

OFFICE OF THE POLICE & CRIME COMMISSIONER FOR NORFOLK

ORIGINATOR: Policy & Performance Officer

DECISION NO. 6/2012

REASON FOR SUBMISSION:

FOR DECISION

SUBMITTED TO:

POLICE & CRIME COMMISSIONER

SUBJECT:

INDEPENDENT CUSTODY VISITING

SUMMARY:

This report provides an overview on work undertaken within the Chief Executive's office in discharging the Independent Custody Visiting function and some proposals in respect of how the PCC can discharge this statutory function in the future.

RECOMMENDATION:

It is recommended that the PCC agree:

- For administration of the Scheme to continue to be undertaken by the Policy & Performance Officer, until such time a review can be undertaken;
- That quarterly Panel meetings continue to take place, with support provided by the Policy & Performance Officer;
- That Panel Co-ordinators continue to meet on a 6 monthly basis, supported by the Policy & Performance Officer;
- That, in order to ensure that robust and effective procedures for establishing and maintaining an independent custody visiting scheme are in place, a report be submitted to the PCC every 6 months for consideration/action as necessary.

OUTCOME/APPROVAL BY: PCC

The above request has my approval

Signature

A. W. Bell

Date 29/11/12

DETAIL OF THE SUBMISSION

1. BACKGROUND

- 1.1 Independent Custody Visitors are volunteers who make unannounced visits to police stations to provide an independent check that detainees are treated in accordance with their rights and entitlements as specified by the Police and Criminal Evidence Act (PACE); and ensure that their welfare is maintained.
- 1.2 They visit in pairs and at the conclusion of each visit write a short report of their findings. Their recommendations can require the police to make improvements for the welfare of detainees, and the work they carry out plays a valuable role in maintaining public confidence in this important area of policing.
- 1.3 Independent Custody Visiting developed out of Lord Scarman's report into the disturbances in Brixton and other parts of the UK in the early 1980's; and became a statutory responsibility of every Police Authority in England and Wales under the Police Reform Act 2002. As outlined in Schedule 16, part 3, paragraph 299 (i) of the Police Reform & Social Responsibility Act 2011, the statutory responsibility for the ICV Scheme transfers immediately to the Local Policing Body when Police Authorities are dissolved.
- 1.4 Further to the above statute, in 2003 the Home Office published a Code of Practice for Independent Custody Visiting (which was subsequently updated in April 2010). This document outlines the requirements for managing such schemes, as well as providing details of the requirements and expectations of Independent Custody Visitors themselves. Supporting this Code of Practice are a series of associated National Standards pertaining to custody visiting.
- 1.5 Independent custody visiting offers an extra level of protection to detainees by providing independent scrutiny of their treatment and the conditions in which they are held. By allowing members of the local community to observe comment and report on these matters, it can reassure that community, improve the local community's understanding of procedures at police stations and strengthen their confidence that these are properly applied. From a police perspective, it is a clear demonstration of their commitment to transparency and openness in relation to this critical aspect of their duties and can improve police management of their own performance by pointing out areas where problems may have occurred. For PCCs, independent custody visiting can be an extremely important aid in fulfilling their responsibility to ensure that policing in their areas is carried out fairly, in accordance with statutory and other rules and with respect for the human rights of all those coming into contact with the police.

2. CUSTODY VISITING IN NORFOLK

- 2.1 Custody Visiting in Norfolk has evolved over a period of years and is now well established. Indeed the Scheme has a good reputation Country-wide and has often been cited in best practice. Throughout the course of 2011, 6 Police Investigation Centres (PICs) were opened in a joint venture between Norfolk and Suffolk Constabularies and Police Authorities. The PICs have provided vastly

improved custody facilities for our 2 Counties. Norfolk Police Authority has overseen the 4 PICs situated in Aylsham, Great Yarmouth, Kings Lynn (also used under agreement by Cambridgeshire Constabulary) and Wymondham, and Suffolk Police Authority has overseen the 2 PICs located in Bury and Ipswich.

- 2.2 Each PIC has a panel of ICVs allocated to make visits on a weekly basis and Norfolk currently has 26 volunteers. The visit process is outlined in Appendix 1.
- 2.3 Whilst the Schemes have remained separate in Norfolk and Suffolk, by working closely with colleagues we have successfully aligned recruitment processes, Scheme Guidelines and Report forms. As well as sharing best practice, such collaborative work has also provided efficiency savings for both in respect of training etc.

3. **GOVERNANCE REQUIREMENTS FOR INDEPENDENT CUSTODY VISITING**

- 3.1 An overview of the governance arrangements/reporting structure for Independent Custody Visiting under the Police Authority is given at Appendix 2, for information.
- 3.2 As outlined at 1.3, Schedule 16 part 3, paragraph 299 (i) of the Police Reform & Social Responsibility Act 2011 transfers the duties of the Police Reform Act from Police Authorities to PCCs with effect from 22 November 2012.
- 3.3 Mindful of the Home Office Codes of Practice (and for ease of reference the corresponding paragraph numbers have been used), PCCs need to consider the following:

4. Schedule 16, part 3, paragraph 299 (i) of the Police Reform & Social Responsibility Act 2011 places the responsibility for organising and overseeing the delivery of independent custody visiting with the local policing body, in consultation with chief officers. The local policing body must therefore ensure that it has in place robust and effective procedures for establishing and maintaining an independent custody visiting scheme, including the allocation of appropriate resources to this function.

Note – Currently the day to day management of the Scheme (Scheme Administrator role) is undertaken as part of the Policy and Performance Officer’s role.

5. Overall responsibility for the central administration of the scheme must be given to a nominated officer on the local policing body’s staff, supported as necessary by other personnel and resources.

Note - Currently the day to day management of the Scheme is undertaken as part of the Policy and Performance Officer’s role and a budget of £10,236 is allocated to resource the function appropriately, to cover travel costs, training, conferences, recruitment etc.

6. Groups or panels of volunteers must be organised to visit police stations in the local policing body’s area. Every group/panel needs to have its own co-ordinator locally supported by the nominated officer on the local policing body’s staff.

Note – We currently have 4 Panels, each “visiting” the PIC in their local area. Each Panel nominates a co-ordinator on an annual basis

7. The local policing body is responsible for recruiting, selecting and appointing independent custody visitors and must ensure these functions are adequately resourced.

Note – See note at 5 above.

60. Systems must be in place to ensure that the output from visits is drawn rapidly to the attention of those in a position to make the appropriate response.

Note – The Policy and Performance Officer currently liaises with the relevant PIC Inspector or the Chief Inspector with responsibility for custody and the Deputy Chief Executive as necessary to ensure responses are co-ordinated across the PIC estate as a whole.

61. The local policing body is responsible for drawing together issues and identifying trends emerging from visits in their area and addressing these with relevant police supervisors.

Note – Currently undertaken by the Policy and Performance Officer. Each Panel of ICVs review statistics in respect of their visits on a quarterly basis. Statistics in respect of the Scheme as a whole have been reported to the Performance & Engagement Committee on a six-monthly basis to ensure the information is discussed in the public domain.

62. The local policing body must have a regular and formal opportunity to raise concerns and issues with a designated senior officer with force-wide responsibilities. It will usually be appropriate for that officer to be of Assistant Chief Constable/Commander rank. Regular reports shall be provided by the administrator of the scheme to the local policing body. These reports must be publically available and reflected in an entry about independent custody visiting in the local policing body’s own annual report.

Note – Currently undertaken by the Policy and Performance Officer. Each Panel of ICVs will review statistics in respect of their visits on a quarterly basis and the relevant PIC Inspector will be present at the meeting. At each meeting of the Performance & Engagement Committee where custody visiting matters were discussed, the Head of Norfolk and Suffolk Custody Services (Chief Inspector Roger Wiltshire) and the Policy and Performance Officer attended to discuss matters with Police Authority Members. A Custody Visiting Annual Report is formulated each year.

63. The local policing body must ensure that independent custody visitors have regular opportunities to meet together to discuss their work.

Note – Currently undertaken by the Policy and Performance Officer. Quarterly Panel meetings are held in each area, as well as twice yearly meetings of Panel Co-ordinators. ICVs are also able to discuss their work at ad hoc training events and an annual Regional ICV Conference.

64. Local policing bodies must take steps to assess how effectively their independent custody visiting arrangements are working. Key aspects of that process will be reviewing the quality of reports, the frequency with which visits

take place and the number of occasions on which detainees refuse to speak to visitors.

Note – Currently undertaken by the Policy and Performance Officer as part of day to day management. In addition, the Scheme is formally ‘reconstituted’ every 3 years.

4. POTENTIAL DEVELOPMENTS FOR PCC OVERSIGHT

4.1 It is suggested that initially, the PCC will wish for the administration of the ICV Scheme to continue as it has been until such time that they are in a position to review the situation. The key area for the PCC to consider following election will relate to their own personal involvement in the oversight of the Scheme and the frequency with which they wish to publish performance information in the public domain.

4.2 ICV Panel meeting arrangements:

It is suggested that the quarterly panel meetings for ICVs continue, supported by the Policy and Performance Officer given they are a proven efficient and effective mechanism for achieving Home Office Code of Practice 63 (HO COP).

4.3 ICV Co-ordinators meeting arrangements:

It is suggested that the six monthly co-ordinator meetings continue, supported by the Policy and Performance Officer and attended by the Head of Custody. Given the opportunity they present to continue maintaining direction of the Scheme, resolving any concerns; ensuring levels of recruitment/training are maintained and reviewing Scheme performance. The outcomes of this meeting can then be shared with the PCC, unless personal attendance is preferred.

4.4 Public reporting:

An essential purpose of custody visiting is to strengthen public confidence in procedures at PICs, and publicity and awareness of the Scheme is crucial in this respect. The Local Policing Body is responsible for activities pertaining to promotion of the Scheme and recruitment of Custody Visitors, including the publication of an Annual Report.

To ensure that the PCC is sufficiently briefed around activity and the public are informed, it is suggested that reports be provided to the PCC (the frequency of which to be determined following discussion but at least 6 monthly) and included on the website containing the following data:

- The PIC visited;
- How many visits had taken place in that month;
- Number of detainees held in the PIC at the time of visiting;
- Number of detainees available to be spoken to at the time of visiting;
- Number of detainees spoken to at the time of visiting;
- Comments made by ICVs and any issues highlighted (including any resolution or explanatory information)

5. FINANCIAL IMPLICATIONS:

The costs of administering the Scheme are absorbed within the day-to-day budget allocated to Independent Custody Visiting.

6. OTHER IMPLICATIONS AND RISKS:

By not sufficiently supporting our ICV Scheme, we are unable to provide reassurance to the public about the treatment of persons detained in police custody. Additionally, there is the risk of not meeting the statutory function of maintaining an effective Scheme.

PUBLIC ACCESS TO INFORMATION: *Information contained within this submission is subject to the Freedom of Information Act 2000 and wherever possible will be made available on the OPCC website. Submissions should be labelled as 'Not Protectively Marked' unless any of the material is 'restricted' or 'confidential'. Where information contained within the submission is 'restricted' or 'confidential' it should be highlighted, along with the reason why.*

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	NO
Has the PCC's Chief Finance Officer been consulted?	NO
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	YES
Have human resource implications been considered?	YES
Is the recommendation consistent with the objectives in the Police and Crime Plan?	YES
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	YES
Has communications advice been sought on areas of likely media interest and how they might be managed?	NO
In relation to the above, have all relevant issues been highlighted in the 'other implications and risks' section of the submission?	YES

APPROVAL TO SUBMIT TO THE DECISION-MAKER (this approval is required only for submissions to PCC and DPCC).

Deputy Chief Executive

I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the PCC.

Signature:

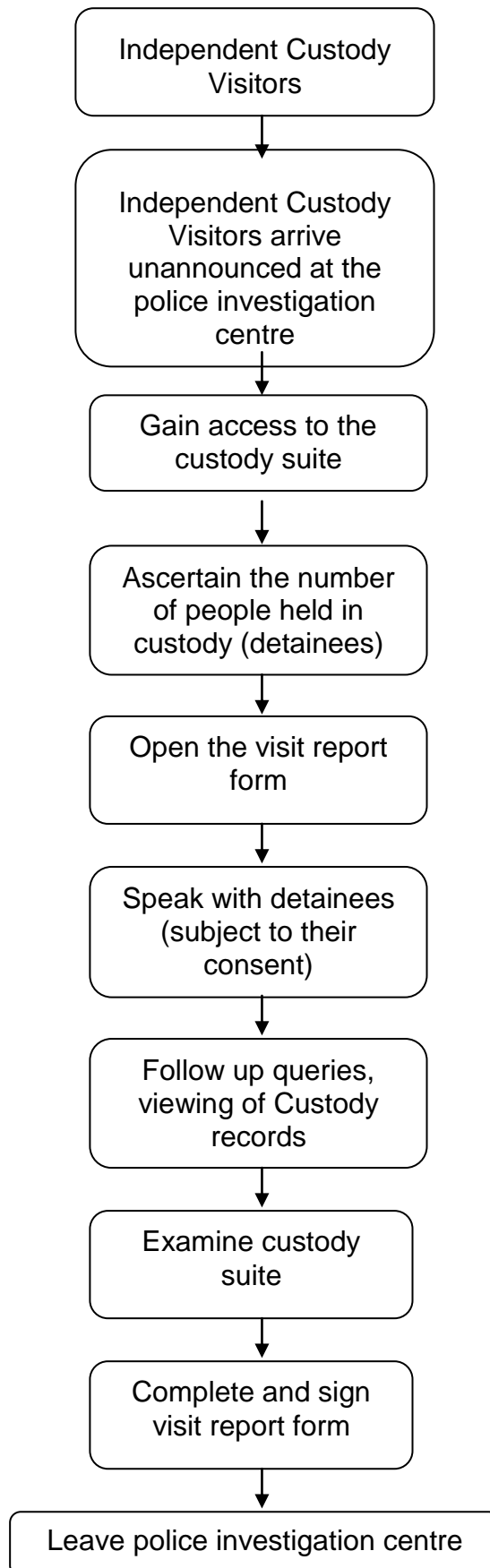


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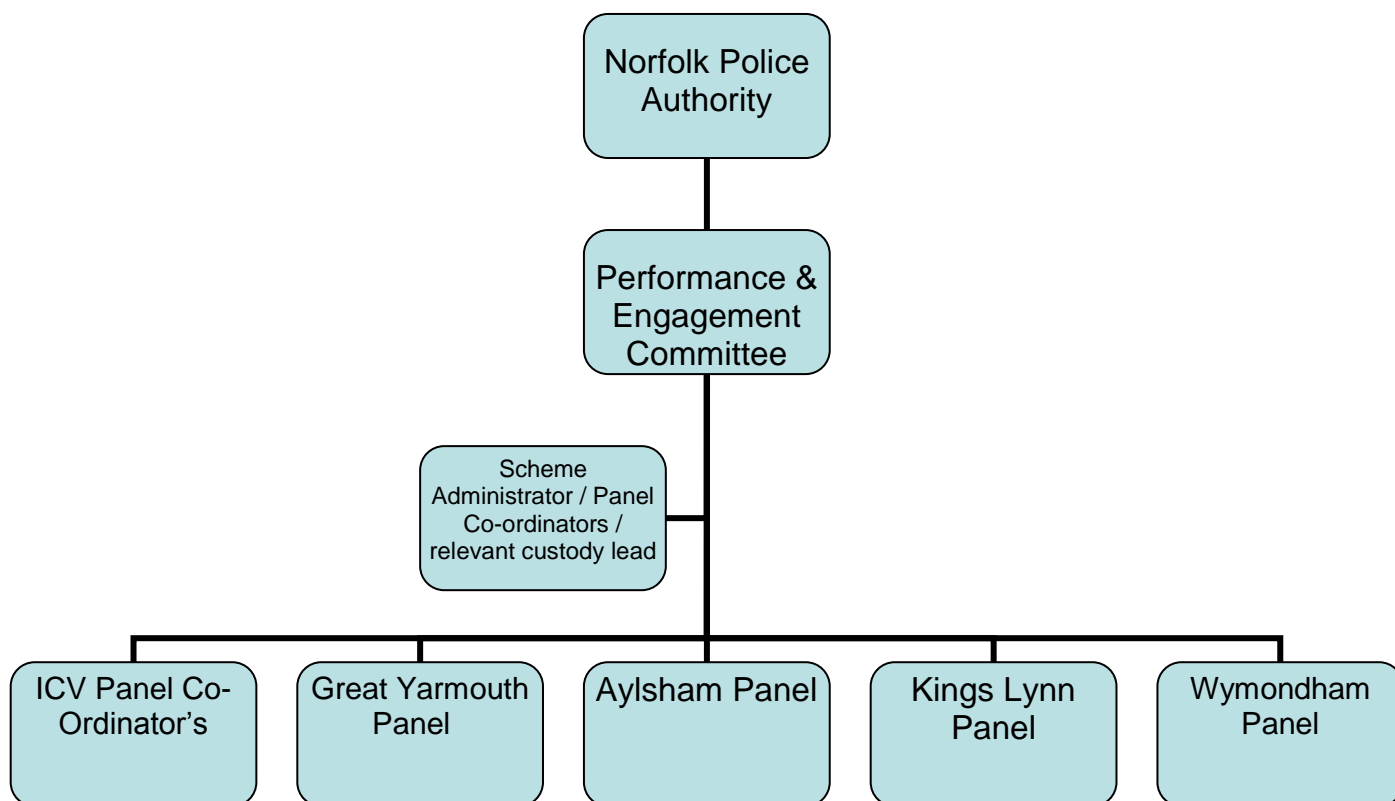
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ICV Visit Process

The following model outlines the stages of a visit:



ICV Reporting Structure



Performance & Engagement Committee:

The Committee meets on a quarterly basis (albeit custody visiting is reported every 6 months) and is responsible for the maintenance and operation of an efficient and effective custody visiting scheme including keeping such arrangements under review, and to be apprised of strategic developments relating to the custody environment. The Committee is also responsible for endorsing the ICV Annual Report which is used to assist in promotion of the role within the wider community.

At each meeting where custody visiting matters are discussed, the Head of Norfolk and Suffolk Custody Services (Chief Inspector Roger Wiltshire) and the Scheme Administrator will attend to discuss matters with Police Authority Members. Given this is a public meeting; ICVs have the opportunity to attend and regularly do so.

Scheme Administrator /Panel Co-ordinator/Custody lead:

Following receipt of all ICV report forms, the Scheme Administrator will review the documentation and liaise with the appropriate Constabulary lead to ensure any issues are addressed promptly.

ICV Panel Co-ordinator's/Scheme Administrator liaise frequently to ensure regular feedback.

The Head of Norfolk and Suffolk Custody Services also receives a copy of all Report Forms to ensure oversight of matters across the 2 Counties. In addition to this, on a monthly basis, the Scheme Administrator will attend the Custody Management Team meeting to discuss any matters relating to the management of the Scheme and equally liaise with colleagues in the Suffolk Scheme to ensure that all best practice is shared/joined up.

ICV Panel Co-ordinators Meeting:

Co-ordinators meet on a 6 monthly basis to share best practise around the County and allow co-ordinators the opportunity to reflect on the performance of their panel/ICVs and the steps undertaken by NPA to address this. They will also input into the drafting of the report being presented at the Performance & Engagement Committee meeting.

Meetings are chaired by one of the ICV Panel co-ordinators and attended by the Head of Norfolk and Suffolk Custody Services, Police Authority lead for Custody and the Scheme Administrator.

Aylsham, Great Yarmouth, Kings Lynn & Wymondham Panel Meetings:

These Panels meet on a quarterly basis to discuss the work undertaken in the previous quarter, share best practise and receive updates from the Authority/Constabulary on matters affecting their role.

Meetings are attended by ICVs from the appropriate Panel, a Member of the Performance & Engagement Committee, Scheme Administrator and Inspector responsible for the Police Investigation Centre ICVs are visiting.

Regional meetings:

On a 6 monthly basis, the Custody lead member and the Scheme administrator will meet with regional colleagues from Essex, Bedfordshire, Hertfordshire, Cambridgeshire and Suffolk in order to hear about national developments from our ICVA representative, share best practice with other colleagues as well as look to find efficiencies in regional arrangements where possible.