

CUSTODY VISITING

ANNUAL REPORT 2019/20

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INTRODUCTION

PCC LORNE GREEN

Welcome to my Annual Report for Norfolk's Independent Custody Visiting (ICV) Scheme.

This report provides an overview of my Scheme's organisation and the activities of our volunteers between 1 April 2019 and 31 March 2020.

At the time of reporting, the United Kingdom is still dealing with the COVID-19 pandemic which has not only affected all of our daily lives and society as a whole, but has had a huge impact on policing.

This, in turn, has affected our custody visiting scheme, however the country went into lockdown in mid-March so it only had a marginal effect on the year's work covered in this report.

Next year's report will, of course, encompass how the scheme adapted its procedures to cope with the pandemic.

The Independent Custody Visitors (ICVs) are a group of committed and dedicated volunteers, who provide a quality service to the Office of the Police and Crime Commissioner for Norfolk (OPCCN). They are invaluable in allowing me to discharge my statutory responsibility of running an Independent Custody Visiting Scheme. This oversight provides me and the communities of Norfolk with reassurance that those detained by Norfolk Constabulary are being treated legitimately, with dignity and respect and that the most vulnerable are being afforded additional safeguards.

The highly skilled and dedicated police officers and staff who work within the custody environment have huge demands placed on them by detainees who have a wide range of both physical and mental health issues. The ICV scheme provides a weekly 'snapshot' of how the Police Investigation Centres (PICs) are functioning and this allows my staff to follow up on any concerns that are raised by ICVs with Norfolk Constabulary, ensuring that these are dealt with promptly and effectively.

In May 2019, I was proud to see my Scheme Administrator, Simon Atherton, and ICV Coordinator Sue Harrowing attend a presentation at the House of Lords to collect their Quality Assurance Framework award. These awards are for schemes that have demonstrated the closest compliance with the national standards for custody visiting laid down by the Independent Custody Visiting Association (ICVA). Being awarded the Code Compliant level is an excellent reward for the hard work of all of our volunteers.

Also, during this year I was pleased to meet with Eric Langford, one of my ICVs who was retiring after 15 years' of wonderful voluntary service. And, in December, I enjoyed being present to open an end-of-year training session for all of the ICVs at Norfolk Police headquarters.

I hope you find my report an informative read.

Lorne Green

Police & Crime Commissioner for Norfolk

Our custody facilities, and our hard-working staff within them, are renowned across the UK, and indeed globally, as a leading example of how to provide safe detention and first-class police investigation in unison. We look after over 25,000 detainees each year across the county, ensuring detainees are treated with decency and dignity, whilst serving our communities in being centres for investigating a huge range of crimes on their behalf.

We have policed in accordance with our values, and have faced many challenges over the year, including looking closely at racial disparity, which is why I am so pleased that the Independent Custody Visiting Scheme in Norfolk is playing a huge part in the work of the Constabulary to provide additional scrutiny on the use of police powers in custody. This level of partnership is not seen anywhere else in the UK and is an outstanding example of the value of the ICV scheme.

We are policing in extraordinary times, particularly with COVID-19 affecting every part of daily life, but we continue to operate effectively to protect the vulnerable, including those who are brought to our Police Investigation Centres, treating them with care, dignity and decency.

I am truly grateful for all the efforts of the team in Custody and the Independent Custody Visiting Scheme in Norfolk.

Simon Bailey

Chief Constable, Norfolk Police



I am delighted to lead custody on behalf of Norfolk and Suffolk Constabularies and am now into my third year of leadership here, having previously served as a Custody Sergeant in Great Yarmouth when the Police Investigation Centres were first opened in 2011.

Custody has evolved considerably over the years providing, on behalf of the public, a safe and decent place for detainees to be held under investigation in accordance with the guidance of the Police and Criminal Evidence Act and the principals of Safer Detention.

I am particularly proud of the work we have done with the Norfolk Independent Custody Visiting Scheme on scrutiny of our work relating to strip search, and providing a mechanism to improve standards in the justification of the use of the power by custody sergeants.

We continue to innovate around autistic spectrum disorder detainees, providing them with distraction material which would once be considered unthinkable, enabling a potentially distressing experience to become a more dignified and decent one and assisting investigating officers with enabling a calmer experience for interview.

I believe our innovation in practice within custody in the county is at the cutting edge and in no small part do I place my thanks to the volunteers and coordinators of the ICV scheme in helping shape our direction forward.

Chief Inspector Lou Provar
Head of Custody for Norfolk and Suffolk Constabularies



BACKGROUND

Until the publication of the Scarman Report following the Brixton Riots in 1981, no provision existed for the independent monitoring of the welfare of detainees held in police custody. Lord Scarman recommended that provision be made for random checks by people other than police officers on the interrogation and detention of suspects in police stations. The aim of this was to promote public confidence in policing, ensuring all policing activity was accessible and transparent to scrutiny by the public.

The Independent Custody Visiting (ICV) provision was initially a voluntary one for police authorities until 2002 when it became a statutory provision. Custody visiting, formerly known as lay visiting, was established in 1983 and the Police and Crime Act 2002 made custody visiting statutory with the Home Office introducing the 'Codes of Practice for Independent Custody Visiting'. The Police Reform and Social Responsibility Act 2011 introduced Police and Crime Commissioners and gave them the responsibility for operating and overseeing a scheme in their police force area.

CUSTODY VISITORS

An Independent Custody Visitor (ICV) is a volunteer who visits people who have been detained in custody in a police station. For many people, arriving in a custody suite can be a daunting and frightening experience without being aware of their rights or entitlements.

An ICV's main responsibility is to check on the welfare of a detained person and make sure they are being treated properly whilst in custody. An ICV ensures that a detainee understands their rights and entitlements in law, why they are in custody, that they have access to free legal advice, and that they can contact someone to inform them of their whereabouts.

Visiting in pairs, ICVs can inspect cells and the facilities within the custody suite for health and safety purposes. ICVs can, where appropriate, also inspect custody records, which are a record of everything that happens to a detainee whilst in custody. If an ICV discovers any issues, these can initially be raised with the Custody Sergeant present or the Custody Inspector if the matter cannot be remedied immediately or is of a serious nature that requires ongoing attention.

ICVs make a report of each visit highlighting any issues discovered, and a copy of the report is then forwarded onto the ICV Scheme Administrator.

ICVs are recruited by the Office of the Police and Crime Commissioner for Norfolk (OPCCN) but are independent of both the OPCCN and Norfolk Constabulary. ICVs make unannounced visits to police stations at any time or day of the week and can speak to anyone who is currently detained within the custody suite.

THE CUSTODY ESTATE

The custody provision for Norfolk and Suffolk Constabularies is provided collaboratively and all staff work within a combined command headed by a Chief Inspector. In total across both counties there are six dedicated Police Investigation Centres (PICs) where detained persons are held. Four of these are in Norfolk and are located in Aylsham, Great Yarmouth, King's Lynn and Wymondham, providing a total detainee capacity of 92.

Built in 2011, they are acknowledged as some of the best facilities in the country. The maintenance, cleaning and supplies are all provided under the Public Finance Initiative (PFI) Scheme.

The King's Lynn PIC also serves the Cambridgeshire Constabulary area with detainees from Cambridgeshire being held there, albeit it is fully staffed by Norfolk officers and staff.

DETAINED PERSONS STATISTICS

Overall numbers - 1 April 2019 to 31 March 2020

Police Investigation Centre (PIC)	Annual throughput
Aylsham	2,063
Great Yarmouth	5,000
King's Lynn	3,843
Wymondham	6,283
Total	17,189

Ethnicity - 1 April 2019 to 31 March 2020

Ethnic category	Number	Percentage
White - North European	12,841	85%
White - South European	368	3%
Black	760	5%
Asian	192	1%
Middle Eastern	72	0%
Chinese, Japanese or South East Asian	24	0%
Unknown	877	6%

Gender and Age - 1 April 2019 to 31 March 2020

Age	Male	Female
0 - 10	3 (0%)	1 (0%)
11 - 18	1,327 (9%)	391 (3%)
19 - 25	2,600 (17%)	477 (3%)
25 - 35	3,667 (24%)	720 (5%)
35 - 45	2,450 (16%)	589 (4%)
45 - 55	1,518 (10%)	368 (3%)
55 - 65	568 (4%)	120 (1%)
Over 65	194 (1%)	36 (0%)

NORFOLK ICV SCHEME

As of 31 March 2020, there were 22 ICVs participating in the scheme across the county. ICVs are split into four panel groups, each one serving one of the PICs. Each Panel nominates a coordinator who is responsible for arranging a rota of visits. This ensures that only our ICVs know what day and time a visit will take place enabling the scheme to remain independent and credible.

Each Panel group meets with the Scheme Administrator and local PIC Inspector three times per year and the coordinators meet a further twice per year with the Scheme Administrator and Chief Inspector for Custody.

The panel meetings are also attended by the PIC Inspector to allow the panel to discuss any issues that they have and for the Inspector to update the panel with regard to any pertinent issues within their area of responsibility. The panel meetings are also an opportunity to discuss topical issues and provide an opportunity for some training for the ICVs.

The aim is that the scheme is representative of the Norfolk community, taking account of different ethnic origins, genders and age ranges. When new volunteers are recruited, consideration is given to preserving and enhancing this representation.

Norfolk ICV data						
Gender:		Age:		Ethnic group*:		Ethnic breakdown of total population (Norfolk)**:
Male	7	18-30	0	White British	19	92.4%
Female	15	31-45	1	White Other	3	3.5%
		46-60	5	Asian : Indian	0	0.5%
Disability:	3	61-75	12	Black : African	0	0.4%
		75+	4	Other : Any other ethnic group	0	0.1%

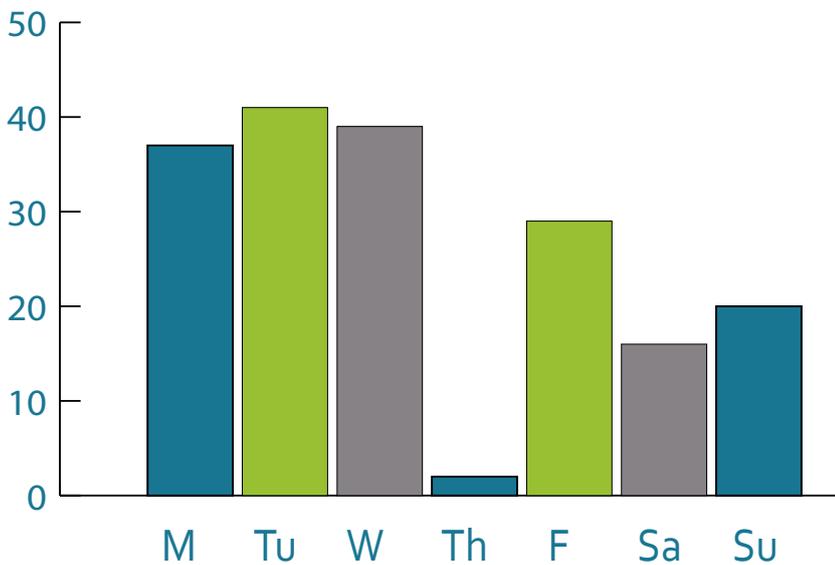
* There are 18 definitions of ethnicity within the 2011 census. This data provides an overview of those represented currently on our scheme.

** Source: Office for National Statistics (ONS) data 2011

VISITING STATISTICS

Breakdown of visits - 1 April 2019 - 31 March 2020						
Police Investigation Centre (PIC) visited	Visits	DPs held at time of visit	DPs available to visit	DPs visited	% visited of those available	DPs not visited
Aylsham	50	119	90	84	93%	35
Great Yarmouth	48	340	166	152	92%	188
King's Lynn	48	306	162	144	94%	153
Wymondham	47	543	208	166	80%	377
Total	193	1308	617	546	90%	762

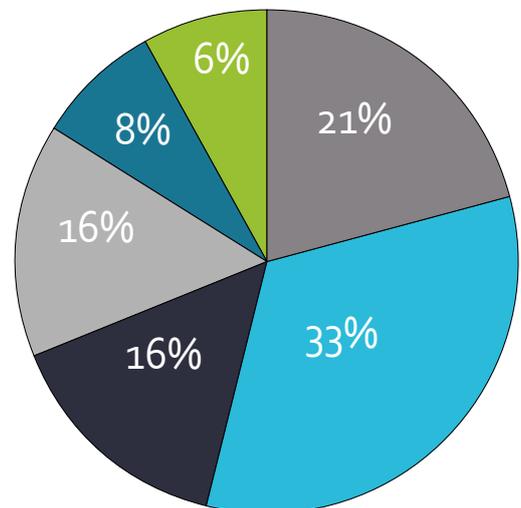
* There are a number of reasons why detained persons (DPs) are not visited. They may refuse a visit, or the police may advise not to for health and safety reasons or they may be "not available" e.g. in interview, asleep, or the individual was being processed or providing fingerprint/DNA samples.



DAYS VISITS TOOK PLACE

TIMES VISITS TOOK PLACE

- 07:00 - 10:00
- 10:00 - 13:00
- 13:00 - 16:00
- 16:00 - 19:00
- 19:00 - 22:00
- 22:00 - 07:00



VULNERABLE DETAINEES

Protecting Juveniles and other Vulnerable Persons

It is widely accepted in policing that there is a need to reduce the number of juveniles and vulnerable people in custody and Norfolk Constabulary takes a positive approach to this. Its aim is to release detainees from custody in a healthier position than they arrived so they are better equipped to change their behaviours and lifestyle choices. Various diversion and support services are available to detainees through partnership working, which are based upon need and vulnerability.

NHS Liaison and Diversion

NHS Liaison and Diversion (L&D) services identify people who have mental health, learning disability, substance misuse or other vulnerabilities when they first come into contact with the criminal justice system as suspects, defendants or offenders. The service can then support people through the early stages of the criminal system pathway, refer them for appropriate health or social care or enable them to be diverted away from the criminal justice system into a more appropriate setting if required. All Norfolk PICs have L&D staff embedded in order to maximise opportunities to assist individuals.

Project Nova

Norfolk Constabulary also supports Project Nova which supports veterans who have been arrested and enter police custody or who are referred by specialist police teams, or other statutory organisations because they are at risk of arrest.

The WONDER Project

Female offenders coming into contact with our criminal justice system can be some of the most vulnerable and disadvantaged women in society. All women engaging with Women Offenders of Norfolk Diversion, Engagement and Rehabilitation (WONDER) project will meet with a project link worker, who will assess their individual needs and develop a tailored support and development plan for addressing those needs.

The ICVs will always prioritise seeing vulnerable people during their visits, especially when custody is busy and they are unable to see all detainees. If ICVs are unable to see a detainee due to that vulnerability, then they are able to review their custody record on their behalf to ensure that all of their rights and entitlements are being upheld and that they are receiving appropriate care. If a detained person is unable to be seen, the ICVs will always endeavour to make a safe observation of them.

At present, the ICVs note the number of females, non-English speaking and juvenile detainees and the total number they do see. For 2020/21, we are refining our data collection around vulnerable detainees and reviews of their custody records which will allow more detailed reporting.

Vulnerable persons overview			
Category	Number available to be seen	Number seen	% seen
Juvenile	27	21	78%
Non English speaking	65	55	85%

TERRORISM ACT

Anyone arrested under the Terrorism Act (TACT) may be detained for up to 14 days and there are provisions within the estate for anyone so arrested. They are also entitled to receive visits from ICVs, however the ICVs themselves are specially selected to perform this role and have to undergo additional training.

During the course of the year, one Norfolk ICV was selected to become a TACT ICV and after their training have now taken their place on a rota with colleagues to provide cover for the whole of the Eastern Region.

All ICVs visiting TACT detainees report nationally to the Independent Reviewer of Terrorism Legislation (IRTL).

ISSUES REPORTED FROM CUSTODY VISITS

Even though Norfolk Constabulary have to deal with some of the most vulnerable people in society, serious incidents within police custody are thankfully rare. The Constabulary runs a very robust 'Safer Detention' reporting process, details of which are shared with the Scheme Administrator. There is also a process for immediate notification should the incident be of a serious note.

ICVs will always try to determine if a detained person is happy with their treatment received whilst in custody and this is then fed back to the Scheme Administrator. In turn, the Constabulary is updated where there are any adverse comments as well as (importantly) any positive comments.

As a result of the conversations that ICVs have had with detainees, a number of requests were raised and passed on to custody staff. This included requests such as additional drinks, blankets and to speak to their solicitors or family members.

It is noted by ICVs that, almost without fail, the standards of care provided and the respect and dignity offered to the detainees is exemplary, but naturally some issues will be highlighted.

During the course of the year a trend emerged that over busy weekends, some detainees who had been detained for several days were not always offered a shower. This was raised at Inspector level to ensure these requests are met where possible and we continue to monitor this issue.

In August 2019, legislative changes were made to the Police and Criminal Evidence Act to ensure that all police forces make special provisions for female detainees. It is now the law that they are all able to speak privately to a female officer/member of staff and that they have proper access to sanitary supplies. After some initial issues with stock, there is now a good provision and variety of sanitary products available. ICVs will not only check stock levels but enquire with female detainees that they are aware of their entitlements.

It was highlighted on occasion that overnight 'Reviews of Detention' were not being communicated to detained persons in line with the requirements of Police & Criminal Evidence Act. This was addressed at Command level and the Constabulary implemented changes and provided additional training to staff to address this issue.

POLICE RESPONSE

The vast majority of issues raised by ICVs are dealt with informally between the ICVs and the custody staff, but there are however clear protocols should a matter not be resolved or a wider thematic issue is discovered.

- ICVs raise issue with Custody Sergeant
- Scheme Administrator discusses issue with Inspector responsible for the relevant PIC
- Scheme Administrator discusses issue with Chief Inspector for Custody
- PCC raises issue with Chief Constable through their governance and performance meetings.

COLLABORATION

Good working relationships are maintained with the Office of the Police and Crime Commissioner for Suffolk and both schemes share similar working processes and policies due to the nature of the collaborative Custody Command. Norfolk and Suffolk share training opportunities for ICVs. Norfolk also works alongside regional colleagues from the East of England (Bedfordshire, Cambridgeshire, Essex and Hertfordshire). The Scheme Administrators from these regions meet on a quarterly basis to share experience and best practice. The region is represented by Bedfordshire at the Independent Custody Visiting Association (ICVA) national level. An annual regional conference is also held and in 2019 it was hosted by Suffolk. In addition to the training, it is an excellent opportunity for ICVs to meet with peers from around the region sharing experiences, views and ideas.

INDEPENDENT CUSTODY VISITING ASSOCIATION

ICVA is a Home Office and PCC-funded organisation set up to lead, support and promote local independent custody visiting schemes.

Lead – ICVA provides leadership to ICV schemes in the UK, helping to define their aims and ensuring that schemes remain up to date in policing. As members of a number of nationwide groups, ICVA will use this platform to lead schemes on changes to the custody arena.

Support – ICVA plays a crucial role in supporting local schemes and their administrators and provides effective, timely and consistent support to them. This covers a range of activities but the aim is to ensure all schemes have the tools they need to be able to deliver effective oversight of detained persons' rights, entitlements and wellbeing.

Represent - ICVA has an ongoing national role to represent ICV schemes as an integral part of policing.

In October, our Scheme Administrator was invited to London to meet with ICVA to consult on the feedback received around the previous year's Quality Assurance Framework (QAF) process. This work was invaluable in setting out the programme for the 2020/21 QAF evidence levels.

For more information regarding the work of the Independent Custody Visiting Association (ICVA), visit www.icva.org.uk or follow [@CustodyVisiting](https://twitter.com/CustodyVisiting) or [@projectICVA](https://twitter.com/projectICVA) on Twitter.

NATIONAL PREVENTATIVE MECHANISM

Independent Custody Visiting forms part of the National Preventative Mechanism (NPM), the body that oversees the regulation of all detention settings within the UK. The NPM was established when the Human Rights treaty, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) was ratified in 2002.

For more information please visit: -

<https://www.nationalpreventivemechanism.org.uk/>
<https://www.nationalpreventivemechanism.org.uk/opcat/opcat/>

TRAINING

As well as their visiting, many ICVs assist in other areas of work.

Norfolk Constabulary set up an independent scrutiny panel to review the circumstances in which some detainees are strip-searched. Each quarter, ICVs review the circumstances of a number of strip searches, checking on legality and proportionality and reporting back to the Constabulary. They have reported back that the Panel's observations have had a positive effect on the standards of recording and justification for this intrusive power.

One of the ICVs from the Aylsham Panel has also regularly presented a session on Custody Visiting to the Custody Sergeants and Detention Officers course during this year, ensuring that all newly-trained staff are aware of what Independent Custody Visiting is and how it works across Norfolk.

Training for new ICVs is carried out when they first join the scheme and utilises the training model provided by the Independent Custody Visiting Association (ICVA). ICVs then remain under a programme of continuous professional development. Each month, in their regular newsletter, they will receive notifications of any national developments in custody visiting as well as any legislative changes relevant to their role.

ICVA also continues to produce its 'Bitesize' training modules which focus on specific areas of custody visiting, such as mental health and children in custody.

In December, ICVs attended a bespoke training session aimed at increasing their all-round knowledge of policing which included inputs on firearms, police control rooms and dealing with those who are mentally unwell.

One of the highlights of the year was seeing the Norfolk Scheme receive its Quality Assurance Framework award from ICVA. ICVA has set out detailed standards to which all schemes nationally aspire. Every two years they have to provide detailed evidence of their compliance with the standards and present it to ICVA. The Norfolk Scheme received their award (Code Compliant level) and were presented with it in a ceremony at the House of Lords in May. In the picture, the ICVA Chief Executive Katie Kempen is presenting the award to Scheme Administrator Simon Atherton and ICV Coordinator Sue Harrowing.



WANT TO KNOW MORE?

Custody Visiting continues to be essential in providing independent scrutiny of the treatment of detained persons and the conditions in which they are held. If you would like to know more, or are interested in becoming an Independent Custody Visitor please contact:

Independent Custody Visiting Scheme Administrator, Office of the Police & Crime Commissioner for Norfolk, Jubilee House, Falconers Chase, Wymondham, NR18 0WW.

Telephone: 01953 423851

Email: opccn@norfolk.pnn.police.uk

For more information on the role of ICVs or that of the Police and Crime Commissioner for Norfolk, please visit www.norfolk-pcc.gov.uk or find us on Twitter [@NorfolkICV](https://twitter.com/NorfolkICV)