference in Belfast's Hilton Hotel, a very rewarding event, which we were delighted so many of you were able to attend.

A quick run down of proceedings was as follows...



Kevan Downer - NIPB, Ian Smith - ICVA, ACC Alistair Finlay, Rachel Forde, Brian Rea - NIPB and David Wood - ICVA.

ACC Alistair Finlay shared an interesting account on the effects of independent custody visiting on the Northern Ireland Police Service. ACC Finlay was previously chief superintendent in Strathclyde, Scotland, when custody visiting was introduced there, which provided a unique perception of this experience.

David Anderson, the new Independent Reviewer for Terrorist detainees in the UK (including Northern Ireland), shared an insight to his work and suggestions as to how he might work with ICVA in the future.

John Drew, chief executive of the Youth Justice Board captivated everyone with a presentation on stopping young people becoming criminals and the importance of providing an alternative to them ending up in custody.

Andy Alexander of the Home Office spoke on potential issues arising from the introduction of PCCs.

Kevan Downer of the Northern Ireland Policing Board led a great ice breaker following the Q&A session, before Rachel Forde talked about what happens during visits to terrorist detainees in Antrim, Northern Ireland.

Mirjam Bader concluded with an insight into the types of psyches detainees have and shared useful tips on how to pick up on signs that people may be suffering.

Declared as 'the best national conference ever', speaker presentations are available for download at www.icva.org.uk and plans are already afoot for next year's conference!



Brian Rea, NI Policing Board (NIPB) welcomes Cllr David Wood, ICVA Chair to Belfast



David Anderson QC - Independent Reviewer, Andy Alexander - Home Office and John Drew - CEO, Youth Justice Board



Ian Smith OBE, ICVA Chief Exec and Cllr David Wood, ICVA Chair at Belfast Hilton



Mirjam Bader - Mindwise



Kevan Downer - Northern Ireland Policing Board



Rachel Forde - ICV, Northern Ireland Policing Board

London Looting: ICV Initiative Praised



This summer, towns across the UK experienced some of the worst rioting since the 1981 Brixton riots that initiated the beginning of lay visiting - later to become independent custody visiting. Many ICVs throughout the UK made additional visits to pressurised custody suites at this time, to ensure that detainee welfare was observed. This was London's experience...

August saw the worst disturbances and looting in London in many years. In response to the large number of people being arrested custody suites across the capital were quickly approaching their capacity, with a rapid turnover of people being detained and taken to court. During this time some ICVs took the initiative and carried out extra visits. As well as this the MPA and some Borough Commanders requested extra visits. This resulted in almost every custody suite in London receiving at least one visit by mid week.

Kit Malthouse, Chair of the MPA asked the ICV Team to convey this message to all ICVs:

"Firstly, can I say thank you for the efforts a large number of panels have been making in conducting extra visits in areas where disturbances have resulted in an increased number

of arrests. The number of arrests means that every London custody suite will be in use and will result in a potential impact for every panel. We've been in contact with those carrying out the visits to collate any relevant information and can report a positive picture in terms of the treatment of those being detained. This is an important message to convey to the community at this time.

"I know a lot of ICVs are active in their communities in a number of ways, in churches and faith groups, schools and community associations and other activities connected to police and community relations. I would ask that you take the opportunity to relay the message to your community contacts to reassure them that those in police detention are being properly treated..."

Rather than wait for visit report forms to arrive, the ICV Team received telephone or email reports from ICVs conducting the extra visits and were very quickly able to report that, despite enormous pressure on custody, detainees continued to be treated well.

At the September meeting of the MPA's Strategic and Operational Policing Committee the acting chair, Lord Toby Harris, commended the efforts of the MPS custody staff, the ICV Team and, especially, the volunteer ICVs for their response.

Over recent years, it has been noted that the number of individuals coming into police custody who do not speak English has increased. This has resulted in much discussion about how ICVs can perform their role effectively with such individuals.

Some years back, ICVA formulated some pictorial flash cards for 'piloting' amongst several Authorities however the feedback they received showed that such material was not as effective as it first seemed and could be ambiguous! One of the failings was that a picture of say a glass of water did not convey the full meaning of the question, for example: 'Do you want a drink?' or 'Have you had a drink?' Also, in some cultures, a shaking of the head means yes whilst a nodding indicates no, which can cause additional confusion. After much consideration, ICVA suggested that Language Line and the review of the custody record would provide greater accuracy for ICVs in ascertaining their relevant checks.

However, given the increased operational demands of the use of Language Line, Norfolk Police Authority, in consultation with its ICVs, decided to investigate the potential of formulating its own 'flash cards'. This time the flash cards were to contain 8 basic questions, each with a straightforward 'yes' or 'no' response; and all questions would be translated into the 5 most commonly spoken languages for the County. Norfolk Police Authority recognised at that

time that such cards were not infallible, an assumption was being made that the individual could read and of course, in the event the response was 'no', there were no other questions translated to delve further.

In April 2008, all Norfolk ICVs were provided with laminated cards containing the 8 translated questions and the Norfolk Constabulary was provided with the 'introduction' of ICVs similarly translated. Over the next year, ICVs were pleased to note that they were getting increased opportunities to communicate with non-English speaking individuals and in nearly all cases they were satisfied that everything was being provided as it should be without having to access the Language Line facilities. ICVs were so pleased with the results, that requests started to come in for further languages to be provided (a reflection of our ever-changing communities) so more and more individuals could be communicated with!

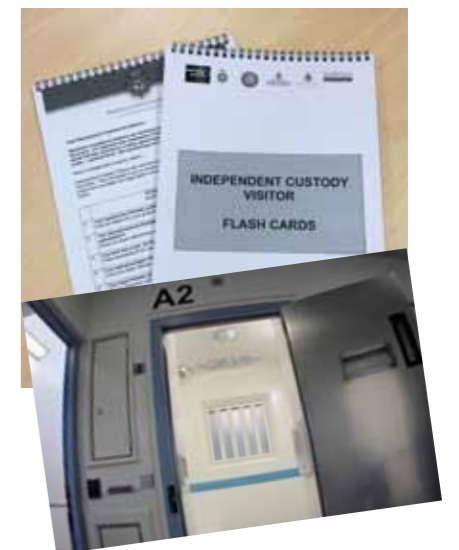
Then in July 2009, NPA discussed the benefits of the flash cards with their regional counterparts (Essex, Bedfordshire, Hertfordshire, Cambridgeshire and Suffolk) and it was agreed to share the resource across all 6 Counties. Such a decision also allowed further translations to be provided to ensure the 5 most commonly spoken languages across all 6 Counties was available.

Now each ICV in the Eastern Region has at their disposal access to the core

questions in 16 languages so that they can undertake their most basic checks with detainees. ICVs themselves have been very impressed with the success of the flash cards even though in some parts of the Eastern Region where self introduction is undertaken, they therefore have to revert back to the Constabulary doing this part of the role with their own 'flashcard'.

Lost in translation? Not anymore!

Many thanks to Sarah for this inspirational article. If you feel flash cards would be of benefit in your area, please discuss this with your scheme administrator.



Lost in translation?

Sarah Bryant from Norfolk Police Authority shares how the use of flash cards has helped Eastern Region ICVs communicate with detainees of different nationalities...

ICVA In Brief

Keeping you up to speed on recent developments in the work of ICVA...

an overview and an update on what stage the process is at now.



Codes of Practice

The Code of Practice paragraph 13 states that ICV applicants should "have been resident in the UK for at least 2 years prior to the date of application".

This has now proved not to be in line with the ACPO Vetting Policy that states that applicants need to be resident for at least three years prior to their date of application.

When approached by ICVA on this matter, the Home Office confirmed that the ACPO policy is stated, 3 years' residency: www.acpo.police.uk/documents/workforce/2010/201008WDNVPO1.pdf page 8, para 7.4. and that the Codes of Practice will need to be amended to reflect this anomaly.

Police Authority scheme administrators have been informed and the codes of practice will be amended to reflect this.

OPCAT National Preventative Mechanism

ICVA executive committee members were recently circulated with an extract from the UK's OPCAT 2nd Annual Report for comment on elements relating to independent monitoring of police detention within the UK. Contributions were included in the Association's comments back to the NPM Co-ordinator.

The NPM is working closely with the Human Rights Implementation Centre (HRIC) at the University of Bristol, who funded a seminar on "Volunteer Groups in the Criminal Justice System". The seminar took place on 31st October in London, attended by the Chief Executive and James Tate, the Metropolitan Police Authority's ICV Scheme Manager.

It has been suggested that a member of the Association serve on a proposed NPM Steering Committee.

International Media

Over the last 2 months ICVA chief executive, Ian Smith OBE has been working with an Italian journalist who has expressed an interest in the work of ICVA and the benefits of independent custody visiting. As a result, one of Italy's main newspapers, *Repubblica*, will publish an article about ICVA.

This dialogue was greatly assisted by providing an Italian translation of "What is a Custody Visitor." 19 Home Office approved translations of this document are available when required.



Ministerial Board on Deaths in Custody

The 8th meeting of the Board took place on 18th

October, chaired by Nick Herbert, the Minister of State for Policing & Criminal Justice. Presentations included:

Use of Physical Restraint - a report on medical theories and proposed approach to common

principles.

Family Liaison - taking forward work with sectors and feedback from the Mental Health Family Listening Day.

An Update - on the incorporation of the information sharing

statement in relevant CJS information sharing guidance.

Joint inspectorate review - of Person Escort Record information flow between police and prisons.

INDEPENDENT REVIEWER OF TERRORIST LEGISLATION



In November 2010, the Home Secretary announced the appointment of David Anderson QC as independent reviewer of terrorism legislation.

He succeeded Lord Alex Carlile of Berriew QC in the position. The independent reviewer is required to produce an annual report for the Home Secretary, to be laid before Parliament, on the operation of the Terrorism Act 2000, the Prevention of Terrorism Act 2005 (control orders) and Part 1 of the Terrorism Act 2006. Other reports in relation to terrorism may be produced from time to time.

The tradition of independent review of terrorism legislation stretches back to the 1970s. Between 1978 and 1984, reviews of the Prevention of Terrorism (Temporary Provisions) Acts and the Northern Ireland (Emergency Provisions) Acts were carried out by Lord Shackleton, Earl Jellicoe and Sir George Baker.

The Jellicoe Report of 1983 remarked that the annual renewal debates "have not, on the whole, received the Parliamentary time that they merit". In order to ensure that those debates were better informed, an annual review was instituted. As explained to the House of Lords by Home Office Minister Lord Elton on 8 March 1984, the reviewer's function would be to look at the use made of the statutory powers relating to terrorism and to consider, for example, whether any change in the pattern of their use needed to be drawn to the attention of Parliament.

The reviewer was to have access to all relevant papers, including sensitive security information and ministerial correspondence. He or she would not be a judge, but "a person whose reputation would lend authority to his conclusions, because some of the information which led him to his conclusions would not be published". Between

1984 and 2001, annual reports were produced by Viscount Colville and J.J. Rowe Q.C.

On 11 September 2001, a few hours before the attacks on the World Trade Centre, Lord Carlile of Berriew Q.C. was appointed as the independent reviewer of terrorism legislation. The role was first put on a statutory basis in relation to control orders under the Prevention of Terrorism Act 2005. Lord Carlile held the position for more than nine years, until he was replaced by David Anderson QC on 21 February 2011.

David Anderson QC has already visited places of detention and met with ICVA officers to produce protocols in relation to suspected terrorist detainees. He also spoke face to face with many of you at the 2011 annual conference in Belfast on 19th November.

His report on the operation in 2010 of the Terrorism Act 2000 and the Terrorism Act 2006 - was published 18 July 2011 and can be viewed here http://terrorismlegislationreviewer.independent.gov.uk/publications/Terrorism_Act_2000_and_2006-annual_independent_review2010.pdf

Nigel Newcomen New Role



ICVA's staff and executive committee would like to congratulate Nigel Newcomen CBE on his recent appointment as Prisons and Probation Ombudsman for England and Wales and extend sincere thanks for

his commitment to independent custody visiting nationally.

The former HM Deputy Chief Inspector of Prisons made a significant contribution to the work of ICVA, and spoke at many of the Association's events on the Joint Inspections on police custody. We wish him every success in his new role and hope to have the opportunity to work with him again.

UK NPM Challenges

ICVA chief executive, Ian Smith and James Tate, Metropolitan Police Authority, along with Kevan Downer and Rachel Forde from the Northern Ireland Police Board scheme and Brian Pirie who represented Scottish schemes, attended a National Preventive Mechanism (NPM) one-day workshop in October, aimed at supporting the work of the UK NPM.

Aimed at the lay monitoring bodies within the NPM, the workshop took account of the fact that they each have their own particular characteristics, needs and challenges. Lay bodies were given the opportunity to talk about their role under OPCAT in more detail than is possible in a meeting of all the UK NPM members.

Rationale of the Workshop: The UK NPM is unique among the NPMs around the world in that it is comprised of a fairly large number of institutions. Of the 18 designated institutions, 4 institutions are schemes of lay visiting (IMBs in England & Wales and NI; Custody Visitors in England & Wales and NI). Additionally, custody visitors in Scotland are de facto part of the UK NPM via their membership of ICVA. Prison Visiting Committees in Scotland and Lay Observers of court custody in England and Wales may become part of the UK NPM in the future - a recommendation to that effect has been included in the first Annual Report of the UK NPM.

Such lay visiting schemes make a very unique and important contribution to the UK NPM. However they also face rather specific challenges if they are to fulfil NPM mandates as per OPCAT: these were central to the workshop discussions.

Recruitment and training of lay visitors, and raising awareness of OPCAT

This session addressed the two key requirements that OPCAT sets out for NPMs: the need for diversity in the membership (in terms of gender and minority representation and in terms of diversity of expertise) and the need for adequate training on preventive visiting (OPCAT Art. 18 (2)).

The session also examined the ways lay visiting bodies raise awareness about OPCAT among their memberships.

Monitoring Visits: frequency, applying human rights standards and reporting

This session examined the substantive part of the NPM work: the requirement by OPCAT to carry out a system of preventive visits (OPCAT, Art 1) that would apply international human rights standards (OPCAT, Art 19 (b)). This raises the issue of frequency of visits; the focus of visits; the standards applied; the reporting after the visits and dialogue on the implementation of the recommendations identified in the report following the visit.

Requirements of independence and engaging in other preventive activities

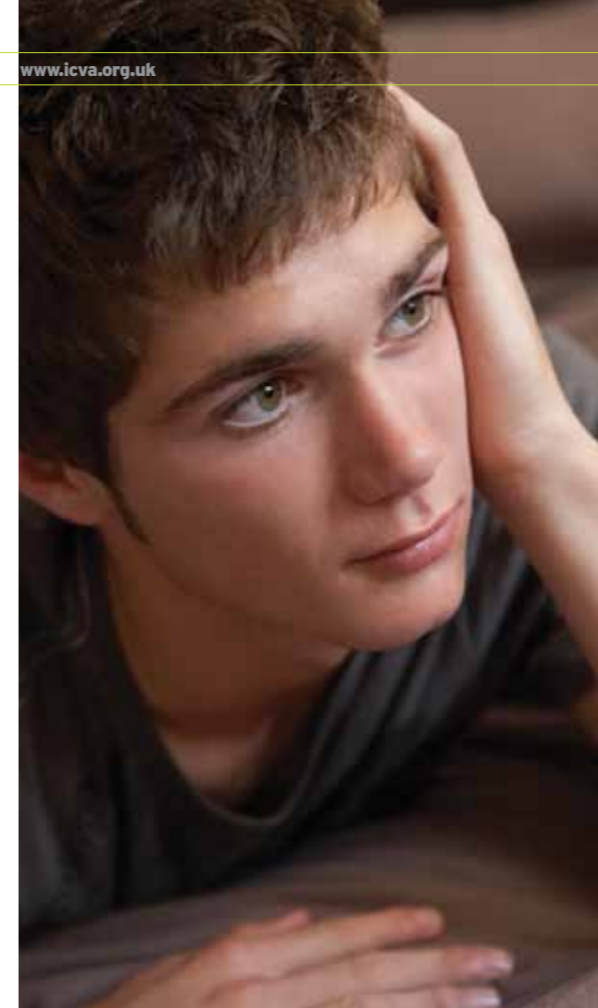
Independence of NPM is at the heart of OPCAT, which requires that NPMs are independent functionally, financially and that the independence of its personnel is ensured (OPCAT, Art. 18 (1)). This is a very complicated requirement for many lay visitors: for example, IMBs have traditionally been composed of magistrates and this still remains the case for about a third of its membership-is this appropriate? What are the relationships between the lay bodies, their secretariats and the government or bodies monitored?

The second issue addressed during this session was the wider remit of the NPM work: other preventive activities, like commenting on draft legislation (OPCAT, Art. 19 (c)). Do lay visitors have (i) mandate, (ii) capacity and (iii) requisite professional capacities to do so?

After a short introduction to the topic by HRIC, each organisation was asked to explain how these issues are addressed currently and point out challenges, followed by interactive discussion on how these could be addressed.



Human Rights Implementation Centre



Care not custody

24 senior representatives of organisations who work with people with mental health needs have signed a letter urging the State to keep its Care Not Custody promise: to avoid using prison healthcare as a catch-all for people who would be better cared for outside the criminal justice system.

In June 2008, the WI passed a resolution calling for an end to the inappropriate detention of people with mental health problems. Published in The Guardian on 30 March 2011, the letter welcomed the commitment of health secretary, Andrew Lansley, and the justice secretary, Ken Clarke, to divert people with mental health needs away from the justice system where possible and to improve treatment and support in the community (£5m scheme to divert mentally ill offenders from prison, 28 March).

Many men, women and children in prison have two or more mental health problems, such as depression and anxiety; many others struggle with a learning disability, and significant numbers have severe and ongoing illnesses such as schizophrenia and personality disorders. Prison healthcare is too often a catch-all for people who would be better cared for outside the criminal justice system.

Lord Bradley's recent review of diversion from the criminal justice system into treatment and social care said

“there are more people with mental health problems in prison than ever. While public protection remains the priority... custody can exacerbate mental ill-health, heighten vulnerability and increase the risk of self-harm and suicide.”

Three years since the Care Not Custody campaign was launched, both secretaries of state have agreed to work together and commit further resources to the full roll-out of a national liaison and diversion scheme by 2014, as proposed by the Bradley report. We plan to work in partnership to make sure that the government keeps its 'care not custody' promise.

The Association is fully supportive of this campaign and calls on all custody visitors to continue to monitor and highlight cases to their police authority to keep up the pressure.

Visit www.thewi.org.uk to find out what you can do to help in your community and download the Care Not Custody Action Pack.

Safer Detention Consultation

ICVA's contribution to the consultation process on revised guidance is outlined below, the outcome of which is expected as we publish this edition of VT.

Since the last Safer Detention Guidance was produced in 2006 a number of changes have been made to influence the role of independent custody visitors; the role of the

Association as part of the UK's OPCAT response and the production of revised Codes of Practice in April 2010 which underpin the Police Reform Act 2002 paragraph 5. There have also been significant amendments to the way in which suspected terrorists are detained.

Some of the changes must be included in the re-drafting of the Safer Detention guidance as the revised Code of Practice on Independent Custody Visiting.

Custody Inspections:

what we've learnt to date

Custody stakeholders recently gathered for an update on the joint inspection of police custody findings and an opportunity to challenge and inform the process.

- 36 inspections have now been completed, over half the total number. 11 of these have been unannounced.
- 29 reports have been published on the HMIC and HMI Prison websites.
- 15 inspections are planned for 2011/12

Findings have shown:

There is generally good compliance with PACE. Interpretation services are well used. There is variability in provision of Appropriate Adults, with poor out of hours provision.

Complaints - Detainees are not always being told how to make complaints and there is little central monitoring.

Forensics - much improvement has been seen with regards to fridges and freezers and any problems now tend to be local, not systemic. Things tend to be better where centralised rather than devolved.

Design - The inspection team have spoken to architects involved in designing new suites and are being sent plans for new facilities so are ensuring problems are designed out at the drawing board stage.

Diversity - knowledge could often be improved and there is sometimes a one size fits all approach adopted.

Strategy - There is strategic engagement from chief officers and some view the reports as a welcome opportunity to tackle lethargy, but there can be seen to be a disconnect where there is a changeover in portfolio holders.

Use of force - There are real problems around this and the lack of proper reporting processes.

Health - the majority of detainees are being seen within one hour but the team have seen some disgusting clinical conditions and variable clinical record keeping and use of patient force directives. Doctors are sometimes working in conditions they would not consider in surgery.

Mental Health - There continue to be real concerns in the variability of standards. One way that inspection can really help is in the need for medical reports.

Pre-release Risk Assessments - There have been improvements, and this is now usually a structured process.

New Zealand NPM Visit

ICVA recently welcomed a delegation from the Independent Police Conduct Authority (IPCA) of New Zealand, as part of a series of events illustrating how independent custody visiting operates as a National Preventative Mechanism (NPM) in the UK.

IPCA, the National Preventive Mechanism for New Zealand under OPCAT, was represented by Chair, Justice Goddard and National Manager, Janis Adair. IPCA is an independent body set up by parliament to keep watch over the police. Its role includes monitoring the conditions of detention and treatment of detainees in police custody.

The July visit included a series of events to provide an insight into how independent custody visiting operates as an NPM in the UK. The three day itinerary began in London with a shadow inspection of police custody suites by HMIP/HMIC, followed by a discussion with the inspectors to explain the Joint Inspection process.

Kevan Downer, manager of Northern Ireland Policing Board Independent Custody Visiting Scheme, provided

an overview of how the visiting process works in Belfast, before the delegation returned to London for a meeting with UK NPM Coordinator, Laura Paton.

The visit culminated with a visit to the Office of the Children's Commissioner, hosted by Sue Berelowitz and Ross Hendry - and last but not least, ICVA Chair, David Wood accompanied Justice Goddard and Janis Adair on a visit to a police custody suite.

Speaking of the visit, David Wood commented:

"Ian Smith has been working with Janis Adair for some time, so it was an honour to welcome her to our shores, illustrate the efficient systems we have in place and share best practice. Many thanks to all those involved in providing a comprehensive insight into the globally acknowledged key role that independent custody visiting now plays as a National Preventative Mechanism."



On Saturday 18 June 2011, Norfolk Police Authority hosted the Annual ICVA Regional Conference and we were pleased to welcome over 70 ICVs and Police Authority representatives from across Bedfordshire, Cambridgeshire, Hertfordshire, Norfolk, Suffolk and Essex.



Delegates were welcomed by David Reeve, a member of the Authority's Performance & Engagement Committee (which has responsibility for overseeing ICV delivery) and DCC Simon Bailey. ICVA Chairman and Eastern region representative, David Wood, kindly acted as our Master of Ceremonies and introduced each of the speakers.

We first heard from Chris Harding, Chief Executive at Norfolk Police Authority who provided delegates with an overview of the proposals surrounding Police and Crime Commissioners, highlighting the uncertainty at that time as to how the Government would effectively implement such a radical change. Clearly things have

now moved on considerably, with the Police reform and Social Responsibility Bill, including the concept of elected Commissioners, receiving Royal assent on 15th September.

Ian Smith, Chief Executive of ICVA, then provided a useful update on the work ICVA had planned for the year ahead, which included discussing what good custody visiting practice looked like and what this might encompass in the future.

Next on the bill was Superintendent Kevin Bailey from Essex Police who gave a detailed and interesting insight into the planning currently being undertaken in preparation for the Olympics 2012. Kevin fielded a wide array of questions and proved an extremely popular speaker amongst the delegates.

To avoid the post lunchtime 'slump', we arranged an interactive session which involved delegates listening to a topical scenario and then commenting on the positive and negative aspects of it. This stimulated some interesting debates and assisted each of the Authorities in sharing best practice across the region.



During the course of the day, which for many provided invaluable networking opportunities, delegates were pleased to participate in a custody visiting quiz. After fierce competition and lively banter between the teams throughout, the day was rounded off with the winners being announced and presented with a certificate

in recognition of their achievement. All in all a very successful day with positive feedback received!

Sarah Bryant
Policy & Performance Officer, Norfolk Police Authority



IPCC Highlights Priority Issues



The Independent Police Complaints Commission's (IPCC) four year corporate plan will address priority issues including deaths and serious injury in police custody.

system and working with the police to improve complaints handling. IPCC aims to deliver our statutory duties to the highest standards, whilst preparing for changes to police accountability arrangements and reform to the complaints system. IPCC will continue to work closely with ICVA, community groups and stakeholders in order to achieve these aims.

The Corporate Plan for 2011/12 -13/14 and Business Plan for 2011/12 were launched in May 2011 and are available on the IPCC website www.ipcc.gov.uk/en/Pages/corp_reports-plans.aspx

IPCC Priority Issues

A strategic theme of accountability involves reforming the complaints system, making it more responsive to the complainant, and ensuring that learning can be demonstrated. Based on evidence from investigations, casework, and guardianship work, IPCC has identified six priority issues, each of which will have a Commissioner lead.

Deaths and serious injury:

- in police custody
- as a result of police use of firearms and less lethal weapons
- as a result of gender abuse and domestic violence, where it is alleged that the police have failed to protect the victim
- following road traffic incidents, which it is alleged the police have caused or failed to prevent;

Additionally, and in view of the potential for significant public concern, IPCC will also focus on learning from:

- police use of stop and search powers, and other issues affecting young people's confidence in the police
- policing of protests and public order incidents.

The plan outlines strategic direction for the next three years under the themes of Independence, Excellence, and Accountability. Alongside these, all work involves the supporting capabilities of People and Resources.

To ensure that IPCC focuses attention on the issues which matter most to the public, it has also used evidence from investigations and casework to select six priority issues which will guide its work. The organisation will focus on these areas to ensure that police forces learn and improve, such incidents and complaints reduce in number, and public confidence improves. A full list of the priority issues and details of the lead Commissioners in each area is shown below.

Work in relation to these issues will also include a programme of engagement with groups who represent communities who may come in to contact with the police, such as ICVA. This will help promote access to the complaints system, listen to and learn from the experiences of these groups and ensure that their feedback about the police, the IPCC and the complaints system informs future planning.

Alongside this, IPCC's business plan sets out plans for the next year, organised under strategic themes and capabilities. It will focus on promoting access to the complaints

Prosecution for Deaths in Custody

The House of Lords has approved the extension of the Corporate Manslaughter and Corporate Homicide Act 2007 to include persons held in custody.

The Corporate Manslaughter and Homicide Act is about holding an organisation to account

where its negligence causes a death. Organisations, both public and private, have a duty to all people in their care and must be held accountable if corporate failings result in the death of anyone held in custody.

The extension to the Corporate Manslaughter and Homicide Act, which impacts upon the detention

of persons detained in police custody and deaths in custody, came into force in September 2011. Prosecution of organisations for deaths in custody will add to the Crown Prosecution Service's ability to prosecute individuals (such as prison officers, nurses, doctors etc) for

individual gross negligence manslaughter - and the standard health and safety offences that have always been available to be used against organisations.

Organisations likely to be affected by the change in the law are immigration authorities (UK Border Agency), and the Police Service / Police Authority



Long Serving ICVS Awarded



Police Authority values the work of custody visitors very highly. Custody Visitors are exceptional members of the community who give their time freely to check that individuals who are detained in police custody are properly looked after and particularly those vulnerable members of society".

Custody visitors work in pairs during the day, in evenings or at weekends to carry out their duties for which they are not paid. Hertfordshire has the largest custody visiting scheme in the eastern region and around 40 visitors attended the meeting. Visitors discussed findings from weekly visits to the county's four custody suites at Hemel Hempstead, Hatfield, Stevenage and Hoddesdon. In addition, Inspector Lynda Coates gave an update from the Constabulary's Criminal Justice Unit and visitors were also taken on a guided tour of the Constabulary's Force Control Room.

The meeting was chaired by Clare Berry, a member of Hertfordshire Police Authority with responsibility for custody visiting arrangements. Clare gave her thanks to all Custody Visitors on behalf of the Police Authority for their hard work, dedication and selflessness in carrying out this important work.

Members of the local community were honoured at a meeting of Hertfordshire Police Authority's Independent Custody Visiting volunteer scheme in October 2011.

Alan Holmwood from Wareside received a ten year long service award, while Jane Ware from Hitchin and Bob Lloyd from Broxbourne both received fifteen year long service awards. The awards were presented by Stuart Nagler - Vice Chair of Hertfordshire Police Authority in front of Independent Custody Visitors, volunteers from all parts of the county.

Stuart Nagler said "It gives me great pleasure to hand these awards to the three worthy recipients. Hertfordshire



scores top marks for Scheme Administrators Conference

This year's scheme administrators' conference was a resounding success, resulting in some very encouraging feedback for ICVA! It took place in Birmingham on 14th and 15th June 2011 and was well attended by scheme administrators from across the UK.

ICVA chair, David Wood welcomed scheme administrators to Birmingham before Sinead Whelan of Volunteering England kicked off proceeding with an inspirational presentation on how schemes can benefit from participation in Investors in Volunteers (IIV). Later in the day, Kevan Downer of the NI Policing Board shared a very positive practitioner's view of how IIV works in practice and consultant, Mark Restall provided advice on managing volunteers.

Nigel Newcomen of HMIP enlightened attendees on expectations resulting from the Joint Police Custody Inspections and Ben Hale of the Home Office spoke on TACT Detention.

Day two of the conference included workshops on identifying and measuring excellence, introduced by ICVA chief executive, Ian Smith OBE.

Unfortunately Andrew Alexander of the Home Office was unable to attend with a planned update on national developments.

The conference concluded with a question session following a presentation by Ian Smith on the challenges for independent custody visiting amid the changes that lie ahead.

A summary of feedback by attendees follows...

EVALUATION FEEDBACK Workshops & Presentations

INVESTING IN VOLUNTEERS					
Scoring 1 - 5 (5 is high, 1 is low)					
AREA	1	2	3	4	5
Relevance to your job	0	0	2	2	10
Quality of information	0	0	1	8	5
Quality of presentation	0	0	1	7	6

TACT DETENTION					
Scoring 1 - 5 (5 is high, 1 is low)					
AREA	1	2	3	4	5
Relevance to your job	0	0	4	3	6
Quality of information	0	2	6	4	3
Quality of presentation	0	3	4	4	3

MANAGING VOLUNTEERS					
Scoring 1 - 5 (5 is high, 1 is low)					
AREA	1	2	3	4	5
Relevance to your job	0	0	2	0	12
Quality of information	0	0	1	2	11
Quality of presentation	0	0	1	2	11

INVESTING IN VOLUNTEERS A PRACTITIONER'S VIEW					
Scoring 1 - 5 (5 is high, 1 is low)					
AREA	1	2	3	4	5
Relevance to your job	0	0	2	2	8
Quality of information	0	0	2	5	5
Quality of presentation	0	0	2	3	7

IDENTIFYING & MEASURING EXCELLENCE					
Scoring 1 - 5 (5 is high, 1 is low)					
AREA	1	2	3	4	5
Relevance to your job	0	0	0	0	13
Quality of information	0	1	0	2	10
Quality of presentation	0	1	0	3	7

CHALLENGES FOR INDEPENDENT CUSTODY VISITING					
Scoring 1 - 5 (5 is high, 1 is low)					
AREA	1	2	3	4	5
Relevance to your job	0	0	0	2	9
Quality of information	0	0	0	4	6
Quality of presentation	0	0	0	3	7

GENERAL				
AREA	POOR	FAIR	GOOD	EXCELLENT
Pre-Conference Organisation & Administration	0	0	3	10
Conference Venue	0	1	5	7
Conference Catering	0	0	3	10

SUGGESTED TOPICS FOR FUTURE CONFERENCES

- Vetting - What should the standard be?
- Report Forms - What information is really required?
- Issues that may arise from the introduction of PCCs
- Networking opportunity on day one

COMMENTS

- Liked the fact that the workshop sessions on one day, with information sessions on another

- Networking opportunities are welcome & crucial
- First rate - shame not better representation, really useful & relevant
- Managing volunteers session too long - needed a break
- Disappointing no Home Office representation
- Another high standard & quality conference.

Custody Visitors Raising the Bar



London ICVs were interviewed for a feature in the Evening Standard in May 2011, helping raise awareness of the process and generate interest from new volunteers. We'd like to share the article with you (full copy below) and would encourage other schemes to try and highlight what custody visiting entails with their own local press.

Working together: independent custody visiting works best through a professional and courtesy-based relationship between custody visitors and police officers. Independent Custody Visitors help ensure the well-being of detainees is protected, but do you have what it takes to be one?

The aim of the London ICV scheme is to change the emphasis of visiting to focus on dignity and human rights. Spending time in a police cell may not be how you would choose to use an evening with a colleague. Yet Independent Custody Visitors (ICVs) become well-versed in the dramas, pressures and challenges of life in London's custody suites as they perform a vital role observing and reporting on conditions they encounter.

ICVs are ordinary members of the local community doing an extraordinary job. They are appointed on a voluntary basis to make unannounced visits to local police stations to check on the treatment detainees. Independent Custody Visiting (formerly known as "lay visiting") began after Lord Scarman's report into the Brixton disorders in 1981 recommended a system of independent, unannounced inspections of procedures and detention in police stations by local community members.

The London scheme currently has over 460 volunteer visitors. Liam Kenny, a paramedic with London Ambulance Service for the last 23 years, doubts his work colleagues even know that he is also an ICV. And yet for nine years he has served on the Hillingdon ICV Panel, with a team which also includes mothers, students, busy executives and retired people...

"I remember seeing an article in a local newspaper and thinking, 'that looks good'," he says. "Yes I was curious, but I was interested in serving my community in a quiet and discreet way. After going through security vetting and completing a short training session, I was out seeing Uxbridge, Heathrow and West Drayton custody suites.

Many of the "successes" for custody visitors are achieved at the time of the visit, such as passing on requests for food, drinks or an extra blanket, or checking that legal advice or a

doctor will arrive soon if required. These may be small matters but can seem very important to someone held for a number of hours. Many detainees are simply reassured that someone has taken the trouble to ask if they're OK.

The fact that visits take place every week also helps build a picture of any ongoing concerns. Among the things ICVs have contributed to are improvements in the cleanliness of custody suites, the recognition of different cultural needs in terms of food and religious texts, for example, and highlighting particular concerns over immigration detainees - who can be held for many days - and detainees with mental health issues.

Custody visiting can't take all the credit for these developments - the police have come a long way in recent years in terms of training and awareness - but it's an important contributory factor. In fact, custody visiting works best through a relationship based on professionalism and courtesy between custody visitors and officers, rather than being adversarial.

Liam explains that new visitor recruits may go out with a very experienced pair at first. "We teach them to be observant," he smiles. "Your first visit can be a bit of a blur as you find yourself in a strange environment where there could be a lot going on. The panel draws members from all ethnic groups and all sections of the community. What links us together is that we all live or work in the borough and care about our community."

In the early days of custody visiting the emphasis was on ensuring that people in detention received their basic rights as laid down in PACE (the Police and Criminal Evidence Act), such as access to legal advice and making sure someone knows where they are. The reality is that most people in police stations are treated reasonably well but that some of the buildings are not really fit for purpose.

The London ICV scheme wants to change the emphasis of visiting to a more dignity and human rights focus and will be hosting a conference in London later this year with this as the theme. The scheme will also continue to explore how best to report its work to the community in order to provide the reassurance that those who find themselves in police custody are treated properly.

Liam, who has done "hundreds and hundreds" of visits since in 2002, still describes his role as "eye-opening". This is a voluntary role but full training will be given and expenses paid.

This copy is directly from the article, written by Sarah Richardson, which appeared in the Evening Standard on 9 May 2011.



Joint Inspection Update

Our ongoing updates on the national programme of HMIP & HMIIC joint inspections of police custody continue with feedback on visits to Sutton and Lincolnshire. For the first time, we also feature a report from a follow up inspection at Cambridgeshire.

SUTTON

Police custody provision in Sutton was well managed, with properly trained staff and strong partnership working arrangements.

Positives:

- the borough commander ensured good local management oversight of the suite;
- staffing numbers were sufficient and staff were properly trained;
- there were some strong partnership working agreements;
- staff interacted well with detainees and efforts were made to address particular vulnerabilities;
- a balance was maintained between progressing cases and the rights of individuals, and the Police and Criminal Evidence Act (PACE) was rigorously adhered to;
- the management of DNA and forensic samples was good; and
- substance misuse support was good.

Areas for improvement:

- staff handover arrangements required improvement;
- there was a lack of appropriate monitoring of the use of force, both locally and London-wide, as we have found elsewhere; complaints procedures were confused;

Nick Hardwick and Dru Sharpling said:

“Overall, custody provision in Sutton was commendable. This report sets out a small number of recommendations that we hope will assist the MPS and MPA to improve provision still further. We expect our findings to be considered in the wider context of priorities and resourcing, and for an action plan to be provided in due course.”

LINCOLNSHIRE

Police custody facilities in Lincolnshire needed more strategic focus, said Nick Hardwick, Chief Inspector of Prisons, and Dru Sharpling, HM Inspector of Constabulary, following the inspection which covered five custody suites serving Lincoln, Skegness, Boston, Grantham and Spalding.

Positives:

- relations with the Police Authority were positive and there was a well-supported independent custody visitor scheme;
- interactions witnessed between staff and detainees were professional, and custody suites were clean;
- a positive approach was taken to balancing the priorities of progressing cases and ensuring detainees’ rights under the Police and Criminal Evidence Act;
- the management of forensic samples was generally sound; and
- the provision of health care services was satisfactory and substance misuse services were good.

Areas for improvement:

- confusion about strategic arrangements for custody during the wider restructuring of the force had led to weaknesses in management oversight;
- consistent performance was inhibited by the widespread use of constables to cover civilian detention officers and the tendency for custody sergeants to only stay in post for short periods;
- too little attention was paid to the specific needs of different groups of detainees, such as women, children or those with disabilities;
- the quality of risk assessments was variable, with too little evidence of staff awareness of the importance of rousing intoxicated detainees;
- there were numerous ligature points in cells and health and safety monitoring was inconsistent;
- mental health provision was extremely poor, and in too many cases, police stations were used as places of safety under the Mental Health Act, rather than detainees being taken to community provision.

Nick Hardwick and Dru Sharpling said:

“Overall, this is a disappointing inspection. It came at a time when the force was undergoing significant change, which perhaps helped explain why we identified continued failings

that had been previously identified by other external bodies. More strategic emphasis on custody was required, with particular attention to improving risk assessment and mental health services.”

According to the Memorandum of Understanding on Police Custody Reports: ‘A follow-up inspection may be considered but would not normally be undertaken within twelve months of the original inspection dates.’ Cambridgeshire was one of the areas to receive a follow-up inspection to assess improvements.

CAMBRIDGESHIRE

Inspectors returned to Cambridgeshire in Summer 2011, following a previous critical inspection in 2008, covering six custody suites serving Peterborough, Huntingdon, Cambridge, March, Ely and St Neots, as well as King’s Lynn in Norfolk, whose cells could be used by Cambridgeshire Police. There had been a great deal of work done strategically to address previous findings and much effort had been made to improve the standard of the custody estate, including safety, general cleanliness and managing graffiti.

Inspectors were pleased to find that:

- detainees were treated professionally and with respect, and were generally well cared for;
- there was an appropriate balance between progressing cases and the rights and entitlements of detainees;
- there was now a good focus on the safety of detainees;

Areas for improvement:

- some staff working in custody were not permanent

and some day-to-day management arrangements were confusing;

- staffing levels at Huntingdon were a particular concern, with only one sergeant on duty;
- the specific needs of some vulnerable groups, such as juveniles, required greater focus;
- CCTV was used for the constant observation of very vulnerable detainees, and procedures for rousing detainees under the influence of drugs or alcohol were inconsistent; and
- while improved, there were still many people held in police custody as a place of safety under section 136 of the Mental Health Act.

Nick Hardwick, Chief Inspector of Prisons, and Dru Sharpling, HM Inspector of Constabulary said:

“Overall, provision of police custody in Cambridgeshire was much improved from our previous inspection and, in particular, we noted a much more positive staff culture focused on the welfare of detainees and far more respectful and decent custody facilities. The main weaknesses related to staffing and management arrangements, together with a need for still further improvements to the support for detainees with mental health problems. Notwithstanding the many current challenges facing all police forces, we hope this report will help Cambridgeshire Constabulary and the Police Authority to resolve our remaining concerns and further develop provision.”

These are just some examples of recent inspections. Copies of all joint inspection police custody reports can be read in full at www.hmic.gov.uk

Changes to Joint Inspections



Working systems of the joint HMIC and HMI Prisons

Police Custody Inspection Programme for police forces in England and Wales have been reviewed following feedback from stakeholders and forces. This has resulted in a revision of the Memorandum of Understanding (MoU) and the Expectations for Police Custody (Expectations). The amendments in the MoU now reflect:

- A risk based approach to re-inspection
- The majority of inspections will be unannounced
- Written confirmation of the ‘Hot De-Brief’ within 5 working days

These amendments are expected to create a significant reduction on the burden on forces:

- Unannounced inspections will become the norm, reducing preparation time for forces

- Reports will be shorter, the number of Expectations for Police Custody ie the standards against which forces are assessed, will reduce from 56 to 22
- Reports will contain fewer recommendations (only three or four main recommendations)
- The Expectations for Police Custody will provide detail of the indicators against which Forces will be assessed, in addition to likely questions, documentation, and observations

Consultation on the revised MoU and Expectations was undertaken with all forces in England and Wales, through the ACPO Custody Lead, ACC Andy Adams. Feedback received did not require any amendment to the MoU and Expectations.

Signatories to the MoU are being finalised and implementation will take place from 1st January 2012. This will provide forces with sufficient time to familiarise themselves with the revisions to the MoU and Expectations. From that date the revised Expectations will be used to inspect forces in the ongoing joint HMIC and HMI Prisons Police Custody Inspection programme.

Copies of the MoU and Expectations are also accessible on the HMIC and HMI Prisons web sites, here: <http://www.hmic.gov.uk/inspections/joint-inspections/joint-inspection-of-police-custody-facilities/>

NI ICVs on target



Northern Ireland Policing Board's (NIPB) Annual Report on custody visiting has shown that 1,122 unannounced visits were made to police custody suites across Northern Ireland between 1 April 2010 and 31 March 2011.

The report also shows that of the 1,963 detainees being held in custody during this time, 918 were seen by custody visitors and 82% of valid visits were found to be satisfactory.

Commenting on the valuable contribution made by custody visitors, Chair of the Board Brian Rea said:

"The custody visiting scheme would not function were it not for the involvement, commitment and dedication of our volunteers who provide an important contribution to the work of the Board by maintaining independent oversight on police custody arrangements. During the year the Scheme became the first in the UK to receive the Investing in Volunteers award, which is an excellent achievement.

One important development in the last year has been the establishment of self introduction by custody visitors. This allows the volunteers to personally establish whether a detainee wishes to speak to them rather than being introduced by the Custody Officer. This change has had a very positive impact on the Scheme in that refusal rates have dropped from 29% in 2009/10 to 18% during 2010/11."

A copy of the report is available from the Policing Board or can be downloaded at www.nipoliceboard.org.uk/index/publications/custody-visitors.htm

HMIP Annual Report



Her Majesty's Inspectorate of Prisons (HMIP) recently published their annual report for 2010/11. Between 1st April 2010 and 31st March 2011, HMIP performed 97 inspections of prisons, police custody suites,

immigration removal centres and other custodial establishments.

Nick Hardwick, the Chief Inspector of Prisons said:

"The improvements in prisons over the last five years are very welcome. Nevertheless, going to even the best run prison for only a short time is a very severe punishment indeed. I have found no holiday camps. But for many short-term prisoners, the reality will be being locked up in a small shared cell with an unscreened toilet for twenty hours a day - with too much access to drugs and negative peer pressure and too little access to work and resettlement help."

The report can be read in full at the HMIP website here: <http://www.justice.gov.uk/downloads/publications/corporate-reports/hmi-prisons/hmip-annual-report-2010-11.pdf>

Please keep an eye on www.icva.org.uk for regular updates on developments in independent custody visiting. And if you have an article or idea you'd like to see included in the next edition of **Visiting Times**, please let us know!

working together to protect the public

The Home Office has launched a consultation on revised draft PACE Codes of Practice concerning detention and arrest and a new Code of Practice issued under Schedule 8 to the Terrorism Act 2000 and section 25 of the Counter-Terrorism Act 2008 for video recording with sound in terrorism cases.

Following the commitment given by the Minister of State for Policing & Criminal Justice in taking the last PACE Code revision through the House of Commons, this is a full 12-week public consultation and full details, are on the Home Office website at <http://www.homeoffice.gov.uk/police/powers/pace-codes>.

Each draft has a covering note outlining the background to the contents and in the case of the PACE Codes (C, G and H) a table to indicate the changes is also provided. The new terrorism code for recording interviews refers to separate publications relating to Schedule 7 to the Terrorism Act and copies of these other documents are also included.

The main changes to the Codes (C and H) are outlined below.

Codes of Practice C (detention) and H (detention of terrorist suspects). Most of the changes to **Codes C and H** mirror one another. The additions include emphasising that the Equality Act 2010 makes it unlawful to discriminate against a person based on the "protected characteristics" such as sex, age, race, religion or sexual orientation, setting out the procedures to be followed when searching transgendered individuals, revised arrangements concerning the notification required when a foreign national is detained and allowing custody officers to direct other custody staff to provide specified information from the detainee during booking-in. There are also several minor amendments which ensure that Codes C and H are consistent with each other and with the other recently amended Codes.

Particular changes to **Code H** include:

New provisions about when a High Court judge may extend or further extend a warrant of further detention of a person beyond fourteen days from the time of their arrest for detention of a suspect beyond a period of fourteen days from the time of their arrest (or if they were detained under Schedule 7 of the Terrorism Act 2000, from the time their examination began). These provisions are subject to enactment of the Detention of Terrorist Suspects (Temporary Extension) Bill.

The arrangements for post-charge questioning where, under section 22 of the Counter-Terrorism Act 2008, a judge of the Crown Court has authorised the questioning of a person about a terrorism offence or an offence which appears to the judge to have a terrorist connection for which they have been charged. Commencement of post-charge questioning was one of the recommendations arising from the review of counter terrorism and security powers and is also being examined as part of wider work on the UK's ability and capacity to successfully prosecute terrorist suspects.

All responses should be sent to pacereview@homeoffice.gsi.gov.uk by 24 January 2012.



West Mercia ICVs at a recent scheme meeting



Introducing... John Bennett



Known in custody visiting circles as the man behind self introduction, John Bennett has been awarded for the national impact of a policy which has resulted in increased numbers of detainees speaking to custody visitors.

With plans to leave the scheme at the end of March 2012, we felt it appropriate to pay tribute to John's 17 years' of service in this issue of VT.

John became a custody visitor in 1995, was elected as the Convenor of the South East Custody Visiting panel in 2002, has been re-elected as Convenor by the panel on several occasions since and will remain in this position for his final few months in the scheme.

The Issue

Back in early 2004 John was concerned about the low acceptance of custody visits by detainees, which he discussed with Inspector Phil Boswell, the then custody inspector at the Portsmouth Custody suite.

At that time only 68% of detainees agreed to see custody visitors. John noted that drugs referral workers could visit any detainees in custody while custody visitors had to be introduced by police officers or staff. He felt that the way in which custody visitors were introduced could be off-putting or that the detainee might not understand the independent

role of the custody visitor, both of which might cause the detainees to refuse a visit.

The Idea

John suggested that custody visitors should introduce themselves and explain their role to the detainee. This simple but ground breaking idea had the full support of Inspector Boswell, who had moved on to a central role in Hampshire Constabulary custody. John put forward his idea of self-introduction at a Hampshire scheme meeting in October 2004, when it was agreed by all attendees to propose this to the Authority.

The Pilot

The idea received the support of Hampshire Police Authority and Hampshire Constabulary (thanks to Inspector Boswell) and the pilot scheme ran from 11 March - 30 September 2005 at Portsmouth Central which was at that time the largest custody facility in Hampshire. At the end of the six month trial period more than 99% of detainees had agreed to a visit and the new arrangements were deemed to be a resounding success.

The Result

By that time, the other Hampshire custody visiting panels were aware of the success of the pilot and wanted to visit under this new way of working. As a result, Hampshire adopted self-introduction as across all its panels and to all custody suites visited with effect from 1 January 2006 with similar amazing results.

The Message

At that time John was the South East regional representative on ICVA and was able to work at a national level to raise the profile of self-introduction with the result that many authorities approached Hampshire for advice with John himself speaking to and visiting them.

The Impact

Today, more than half of all police authorities operate self-introduction and have experienced the same increases in detainees wishing to speak to custody visitors.

The Award

At the recent Annual Conference, ICVA presented John Bennett with an award in recognition and honour for instigating self-introduction, the national impact of which has resulted in so many more detainees speaking to custody visitors.

If there is anything which you believe could improve the independent custody visiting process, no matter how small or simple the idea, please do come forward and share your thoughts - either with your scheme administrator or directly with ICVA.

MONITORING PLACES OF DETENTION

'Monitoring places of detention', the first annual report of the UK's National Preventive Mechanism (1 April 2009 - 31 March 2010) was delayed and only published in February 2011. This year's report was due for publication in December 2011 but has been delayed.

In the first annual report, ICVA featured alongside profiles of each of the 18 members of the NPM, providing an overview of their remits and the type of detention they visit and for which they are designated. It also included information about the extent to which they comply with OPCAT, the impact that membership of the NPM has had on the organisation, a summary of activities in 2009-10 and some key issues that have arisen during visits to places of detention.

In addition to an overview of what independent custody visiting involves, the report touched on the impact of NPM membership on the process - an extract follows...

Impact of NPM membership

The joint inspections of police detention carried out by HMIP and HMIC, which were initiated following the ratification of OPCAT by the UK, have helped custody visitors to focus on monitoring the human rights of detainees as well as ensuring their detention is PACE compliant. Much of ICVA's work in 2009-10 has involved raising awareness of human rights among custody visitors and scheme administrators. New training programmes are being piloted to reflect this increased focus on human rights and upcoming events will focus on the rights and welfare of particularly vulnerable detainees.

Although custody visiting schemes in England and Wales have always worked with their counterparts in Scotland and Northern Ireland, membership of the NPM has reinforced their relationship with other members of the NPM, including other lay bodies. NPM membership has also helped ICVA to collaborate with other bodies responsible for monitoring police detention.

Summary of activities

In 2009-10, custody visitors carried out thousands of visits to police stations across England and Wales. At national level, ICVA took the lead in redrafting the code of practice which underpins custody visiting. The majority of the work was completed in 2009-10 with the revised code being published in April 2010. The code of practice covers the function, organisation and recruitment of custody visitors and their working arrangements. In 2009-10 ICVA also produced new training materials for custody visitors which include a reference to their new role as members of the UK's NPM.

Looking forward

For some time, custody visitors have been concerned about detainees with mental health problems. In the next year, ICVA will continue working to address these concerns. ICVA will also be working with the government to develop a protocol for visiting suspected terrorists who are detained in police custody.

Currently, there is uncertainty over the future of the police authorities, which have statutory responsibility for overseeing custody visiting schemes. The impact on custody visiting of any changes to police authorities is as yet unknown. As with many other members of the UK NPM, resources for custody visiting and for ICVA are likely to come under pressure."

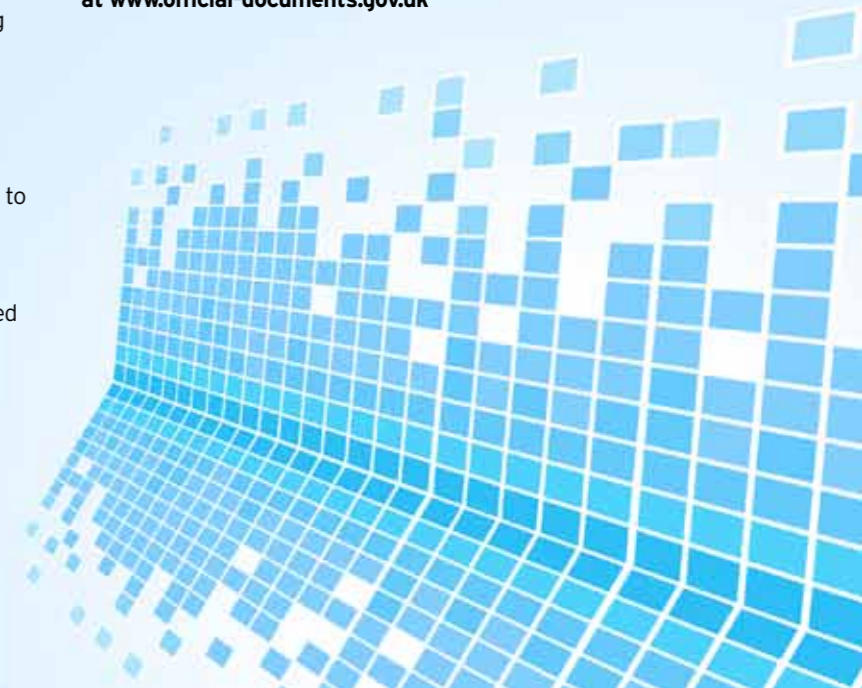
And finally...

This first NPM annual report noted that court custody in England and Wales is not monitored by any of the UK NPM members. Court custody is monitored by lay observers, who operate in much the same way as Independent Monitoring Boards for prisons and independent custody visitors for police custody. They have a statutory remit, are independent and make frequent visits to courts to check on detainees. The lay observers have asked the Ministry of Justice if they can be included in the NPM as a 19th member and it seems likely that they will be welcomed in the near future.

The Ministry of Justice (MOJ) is also intending to grant HM Inspectorate of Prisons statutory powers to monitor court custody in England and Wales and pilot inspections are being planned for early 2012.

An NPM business meeting and a thematic workshop on use of force/restraint in detention is planned for early 2012 and the second annual report is in production.

The current annual report is available in full at www.official-documents.gov.uk



Ask ICVA

WELCOME TO VT'S Q&A COLUMN ON ISSUES OF IMPORTANCE TO YOU... PLEASE SEND YOUR QUERIES ON ANY ELEMENT OF CUSTODY VISITING VIA EMAIL: VISITINGTIMES@ICVA.ORG.UK OR POST: ICVA PO BOX 1053 COLNE BB9 4BL

IN THIS ISSUE... NATIONAL STANDARDS, ACCESS TO DETAINEE RECORDS, OUTCOME OF CUSTODY VISITS

NATIONAL STANDARDS

Q We previously discussed a local agreement in place in relation to the circumstances under which ICVs can view a detained person's (DP) custody record without their consent. This is because there is not guidance on the interpretation of: "If a DP is for any reason incapable of deciding whether to allow access to their custody records, the presumption must be in favour of allowing ICVs to examine the record" and it was creating a problem between ICVs and custody staff in deciding when a DP was "incapable of deciding".

Do you think this is something that may be made clearer in the new National Standards? When are the new National Standards likely to be published?

A I hope that the "new national standards" will provide as much clarity as is needed for scheme administrators.

Your current arrangements are in line with statutory obligations as set out in the Police Reform Act 2002 paragraph 51

(3)The arrangements may confer on independent custody visitors such powers as the police authority considers necessary to enable them to carry out their functions under the arrangements and may, in particular, confer on them powers

(b) to examine records relating to the detention of persons there

We are hopeful that the new national standards will be published in early 2012, but this is yet to be confirmed.

Hope this helps.

OUTCOME OF CUSTODY VISITS

Q Hello, could you please tell me what happens as a result of any custody visits? Does the information that is passed on by the volunteers get used at all? Could any action ensue against eg a police force if not compliant? Thank you

A A report of each visit is made at the time of the visit and in addition to the custody staff receiving a copy, further copies are sent to the police authority and to the police service who have responsibility for overseeing the delivery of custody services force wide.

Details of any actions taken by custody staff are passed on to both the police authority who ensure that their visitors receive feedback and to the officers responsible for the oversight arrangements.

Hope this is of assistance.

ACCESS TO DETAINEE RECORDS

Q When ICVs are trained they are always told to look at the custody record to verify what they have been told is correct and I have always seen this as a particularly important part of the process. They are advised to tell the custody officer they would like to see the custody record and to ease the process indicate what it is they would like to verify/see. The custody officer then takes them to the relevant part of the record.

On a couple of occasions the officers have taken this to mean that they can only view that part of the record where they wish to verify particular information. This has surprised the ICVs, because previously they have not encountered this restricted access to the record.

I note the advice in para. 29 of the guidance that accompanies the Code of Practice. Does this have a statutory weight behind it or is just guidance please? My own view is that if they wish to see the complete record, save for the restricted parts, they should be allowed and to overcome the 'restrictions' they just need to recite para 29. Would you agree or is the more focused inspection of the custody record better practice.

A As if I was psychic I recently contacted the Home Office on the same subject and cross checked with Northern Ireland to get a UK wide view.

The Home Office response was as follows:

Section 51(6) of the 2002 Act says: 'The Secretary of State shall issue, and may from time to time revise, a code of practice as to the carrying out by police authorities and independent custody visitors of their functions under the arrangements', while section 51(9) says 'Police authorities and independent custody visitors shall have regard to the code of practice for the time being in force under subsection (6) in the carrying out of their functions under the preceding provisions of this section.'

On that basis, the Codes of Practice are as binding on authorities as the PACE Codes are on police officers - ie, they can depart from them, but they must have a good reason for doing so.

Whilst the Northern Ireland response was more emphatic:

I have had a look at s.51 of the Police Reform Act 2002. My reading of this is that the code of practice under 51(6) is a statutory code and s. 51(9) requires police authorities shall have regard to it. I would be very surprised that this form of words allows police authorities an opt out not to adhere or comply to the code. If, as I think, it is a statutory code then I think it must be complied with.

I fully support your view that access is to the full custody record, as permission has been granted by the detainee, or it is deemed that he is unable to give his/her consent.

Hope this is of assistance.