

BRIEFING FOR POLICE & CRIME COMMISSIONER CANDIDATES 2020

A GUIDE TO PCCS' DUTIES TO RUN AN
INDEPENDENT CUSTODY VISITING SCHEME



ICVA
The Independent Custody
Visiting Association



npm
national
preventive
mechanism



INDEPENDENT CUSTODY VISITING

The public entrusts police officers with powers to arrest and detain any member of the public suspected of committing a criminal offence. The ability to deprive someone of their liberty before an offence has been proven as a necessary tool for keeping the public safe and ensuring that the criminal justice process can take its course, but these powers must be carefully balanced with appropriate assurance and oversight. It is fundamental to our system of policing by consent that the public have confidence that people detained in police custody are treated in a transparent, lawful and ethical way.

WHAT IS INDEPENDENT CUSTODY VISITING?

Independent custody visiting was established to build trust in the police following the Brixton riots in the 1980s. It has been a legal requirement since 2003 and was extended to cover terrorism detention in 2009.

Every Police & Crime Commissioner (PCC) has a statutory duty to run an independent custody visiting scheme, in which local members of the public volunteer to serve as Independent Custody Visitors (ICVs) making regular, unannounced visits to police custody to check on the rights, entitlements and wellbeing of detainees as well as the conditions they are held in.

ICVs speak to detainees, asking them about their experiences, and will review custody records to check that detainees are being treated appropriately and that relevant safeguards are in place. ICVs can access all areas of the custody suite to ensure good conditions and stocks of food, clothing and other essentials.

ICVs will ask custody staff to resolve any immediate concerns or issues during the visit. They complete visit reports, alerting the PCC to their findings and raising problems or concerns. Schemes also share findings, themes and learning with the Independent Custody Visiting Association (ICVA) to represent at a national level.

PCCs have a duty to promote their schemes, assuring the public that detainees are treated according to the law and with dignity in police custody.

WHY DOES INDEPENDENT CUSTODY VISITING TAKE PLACE?

Through the work of ICVs, PCCs are able to give assurance to the public that people detained by the police in their force area are being treated in a lawful, ethical and transparent way.

Police custody is a high-pressure, high-risk environment. Every day, police officers and staff working in custody suites interact with and care for people in difficult circumstances. Detained persons might be aggressive, distressed or highly vulnerable. They may have complex needs, including drug and alcohol issues, mental illness or physical health problems.

ICVs provide a valuable safeguard for detainees and for police forces. ICV visits help to prevent ill-treatment and harm to detainees, and Custody Inspectors value the work of the ICVs in contributing to a safe environment and continuous improvement of custody. Good schemes will have constructive relationships with the force and be valued for their oversight.

**ICVS PROVIDE A VALUABLE SAFEGUARD FOR
DETAINEES AND FOR POLICE FORCES.**



YOUR DUTIES AS A PCC

A Code of Practice, approved by Parliament, sets out the duties for PCCs in respect of independent custody visiting:

- That there is a robust and effective ICV scheme running in your area with appropriate resources and a nominated member of staff responsible for the scheme.
- That regular visits take place in all areas of police custody, including terrorism detention.
- That your volunteers are trained and well-managed.
- That your scheme manager gives you regular reports on issues within custody and that you can identify issues and trends.
- That you have regular and formal opportunities to raise concerns with the police and that the police and partners deal with concerns raised by the ICVs.
- If you have a terrorism detention facility in your area, that ICVs submit their reports to the Independent Reviewer of Terrorism Legislation.

Independent custody visiting forms part of a UK-wide work to prevent torture and ill-treatment of detainees. Independent custody visiting forms part of the National Preventive Mechanism (NPM) required under a United Nations (UN) Convention to prevent torture.

WHAT IMPACT DOES INDEPENDENT CUSTODY VISITING MAKE?

The reports from ICVs have instigated improvements throughout custody. Recent examples of some of the excellent work of ICVs, small and large, include:

- ICVs found that female detainees were not receiving adequate menstrual care with some detainees being left without menstrual products. ICVA worked with the Home Office, Association of Police & Crime Commissioners (APCC), National Police Chiefs' Council (NPCC) and College of Policing to change guidance, legislation and practice to ensure that detainees received this fundamental need.
- ICVs and ICVA also worked with the Home Office and national partners to ensure that detainees have access to basic dignity such as ensuring toilet areas are pixelated on video monitoring cameras and that detainees have access to washing facilities.
- Vulnerable detainees should have access to an Appropriate Adult, who will help them to understand the police custody process. ICVs have identified problems accessing this safeguard, which has resulted in improvements to this service.

THE INDEPENDENT CUSTODY VISITING ASSOCIATION

ICVA is a national organisation that leads, supports and represents independent custody visiting schemes. PCCs in every policing region nominate a representative to ICVA's National Expert Forum to represent local schemes. ICVA provides materials, support and representation that equip PCCs and their staff to deliver high-quality schemes. ICVA provides members with:

- Newsletters, policy briefings and guidance which ensures that PCCs have up-to-date information on policy custody and their duties.
- Training resources that deliver up-to-date professional development for scheme managers and volunteers.
- An active members' website that provides a library of resources and a forum for discussion.
- A Quality Assessment Framework that outlines what a good scheme looks like, drives improvements and celebrates the achievements of your local scheme.
- Access to two annual conferences that deliver presentations from top professionals, training and thank volunteers for their work.
- Access to a National Expert Forum to share practice, learning, resources and conduct joint projects.
- Regular meetings with national bodies, including the Home Office, to give your schemes a national voice on custody matters.
- ICVA represents ICV schemes in England and Wales in the NPM, helping to deliver your duties under the UN Convention.
- We are working with a set of schemes to pilot new methodologies for independent custody visiting to ensure that schemes are effective into the future.

For further information see our website icva.org.uk or follow us on Twitter [@CustodyVisiting](https://twitter.com/CustodyVisiting) and [@projectICVA](https://twitter.com/projectICVA)

