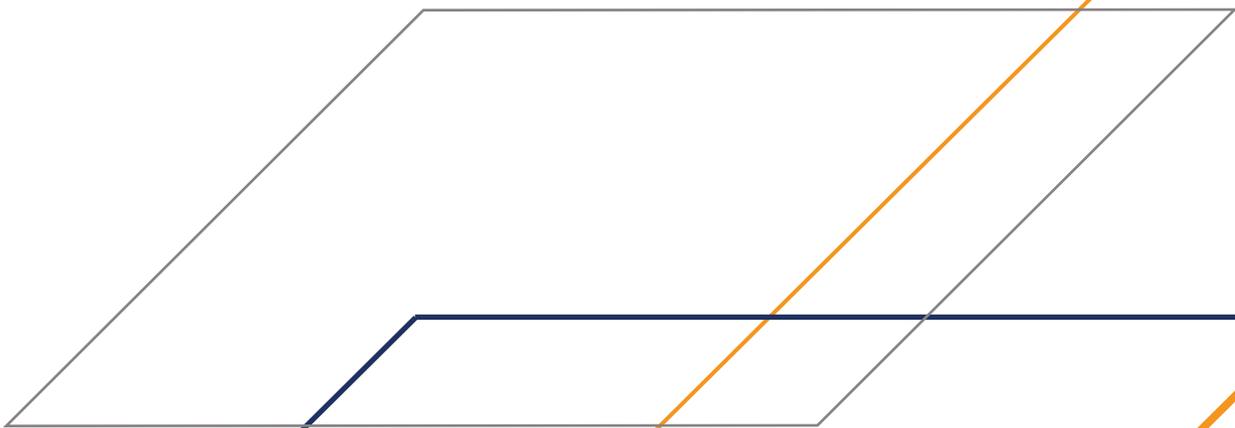


# Independent Custody Visiting Annual report 2020/21



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# Introduction

Giles Orpen-Smellie  
Police & Crime Commissioner for Norfolk

The Independent Custody Visiting scheme is one of those voluntary arrangements that one hears little about, and yet it provides an essential service to Norfolk and to Norfolk Constabulary.

The year covered by this report will, I hope, be like no other in that it was dominated by the Covid pandemic with its associated lockdowns and other constraints on our lives. Nevertheless, while the number of people detained by the police was twenty per cent lower than usual, there were still some 14,000 people who were detained in Norfolk. Policing continued, and the Constabulary's work in enforcing the law and maintaining good order inevitably meant that people continued to be detained. Therefore, the requirement for detainees to be visited by Independent Custody Visitors (ICVs) also continued and, while new arrangements to enable this had to be made, visits continued despite the pandemic.

A scheme such as this is dependent on the commitment and quality of the volunteers who give up their time to provide the service. It is a measure of the volunteers we have that, despite the challenges arising from the pandemic, the scheme was able to keep going. It is also a measure of the volunteers that we have that the scheme continues to be delivered in such a constructive manner. The staff in the custody suites are often busy and faced with potentially complex issues; and yet the relationship with the ICVs is sound, with both sides responding constructively to the other in the interests of those who have been



detained. Some of these detainees are juveniles or vulnerable adults whose interests and wellbeing may need particular care. The potential for friction between custody staff and ICVs could be high and yet the professional manner in which ICVs go about their business is such that they have earned the trust and respect of the Constabulary they support.

I would like to thank and congratulate all the volunteers for their work as ICVs. Four have stood down during the period of this report, and I wish them well in whatever comes next. Looking forward, we are ready to welcome a number of new ICVs, and it is a pleasure to welcome them knowing that they are the future of the ICV scheme.

## Paul Sanford Temporary Chief Constable, Norfolk Constabulary

We have seen unprecedented challenges over the last year which have affected people globally. As this report details, Independent Custody Visitors have continued to provide a vital service throughout the year for which we are very grateful. Visitors provide a crucial level of scrutiny and assurance that detainees are being looked after and supported whilst in custody and I am committed to ensuring that the Constabulary continue to listen and act on the issues they raise.

We are seeing increasing levels of vulnerability in our custody areas with detainees presenting complex needs and requirements for support on a daily basis. We will require the support of our partners, particularly those responsible for mental health provision, to ensure that custody suites remain safe and are only occupied by those who should be there. The role of visitors is crucial to this and I am very appreciative of the time volunteers give to the scheme. Thank you and I look forward to continuing with the high level of support and provision of service for people in our Police Investigation Centres.



## Chief Inspector Nick Paling Head of Custody for Norfolk & Suffolk Constabularies

Norfolk and Suffolk have six Police Investigation Centres (PICs) across the two counties and I am incredibly proud to be the head of this important department. I took command of this position in September 2020 following a long career in local policing. The facilities we operate in create a professional environment for criminal investigations and are recognised as being amongst the best in the country.

In the last 12 months Custody has continued to operate throughout the Covid pandemic. Everyone involved in our operation has responded positively to this challenge and this has enabled us to remain open and available to support colleagues investigating crimes in the county of Norfolk.

Throughout the pandemic, the dedicated team of Independent Custody Visitors has remained committed to their role and continued to speak with detainees throughout. I really welcome the scrutiny our ICVs provide me on our operation and I am always grateful for their honest feedback as it allows me to continue to deliver a first-class custody provision.

As we begin to look at Covid in the rear-view mirror, I am looking forward to implementing several improvements to our operation which will improve the custody experience for all.



## 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 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 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. A copy of the report is then forwarded onto the Scheme Manager.

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: 1 April 2020 to 31 March 2021

### Overall numbers of detainees

Police Investigation Centre	Detainee numbers
Aylsham	1,739
Great Yarmouth	3,808
Kings Lynn	3,995
Wymondham	4,613
<b>Grand total</b>	<b>14,155</b>

### Ethnicity of detainees

Ethnicity	Number of detainees	Percentage of overall detainees
White – North European	12,085	85.4%
White – South European	359	2.5%
Black	636	4.5%
Asian	194	1.4%
Middle Eastern	61	0.4%
Chinese, Japanese or South East Asian	22	0.2%
Unknown/not stated	798	5.6%
<b>Grand total</b>	<b>14,155</b>	<b>100%</b>

## Gender and age of detainees

Age profile	Male	Female	Not recorded	Grand total	Male	Female	Not recorded
0–10	0	0	0	<b>0</b>	0.0%	0.0%	0.0%
10–17	710	184	6	<b>900</b>	5.0%	1.3%	0.0%
18–25	2,617	477	4	<b>3,098</b>	18.5%	3.4%	0.0%
26–35	3,630	707	9	<b>4,346</b>	25.6%	5.0%	0.1%
36–45	2,484	563	6	<b>3,053</b>	17.5%	4.0%	0.0%
46–55	1,498	310	2	<b>1,810</b>	10.6%	2.2%	0.0%
56–65	531	112	4	<b>647</b>	3.8%	0.8%	0.0%
Over 65	199	28	74	<b>301</b>	1.4%	0.2%	0.5%
<b>Grand total</b>	<b>11,669</b>	<b>2381</b>	<b>105</b>	<b>14,155</b>	<b>82.4%</b>	<b>16.8%</b>	<b>0.7%</b>

## Proportionality – Census 2011

Census ethnicity	Total	Proportionality
White	12,444	1.00
Asian	194	0.99
Black	636	9.18
Other	881	4.79
<b>Grand total</b>	<b>14,155</b>	

## Norfolk ICV scheme

As of 31 March 2021, there are 18 ICVs participating in the scheme across the County. These ICVs are split into four panel groups, each one serving one of the PICs. Each panel nominates a co-ordinator 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 Manager and local PIC Inspector three times per year and the co-ordinators meet a further two times per year with the Scheme Manager 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 community, taking account of different ethnic origins, gender and age ranges. When new volunteers are recruited consideration is given to preserving and enhancing this representation.

## Norfolk icvs data

### icvs gender

Gender	Number
Male	8
Female	10

### icvs with a disability

Disability	Number
Disability	2

### Ages of ICVs

Age	Number
18–30	0
31–45	0
46–60	4
61–75	11
75+	3

### icvs ethnic group

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

Norfolk ICVs ethnic group	Number	Norfolk population ethnic group <sup>1</sup>
White British	16 (89%)	92.4%
White Other	2 (11%)	3.5%
Asian: Indian	0	0.5%
Black: African	0	0.4%
Other: any other ethnic group	0	0.1%

<sup>1</sup> Source: ONS data 2011

## Custody visiting and the Covid pandemic

It is fair to say that the pandemic has presented the scheme with its biggest challenge since inception. This is replicated across all schemes nationally.

A good proportion of the scheme's volunteers are over 60 years old and as such were immediately identified as those most at risk from Covid. Throughout the duration of the reporting period, many ICVs have remained isolated and unable to carry out any duties.

As well as reduced numbers of ICVs to keep the scheme operating, we have also had to support the whole team throughout the pandemic, ensuring they remained engaged and motivated as well as supporting those who have had to remain at home whilst they continue to self-isolate.



## Lockdowns and custody visiting

The Norfolk scheme first suspended its visiting on 16 March 2020, and this went through until the end of June. We know now that this first lockdown was the most impactful with virtually the whole of the population staying at home. There was no physical visiting at all during this period but with the support of the Custody Chief Inspector, we received fortnightly reports on how Custody was functioning. This included how detainees were being supported and protected as well as matters such as PPE, cleaning and staffing levels.

The scheme was able to recommence visiting on 1 July when the first lockdown was easing. Ahead of this a full risk assessment was carried out and PPE levels agreed ensuring the maximum protection for the ICVs carrying out the visits.

This initial return to visiting went very well, and many of the visits were busy as life in general saw some return to normal. However, throughout October Covid cases started to rise again and visiting was suspended on the 20 October ahead of the second national lockdown.

As this further suspension had been anticipated, we had prepared alternative methods of monitoring for the ICVs. As well as the continued high-level reports from the Constabulary, ICV Coordinators were ringing their own PICS and getting real-time reports on current detainees. They were able to check on the normal matters they would on a physical visit such as rights and entitlements, regular meals, solicitors and support for the most vulnerable.

These calls became a vital part of the monitoring process as despite the lifting of restrictions and resumption of visiting at the start of December, an increase of cases in the region meant that on 24 December we had to suspend visiting for a third time.

Determined to ensure we had the best monitoring possible in place, we continued to refine the process and at the start of 2021, arrangements were made for detainees to be spoken to directly on the telephone by ICVs. Even though there were plenty of logistical issues, this process was well received and accepted as the next best thing to physical visiting.

By the end of the reporting period, the third lockdown was finishing, and the vaccination programme meant most ICVs were double-vaccinated and were preparing for a full return to visiting. With the country starting to recover and the Constabulary delivering a full service, the work done throughout lockdown means the scheme and its ICVs are fully prepared for the year ahead.

## Visiting statistics

This year's report includes improved data, giving clearer details of those detained by Norfolk Constabulary in terms of ethnicity, age and gender. Although visiting data has been somewhat skewed this year due to the pandemic, going forward this will allow us to see how we are doing in terms of visiting the more vulnerable detainees by comparing our visiting data to the detainee data.

The statistics for 2020/21 show a reduction in detainee numbers from over 17,000 to just over 14,000 – an 18% reduction. With three suspensions of visiting and a reduced pool of icvs available, the scheme has done well to provide a creditable monitoring programme and demonstrate satisfactory visiting statistics.

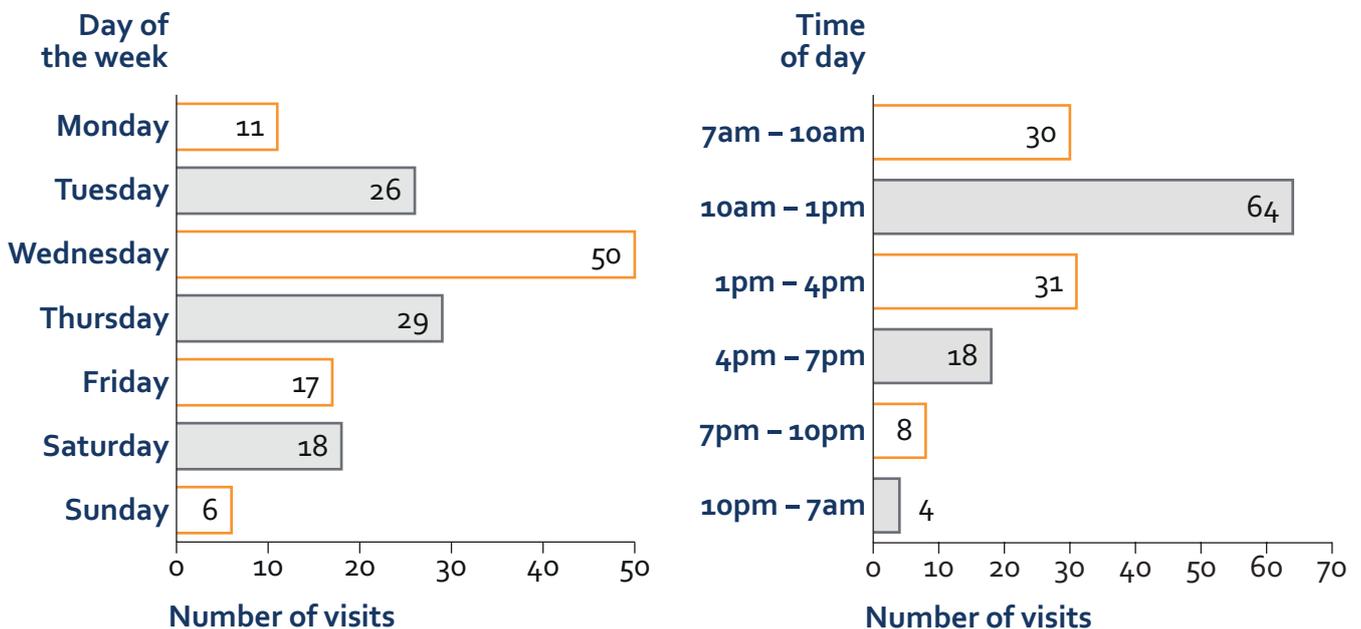
For this report, where an icv has seen a detainee, spoken to them on the phone or discussed their detention with the Custody Inspector this has been recorded as a visit undertaken. The number of detainees seen relates either to seeing them or speaking to them on the phone.

## Breakdown of visits – 1 April 2020 to 31 March 2021

	Aylsham	Great Yarmouth	King's Lynn	Wymondham	Total
Visits undertaken	43	39	34	41	157
Detainees held (at time of visit)	101	220	206	327	854
Detainees available to visit	21	71	57	103	252
Detainees visited	21	62	54	99	236
Percentage of available detainees visited	100%	87%	95%	96%	94%
Detainees not visited <sup>1</sup>	80	158	152	228	618

1 There are a number of reasons why detained persons are not visited. They may refuse a visit, the police may advise not to for health & safety reasons or they may not be available eg in interview, asleep, being processed or providing fingerprint/DNA samples.

## Days and times visits took place



# 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 with 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 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 WONDER+ 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.



## Vulnerable persons – overview

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 detainee is unable to be seen (asleep, advised against a visit etc), the ICVs will always endeavour to make a safe observation of them.

For 2020/21, we refined our data collection around vulnerable DPS and ICVs now note the number of juveniles, non English-speaking and female detainees available to visit and the number they do see. We continue to review our data collection and continue to see as many vulnerable detainees as possible.

### Vulnerable person overview

Category	Number of detainees	Detainees available to be seen	Visited detainees	Percentage visited
Juvenile	38	15	15	100%
Non English-speaking	62	18	13	69%
Female	105	40	38	96%

## Detainees and the 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 must undergo additional training. We have one Norfolk ICV trained as a TACT ICV and they are on a rota with colleagues to provide cover for the whole of the Eastern region.

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



## Issues reported from custody visits

Norfolk Constabulary continue to deal with some of the most vulnerable people in society and serious incidents within police custody are rare.

The Constabulary however maintains a robust 'Safer Detention' reporting process, and details of any incidents affecting the safety and wellbeing of detainees are shared with the Scheme Manager. There is also a process for immediate notification should the incident be of a serious nature.

ICVs will always try to determine if a detainee is happy with the treatment received whilst in Custody and this is then fed back to the Scheme Manager. In turn, the Constabulary are 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, several 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 DPs is exemplary, but naturally some issues will be highlighted.

Continuing from last year, issues around the overnight 'Reviews of Detention' being communicated to DPs in line with the requirements of Police & Criminal Evidence Act (PACE), continue to be noted. However, the Constabulary have taken further measures to address this through magnetic signage for the cell doors and also improved reporting procedures to Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS).

## Police response

As is highlighted above, 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 be discovered.

- > ICVs raise issue with Custody Sergeant
- > Scheme Manager discusses issue with Inspector responsible for the relevant PIC
- > Scheme Manager 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 (OPCCs) and both schemes share similar working processes and policies due to the nature of the collaborative Custody Command. Norfolk and Suffolk also share training opportunities for ICVs.

In addition to Suffolk, Norfolk also works alongside regional colleagues from the East of England (Bedfordshire, Cambridgeshire, Essex and Hertfordshire). The Scheme Managers from these regions meet on a quarterly basis to share experience and best practice.

Although the proposed joint training sessions for 2021 were postponed due to the pandemic, plans are in place for virtual training sessions in the Summer and Autumn. The schemes will also continue to assess the feasibility to a return to physical training once again in 2022.

# The Independent Custody Visiting Association (ICVA)

ICVA are 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 play a crucial role in supporting local schemes and their Managers and they provide 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 DPs rights, entitlements and wellbeing.

**Represent** – ICVA has an on-going national role to represent ICV schemes as an integral part of policing.

Throughout the reporting period, ICVA have maintained contact with schemes across the country providing advice and support for a return to visiting as well as peer-support network sessions allowing Scheme Managers across the country to meet to share ideas and best practice.

## Training

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 around Custody Visiting as well as any legislative changes relevant to their role.

ICVA also continue to produce their 'Bitesize' training modules which focus on specific areas of Custody Visiting.

Between October and January, our ICVs undertook a detailed programme of training. The topics were children in custody, radicalisation awareness, safeguarding and anti-racism.

ICVs continue to work with the Constabulary on specific scrutiny panels. The current one is reviewing the constabulary's use of force techniques as well as detainee dignity.



## 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 Manager  
Office of the Police & Crime Commissioner for Norfolk  
Jubilee House  
Falconers Chase  
Wymondham  
NR18 0WW

Telephone: 01953 423851

Email: [opccn@norfolk.pnn.police.uk](mailto: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](http://www.norfolk-pcc.gov.uk) or find us on Twitter [@NorfolkICV](https://twitter.com/NorfolkICV)

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

## 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 about the [National Preventative Mechanism](#), please visit the dedicated website.

More information about the [Independent Reviewer of Terrorism Legislation](#) can be found on their website.