



# Scheme for independent custody visiting to police custody suites in Lincolnshire

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## Section 1: Background

1. Custody visiting to police stations owes its origin to Lord Scarman, whose report on the Brixton riots in 1981 recommended a system of independent, unannounced inspection of procedures and detention in police stations by local community members. The main reason was to counter growing mistrust of the police and to increase their accountability to the general public. Whilst Scarman advocated a statutory arrangement, Home Office ministers approved a Lay Visiting system, which was non-statutory.
2. In 1983 the Home Office produced provisional guidance and pilot Lay Visiting schemes were set up in Lambeth and six provincial police authority areas: Cheshire, Greater Manchester, Humberside, Leicestershire, South Yorkshire and West Midlands. Lay Visitors in Lambeth and Cheshire were recruited from members of the public, but in the other five areas they were appointed from the elected members of the police authorities. These pilot schemes were reviewed during 1984 and more London groups, called 'Panels', were set up in 1985 in North Westminster and Hammersmith and Fulham, based on the Lambeth model.
3. Locally, the former Lincolnshire Police Committee established a Lay Visiting Panel within the City of Lincoln in January 1988. By the beginning of 1989, further Panels were established within the towns of Boston, Grantham, Skegness, and Gainsborough.
4. A Home Office report published in June 1990 concluded that the most effectively operated Lay Visiting schemes recruited volunteers directly from the general public.

The report recommended, amongst other things:

- revising guidance to provide clearer advice about recruitment and clarifying grey areas such as Lay Visiting procedures and access to detainees;
  - better communication between Lay Visiting schemes in London and the provinces;
  - that there should be regular conferences;
  - the creation of an independent national agency to promote good practice.
5. In the wake of this report and after extensive consultation with the Metropolitan Police, the Association of Chief Police Officers (ACPO), local authority associations and Lay Visitors, the Home Office issued detailed revised guidance to London Lay Visitors in July 1991. Subsequently Home Office Circular 4/92 was issued to provincial police committees in January 1992 advising Lay Visiting scheme revisions.
  6. The recommendation of a national agency resulted in the formation of the National Association for Lay Visiting, whose inaugural conference was held in May 1993.
  7. In 2001, a working party that consisted of all interested parties issued further detailed guidance on how to administer a Lay Visiting scheme and carry out a Lay Visit and

recommended the change of name from Lay Visiting to Independent Custody Visiting. The new guidance also led to the removal of police authority members as Independent Custody Visitors to maintain the independence of the Independent Custody Visiting Scheme.

8. As a result of extensive lobbying and the support of Home Office officials and ministers, the Police Reform Act 2002 paragraph 51 placed a statutory obligation on former Police Authorities to have in place an effective Scheme. The Act was supported by a Code of Practice and National Standards developed jointly by the Home Office and the ICVA.
9. In November 2012, Police Authorities were abolished and replaced by directly elected Police & Crime Commissioners under the Police Reform & Social Responsibility Act 2011. The responsibility for having in place an effective Scheme was transferred to Commissioners under Schedule 16, part 3, paragraph 299 (i) of the Act.
10. Today, Independent Custody Visiting has a number of connected purposes. First, and most obviously, it offers an extra level of protection to detainees by providing independent scrutiny of their treatment and the conditions in which they are held. By giving approved members of the local community an opportunity to observe, comment and report on these matters, it can reassure the community, improve citizens' understanding of procedures at police stations and strengthen their confidence that these are being 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. Furthermore, it can improve police management of their own performance by pointing out areas where problems have occurred and which may have implications for policy, training, communications or the daily work of officers responsible for custody at police stations.
11. Independent Custody Visiting is an extremely important aid for the Police and Crime Commissioner in fulfilling his/her responsibility of ensuring that policing in the County 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.

## Section 2: Organisation and infrastructure

1. The Police and Crime Commissioner (“the PCC”) for Lincolnshire has a statutory duty under section 51(1) of the Police Reform Act 2002 and schedule 15, part 3 paragraph 163 of the Police Reform & Social Responsibility Act 2011, for organising and overseeing the delivery of Independent Custody Visiting in Lincolnshire, in consultation with chief officers. The PCC is required to ensure that robust and effective procedures for establishing and maintaining an independent custody visiting scheme are in place, including the allocation of appropriate resources to this function.
2. The day-to-day operation and management of the Scheme is the responsibility of the PCC’s Corporate Administration Officer. The role includes:
  - publicising the work of the Lincolnshire Independent Custody Visiting Scheme (“the Scheme”);
  - developing policies and procedures to maintain and enhance the effectiveness of the Scheme;
  - ensuring the maintenance of appropriate organisational arrangements and visiting patterns;
  - overseeing the recruitment, approval and training of Independent Custody Visitors (“Visitors”);
  - establishing and maintaining effective systems for feeding back to the PCC on a regular basis the output from visits, and putting in place the necessary action to respond to issues as they arise;
  - facilitating meetings of Visitors to discuss their work and issues arising from it;
  - monitoring performance against the agreed frequency of custody visits.
3. This handbook provides more detailed guidance on the Custody Visiting arrangements within Lincolnshire.

## Section 3: Police stations covered by the scheme

1. In Lincolnshire, the majority of Independent Custody Visits (“visits”) are made to Police Stations designated under Section 35 of the Police and Criminal Evidence (PACE) Act 1984 as stations to be used for the detention of arrested persons. These are as follows:
  - Lincoln Lane, Boston
  - Stonebridge Road, Grantham
  - Park Avenue, Skegness
  - West Parade, Lincoln
  
2. A smaller number of visits are also undertaken at police stations that have restricted opening hours. These are as follows:
  - Boston Road, Sleaford
  - Eastfield Road, Louth
  - Westlode Street, Spalding

### Notes:

- Louth police station is used for the detention of persons held under the Terrorism Act 2000 (TACT).
- Sleaford police station has a forensically cleansed and sealed cell for the detention of individuals arrested on suspicion of murder.

## Section 4: Visits

### Panels

1. The following panels have been established to facilitate independent custody visits to custody suites in Lincolnshire:
  - West Panel - visiting Lincoln custody suite
  - East Panel - visiting Skegness and Louth custody suites
  - South West Panel - visiting Grantham and Sleaford custody suites
  - South East Panel - visiting Boston and Spalding custody suites

### Visiting rota

2. The Office of the Police and Crime Commissioner (“the OPCC”) is responsible for circulating a quarterly visiting rota to all Visitors in advance.
3. Visit rotas randomly pair Visitors together. Each pair is responsible for visiting identified custody suites during a specified time period. Partners or close relatives serving on the same Panel will not normally be paired together. The PCC does not consider such pairing to be good practice as it could be seen to jeopardise the operational independence and the integrity of the cross checking function. Visitors cannot request who they are paired with and cannot refuse to be paired with another Visitor.
4. Times and days that visits are made will be monitored by the OPCC and Panels may be asked to try to vary these if there is insufficient variation or an obvious pattern emerges which could lead the Force to expect custody visits at particular times/days.

### Frequency of visits

5. Having regard to the need for visits to be sufficiently frequent to meet the objectives of the Scheme, the merit of broad uniformity in arrangements and also the effect which too frequent visiting may have on the operational efficiency of custody suites, visiting will be undertaken on the following basis:

#### Police Stations (24/7 custody suites):

- Boston - minimum 2 visits per fortnight
- Grantham - minimum 2 visits per fortnight
- Lincoln - minimum 2 visits per fortnight
- Skegness - minimum 2 visits per fortnight

#### Police Stations (restricted opening hours):

- Sleaford - minimum 1 visit per quarter
- Louth - minimum 1 visit per quarter
- Spalding - minimum 1 visit per quarter

6. Visitors have the right to undertake their rostered visits at any time of day without giving the relevant custody suite any prior notice. It should be noted that a proportion of visits will be rostered at weekends and late at night (i.e. between 9.01pm and 12.00am).

## Access to police stations with restricted opening hours

7. As the level of cell occupancy at police stations with restricted opening hours varies on a daily basis, Visitors are advised to make contact with the relevant custody suite on the day of a planned visit to ascertain if there are any persons being detained. Visitors can then make an informed decision as to whether to proceed with or postpone a visit. If there are no persons being detained, Visitors may still undertake a visit in order to inspect the custody facilities. In these circumstances, it will be permissible for one of the Visitors to undertake a solo visit.
8. Police stations with restricted opening hours normally have a freephone facility located outside the main entrance for use by members of the public when the front desk is unmanned. The freephone facility is linked to the Force Control Room located at Police Headquarters. When using the telephone, Visitors should give their location and explain the purpose of the visit. The operator will contact the custody suite within the station to ascertain if it is open and to arrange access.

## Additional visits

9. On occasions, Visitors may want to undertake an additional visit, for example, if they have an on-going concern about the welfare of a particular detainee. Visitors must first contact the Corporate Administration Officer (CAO) Tel 01522 947227 or Support Services Officer (SSO) Tel 01522 947192 within the OPCC to seek approval for any extra visits.

## Visits at the request of the police

10. Exceptionally, circumstances may arise where the Force might want to initiate a visit, particularly where there may be public concern about the treatment or wellbeing of a person in custody and where a visit could help allay public fears. The police officer requesting the custody visit will be responsible for contacting the CAO or SSO during office hours, to arrange the visit.
11. Outside office hours, contact will be made directly with the Chair of the relevant Panel who will assume this responsibility.

## Deaths in police custody

12. Where a death in police custody occurs, the Force must inform the PCC as soon as is practicable. Consideration will be given as to whether a visit would be helpful in terms of informing and reassuring the local community. If it is agreed that a visit should be made it will be made on the basis of a clear understanding as to how that feedback to the

community will be achieved. Any visit following a death in custody or some other major incident must not be allowed to interfere with any relevant investigation that may be taking place. There may be circumstances in which the senior investigating officer dealing with such an incident will need to refuse or restrict access to particular areas.

## Other possible roles for visitors

13. Whilst Visitors may also act as Appropriate Adults, they must not switch between those roles during the course of a visit to the same custody suite and must declare if they have previously carried out either role with the same detainee. Visitors may also act as lay observers appointed under the Criminal Justice Act 1991 to inspect the conditions under which prisoners are transported and held.

## Section 5: Working arrangements

### Visiting panels

1. The SSO is responsible for arranging quarterly panel meetings for Visitors to discuss issues arising from visits and other relevant matters. A joint meeting of all four visiting panels will be held in September each year and rotated around each of the panel areas. A representative of the Force (usually the Force custody lead) and Senior Detention Custody Officer for the relevant custody suite will also be in attendance where possible. Meetings will provide an opportunity for Force officers to feedback on action taken as a result of custody visits, and a chance to discuss matters of mutual concern.
2. The CAO will oversee the election of panel Chairs and Vice Chairs in accordance with the election process.
3. Panel Chairs have a clear role description. They will provide leadership and have a pivotal role in team building. They will facilitate meetings and discussions between Panel members and form the interface between Visitors and the PCC. Chairs will also be invited, on a rotating basis, to sit on the Selection Panel for appointing new Visitors and may occasionally be asked to attend information events.
4. The Vice Chair will support the Chair in his/her role within the Panel and stand in for the Chair as required during periods of absence. The main purpose of the role is to provide additional support and continuity for the Panel particularly if/when the Chair is absent.
5. In order to safeguard the integrity of the Panel, the PCC considers it to be good practice for the Chair and Vice Chair not to have any formal relationship to each other outside of the Panel (i.e. are not related, married or domestic or business partners).

### Visiting in pairs

6. Visits will be undertaken by pairs of Visitors working together. Visiting in pairs allows for mutual support and corroboration, a shared understanding of issues and problems that may be encountered and can also contribute to safety in the custody environment.
7. Visits can only be made by Visitors accredited by the PCC. Visitors must not be accompanied by any unauthorised persons.

### Identity cards/lapel badges

8. On appointment to the Scheme, Visitors will be provided with an identification card (time limited to their period of appointment) and a badge. The identification card will function as their approval to visit any police station included within the Scheme. The badge, which does not identify the Visitor, will be worn visibly on the Visitor's outer clothing when moving around the custody suite.

## Access to custody suite

9. On arrival at the public enquiry counter, Visitors will identify themselves and explain the purpose of their visit. Visitors must be admitted immediately to the custody area as any delay will affect the credibility of the Scheme. Access should be delayed only when Visitors may be placed in danger, for example if there is a disturbance in progress in the custody area. It is inappropriate for access to be delayed because custody officers are busy. In such circumstances Visitors should be admitted to the custody area but invited to wait until a custody officer is available to escort them on the visit. A full explanation must be given as to why access has been delayed, which should be recorded by the Visitors in their report.
10. Access should be granted to cells, toileting facilities, washing/showering facilities, medical room (this does not include access to locked drug cabinets), exercise area, detention/interview rooms (if unoccupied), charging area and kitchen/food preparation area.
11. It is not always necessary to inspect stores, but Visitors will want to be assured that suitable arrangements exist for maintaining adequate stocks of mattresses and blankets, and for the cleaning of such items, and for regular replacement of necessary furnishings and equipment.

## Closed Circuit Television (CCTV)

12. Visits must be carried out in person and not by viewing either live or recorded CCTV footage. However, Visitors should satisfy themselves that any CCTV systems installed to observe the custody area or individual cells are operating properly.

## Cells

13. Empty cells should be clean and in a reasonable state of repair and decoration. Room temperature and ventilation/lighting should be adequate. Visitors should satisfy themselves that cell alarm buttons work. There should be sufficient bedding and it must be clean, and the mattress should be the right size for the bed. Check for leaks or mould, unpleasant/pungent smells/fumes and inappropriate graffiti (such as homophobic or racist remarks) on wall/doors. Check for fixed points such as protruding cell hinges that could be used as ligature points.

## Cell block

14. Visitors should be satisfied that the fire alarm works and that there are procedures in place for evacuating the cell area. Check for any safety/security hazards e.g. obstructions in the corridor or any loose items left lying around that could be used as a weapon.

## Toilet facilities

15. Toilets should be reasonably clean and hygienic. Check for leaks, and ensure that the flushing mechanisms work and that toilet seats are in place. Toilet paper should be available.

## Washing/shower facilities

16. Where washing/shower facilities exist, these should be reasonably clean and hygienic. Check water temperature and whether there are any leaks. Check for pools of water on the floor that might cause a slipping hazard. Towels/soap should be changed regularly.

## Kitchen/food preparation area

17. The food preparation area should be reasonably clean, tidy and hygienic. Meals should be checked to ensure that they are not out of date and that there is sufficient choice to cater for religious/special dietary requirements (e.g. diabetics).

## Exercise area

18. The exercise areas should be reasonably clean and tidy. Look out for loose items that could be used as a weapon (e.g. door mats).

## First aid

19. Visitors will want to satisfy themselves that first aid material and trained First Aiders are available in the custody area.

## Medical/surgeon room

20. The Medical Room should be reasonably clean, tidy and hygienic. Check for any drugs/hazardous substances that may have been left lying around and in easy reach. Ensure that the drugs cabinet is locked and that the lid of the sharp box is shut.

### Notes:

- Visitors may not visit CID rooms or other operational parts of the station or attend police interviews with detainees.
- Occasionally, forensic evidence will be collected from detainees for evidential purposes and kept in special sample containers, which are stored in cupboards, fridges, etc. As the collection and preservation of evidence, including equipment used to collect and store samples and any associated procedures are outside the remit of the Scheme (not being directly related to the welfare of detainees), Visitors will not involve themselves in this particular area of operational police work.
- Visitors will not be required to sample prisoner meals as part of their visiting duties. The Force is party to a national contract for the supply of meals and in-cup drinks developed specifically for the custody environment. Occasionally, a panel of

volunteers will be appointed to assess the quality and flavour of such meals. “Tastings” will be organised by the OPCC in conjunction with the Force. Feedback points arising from these events will be passed onto the contract manager.

## Categories of detainee

21. Subject to some exceptions, Visitors must have access to any person detained at a police station. Detainees usually fall into the following categories:

a. PACE Prisoners

These will constitute the vast majority and are held under the provisions of the Police and Criminal Evidence Act 1984.

b. Home Office Prisoners

These are remanded or sentenced prisoners who would normally be held in prison.

c. Immigration Detainees

These are persons held under the Immigration Act 1971 and Immigration and Asylum Act 1999 who are subject to deportation proceedings or who are waiting to be removed from the UK as illegal entrants.

d. People at Risk

These may be persons held under the Mental Health Act 1983 for their own protection or juveniles taken into police protection under the Children Act 1989.

22. Persons detained by non-Home Office police forces such as the British Transport Police are not covered by these arrangements. However, they may be visited with the consent of the force concerned and the spirit of these guidelines should be applied to any such visits.

## Consent to a visit

23. Subject to the exceptions referred to in paragraph 9, Visitors must be allowed access to any person detained at the police station. However, the privacy of the individual must be respected and only persons who consent to a visit may be seen. Conversations between detainees and Visitors must normally take place in sight but out of hearing of the custody officer. If the police consider that the custody officer should remain within hearing, the custody officer must take that decision. Visitors will be responsible for establishing whether the detainee wishes to speak with them. The custody officer will open the cell door and inform the detainee that there are two people who would like to see him/her. The custody officer will exit the cell to allow the Visitors to enter and introduce themselves, explain the purpose of their visit and seek consent for the visit to proceed. Visitors will also seek permission to review the detainee’s custody record.

## Detainee unable to give consent

24. If a detainee is under the influence of drink or drugs to such an extent that they are unable to give consent or otherwise, or is for some other reason unable to indicate willingness or otherwise to be seen, the custody officer should, if the Visitors so desire, allow them access unless it is considered that their safety could be at risk.
25. If the detainee is not suitable to be roused due to use of drink or drugs, the escorting officer should allow access if the Visitors wish to satisfy themselves of the detainees wellbeing. Visitors should usually try to observe the detainee breathing. If the Visitors have cause for concern over the wellbeing of the detainee in these circumstances, they should request for them to be roused.

## Detainee asleep or resting

26. Sleeping detainees can be woken at the discretion of the custody officer to seek consent to a visit. However, where that would involve interrupting the continuous period of eight hours rest provided for under PACE, the normal procedure will be not to wake the person but to observe them through the cell hatch. This procedure also applies to detainees resting under the eight hour rule.
27. When escorting officers apply their discretion in relation to sleeping detainees not in a period of eight hours rest, they will take into account the potential for disturbed detainees to become violent.

## Detainee being interviewed

28. Police interviews with detainees should not be interrupted to facilitate visits. However, Visitors may await the completion of the interview if they wish to see the person concerned.

## Access to custody record

29. All custody facilities within Lincolnshire operate the NSPIS Custody and Case Preparation system. To access the e-custody record it will be necessary for a trained custody officer to open a variety of files on the system before the various elements of the custody record can be viewed. Each part of the record is opened and scrolled on a viewing screen. In some custody suites, a satellite screen has been provided in another room to allow Visitors to view the custody record in relative privacy.
30. Subject to obtaining the detainee's consent to view their custody record, Visitors should check its contents against what they have been told by the detainee. In particular, Visitors will wish to verify:
  - whether entitlements under PACE have been given and signed for;
  - that medication, injuries, medical examinations, meals/diet are recorded;

- that procedures to assess special risks/vulnerabilities presented by the detainee have been properly recorded;
  - the timing and frequency of cell inspections of inebriated or otherwise vulnerable detainees;
  - the timing of reviews of the continuing need for detention.
31. If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption will be in favour of allowing the Visitors to examine the record.

## Medical issues

32. Visitors have no right to see a detainee's medical records, even where these are attached to the custody record. However, key points relevant to medical treatment should be recorded in the custody record itself. Visitors will wish to pay particular attention to detained persons who are suffering from any form of illness, injury or disability. They should satisfy themselves that, if appropriate, medical advice has been obtained and establish from the custody officer what instructions for medical treatment have been given and confirm by consulting the custody record that these instructions have been carried out.

## Access to detainee denied

33. In exceptional circumstances custody officers may limit or deny Visitors access to a specific detainee if authorised by an officer of or above the rank Inspector and where either:
- after a thorough risk assessment has been carried out the officer reasonably believes that to be necessary for the Visitor's safety, or
  - if the officer reasonably believes that such access could interfere with the process of justice.
34. Any decision to deny or limit access must be recorded in the detainee's custody record (together with the relevant authorisation) and on the visit report form.
35. There should be no presumption that access should be denied to any particular category of detainee or because a decision has been made that a person should be held incommunicado. Where any of the circumstances referred to in paragraph 34 apply, consideration should be given to allowing the Visitors some limited form of access to the detainee, such as speaking to them through the cell hatch.

## Security and safety

36. In the interests of security and safety, Visitors will be escorted by a custody officer throughout a visit. Conversations between detainees and Visitors will normally take place in sight but out of hearing of the custody officer. However, Visitors should bear in mind that some detained persons may be violent or under the influence of drink or drugs and that the presence of a custody officer may deter or prevent assaults on the Visitor.

In any case, Visitors must position themselves between the door-way of the cell and the detainee so that they can exit the cell quickly and safely should the need arise.

37. In addition to the risk of violence from detainees, police staff should also be alert to any specific health or safety risks that Visitors might face and should advise them as appropriate. For example, visitors should always be told if there is a possibility of them coming into contact with detainees or cells exposed to CS spray.
38. Visitors should also be mindful of the generic risk assessment produced by the OPCC for custody visiting and any additional guidance.

## Fire alarm

39. A fire alarm or fire alarm test will require all staff and visitors in the police station and custody suite to be evacuated from the premises. Special provisions exist for detainees and the custody staff will deal with this.
40. In such an evacuation, Visitors should follow the instructions of the person designated as the Fire Marshall and should assemble at the place he/she instructs. In the event of an evacuation it is important that Visitors do not leave the police station until released by a member of the custody staff or a member of public enquiry staff who allowed entry to the building.
41. Visitors must only re-enter the building when advised that it is safe to do so. At that time the staff's first priority will be attending to the detainees and there may be some delay before the visit can be resumed.

## Hepatitis C

42. It is unlikely that Visitors will become contaminated by Hepatitis C during their time in custody areas, as it is usually transmitted by means of blood transfusion. Vaccination is not available for this form of Hepatitis.

The definition of contamination is as follows:-

“Blood or body fluids that enter the mouth, nose, ears or eyes or via a human bite that breaks the skin and contact with the skin which has cuts of 3 days old and under.”

43. Visitors are advised to cover all minor abrasions of the hands and wrists with waterproof plasters. Should visitors become contaminated, it is recommended that they visit their GP, Practice Nurse or Hospital Accident Emergency Department within 36 hours.

## Hepatitis B

44. It should not be necessary for Visitors to be immunised against Hepatitis B since they do not come into direct contact with blood and body fluids.

45. Visitors may wish however to seek advice from their own Doctor about this and other appropriate immunisation.

## Detainees subjected to CS spray

46. Visitors may in the course of their visits encounter detainees who have been sprayed with CS spray during their arrest. The custody officer should advise Visitors when there is a possibility of cross contamination. Visitors should not enter the cells of contaminated detainees until such time as decontamination has been carried out.
47. Visitors are encouraged to check the health and wellbeing of such persons. If the detained person is suffering due to the after effects of CS spray, they should bring this to the notice of the custody officer who has responsibility for seeking medical assistance.
48. If a Visitor becomes cross-contaminated, they should go to a well-ventilated area to recover or if they feel unwell or are concerned regarding their wellbeing, they should seek medical advice.

## Conversations with the detainee

49. Conversations will focus on checking whether or not detainees have been offered their rights and entitlements under PACE and on confirming whether the conditions of detention are adequate. Visitors should satisfy themselves that the detainees have had their statutory rights explained and that they have been given the written notice of those rights. They should also be satisfied that detainees have received those facilities to which they are entitled under Code C of PACE Act 1984.
50. Visitors should be aware that the detainee may be from a background where there may be cultural sensitivities concerning how they interact with some one of a different gender or who they perceive to be of a markedly different age or social standing to themselves. Visitors will treat all detainees cordially and with respect, in accordance with principles of equality during any interaction.
51. Visitors will be primarily concerned with the overall conditions, standards and procedures at police stations. However, immediate concerns about the treatment of particular individuals should be passed on to those in a position to take corrective action. If a detainee indicates that they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.

## Contact with people outside the police station

52. Visitors must not agree to any request from a detainee to make contact with anyone outside the custody suite. Neither must they agree to pass on a message to any other detainee within the police station. Visitors must immediately notify the custody officer of any such requests.

## Impartiality

53. Visitors must remain impartial and should not seek to involve themselves in any way in the process of investigation. If detainees press them for advice about co-operating with the police, making a statement or anything in relation to their defence, they should explain that it is not part of their role. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the Visitors must inform the detainee that they cannot discuss the case and that they are required to report anything said to them about the case to the officer in charge. If the detainee's concerns are linked to not yet having received legal advice that is something the Visitors should raise with the custody officer.
54. Visitors must not pass messages for detainees or perform other tasks on their behalf as this might compromise impartiality or the interests of justice.

## Detainee known to visitor

55. If a Visitor realises they know or are known by a detainee, they should consider whether to withdraw from the visit. The decision will depend on the nature of the relationship and its likely effect on the Visitor's impartiality. If a Visitor decides to voluntarily withdraw from a visit, their partner must also withdraw as visits can only be conducted in pairs.

## Cells with double occupancy

56. On occasions more than one person may be detained in the same cell. Lincolnshire Police have issued guidelines to custody officers to be followed when deciding whether or not to double-up detainees in a cell. If Visitors encounter two persons held in one cell, they may introduce themselves to the two detainees at the same time. If one or both individuals agree to receive a visit, each one must be held in private. The second person must, therefore, be removed temporarily from the cell until the visit has been completed or the discussions held in another part of the custody suite. This process will then be repeated if the second person has also agreed to be visited.

## Remand and sentenced prisoners

57. From time to time, due to operational constraints experienced by the prison service, Visitors may see remand and sentenced prisoners housed in police cells for short periods of time. Prisoners held in police cells have different rights to detainees subject to PACE, however for visiting purposes Visitors should consider PACE sections 8 (Conditions of Detention) and 9 (Care and Treatment of Detained Persons) as a minimum standard and seek to ensure that all detainees are treated with regard to these provisions.
58. If a prisoner requests something outside of the entitlements provided under PACE, Visitors should report their request to the custody officer. Certain normal rights and entitlements for convicted or remand prisoners may not be feasible within a police setting, so Visitors should avoid promising anything, but should simply undertake to report the request.

59. Prisoners may seek to complain about conditions in prison or the treatment they have received there. Visitors must not involve themselves in such matters. There are recognised grievance procedures which prisoners should be aware of such as writing to, or petitioning, the Home Secretary, or writing to their solicitor or Member of Parliament.

## Non-English speaking detainees

60. Visitors who need to converse with detainees who do not speak English will have access to an interpreter through the Language Line facility.
61. Sometimes it may be possible to conduct a visit in another language spoken by the detainee, if one of the Visitors is fluent in that particular language. However, in such circumstances care must be taken to ensure that the other Visitor present is kept informed about what is being said.

## Juveniles

62. Juveniles should not be placed in cells unless no other secure accommodation is available and the custody officer considers that it is not practicable to supervise them if they are not placed in cells. If a juvenile is kept in a cell, Visitors should seek an explanation from the custody officer and check that this has been recorded on the custody record. Juveniles should not be placed in the same cell as an adult.
63. Juveniles may be spoken to with their own consent. It is not necessary to obtain the additional consent of a parent or guardian. If an Appropriate Adult is in attendance to support a juvenile or vulnerable person, the detained person's wishes should be sought and respected as to whether the Appropriate Adult should attend any visit.

## Female juveniles

64. Females under the age of 17 years must be under the care of a woman while being detained, conveyed or waiting to be so. This requirement comes from Section 31 of the Children and Young Persons Act 1933 which takes precedence over the Sex Discrimination Act 1975. 'Under the care of a woman' in this context means that a female Detention or Police Officer must be assigned responsibility for the care of a female detained under the age of 17 years while they are in Police custody. Subject to the risk assessment the 'carer' need not be physically present with the detainee at all times but must be readily available.
65. Where two male custody visitors wish to visit a female juvenile and no female Detention or Police Officer is available to accompany them, they should liaise with the Custody Sergeant regarding the perceived risk of undertaking such a visit or whether or not the visit should be undertaken by way of conversation through the hatch in the cell door.
66. Where a female juvenile is in detention, and no female Detention or Police Officer is on duty in the custody suite, custody visitors should ascertain from the Custody Sergeant whether the juvenile is being moved to another custody suite where a female Detention or Police Officer is present or whether a female Detention or Police Officer will be

available to attend. In both cases custody visitors should record the timescales for these arrangements on the visit report form.

67. In cases where no alternative arrangements are being made for a female juvenile to come under the care of a female Detention or Police Officer, custody visitors should request to speak to the Duty Inspector and request that such arrangements are put in place. This should also be recorded on the visit report form.

## Detainees with mental health problems

68. Visitors have access to persons detained under section 136 of the Mental Health Act 1983. The Act states that persons who appear to be suffering from mental disorder and to be in immediate need of care or control can be held for up to 72 hours in a place of safety, one of which is a designated police station.
69. Where ever possible, people suffering from mental health problems will not be detained in a police station, but will be taken to a more appropriate place of safety. If this is not possible, detainees will be assessed by a doctor as soon as possible after arrival at the police station. Every effort will be made for assessment to be carried out as expediently as possible.

## Detainees held under the Terrorism Act 2000

70. With the agreement of the PCC and the Chief Constable, a few Visitors are granted access to persons detained by the police under anti-terrorism legislation. A higher, additional level of vetting clearance is required for this role. Access should be granted regardless of whether or not these individuals are held incommunicado. A protocol will be developed to cover the role of Visitors in relation to detainees held under anti-terrorism legislation.

## Complaints of misconduct against police officers

71. In order to maintain their strict impartiality, Visitors should not take up individual cases or make representation on behalf of detainees. However, where a detainee, during the course of a visit, complains about misconduct and/or assault by a police officer or Custodian, the Visitors should first establish if the detainee wishes the complaint to be pursued.
72. Visitors should initially advise that it is in the best interests of the detainee to make the complaint to the duty Inspector at the time, otherwise evidence may be lost and there will be a delay in the complaint being investigated. Visitors may wish to remind the detainee that they can seek legal advice before making the complaint. If a complaint of physical assault has been made, the Visitors may wish to remind the detainee that they can ask to see a doctor. (Note: upon receipt of a formal complaint involving allegations of physical assault, the duty Inspector will, in any event, arrange for the detainee to see a Forensic Medical Examiner).

## Effective working relationships

73. For visiting to be effective it is essential that Visitors and custody staff develop and maintain professional working relationships based on mutual respect and understanding of each others' legitimate roles. Such relationships can only exist where there is politeness and consideration on both sides. On the other hand, there is a range of behaviour which has the potential to create tension and conflict and some examples are given below. Visitors may cause difficulties by:

- failing to appreciate police priorities
- engaging in excessive petty criticism
- criticising officers in reports without first bringing that criticism directly to their notice
- adopting an overly adversarial approach
- concentrating on finding fault and trying to catch the police out
- becoming involved in an investigation or advising the detainee on that investigation
- criticising police action or questioning their judgement in areas outside the visitor's remit
- telling or suggesting to the police what they should do
- making promises to a detainee on behalf of the police
- breaching confidentiality

74. On the police side, problems may arise from:

- failing to accept visitors' status and recognise their responsibilities
- demeaning or belittling visitors
- treating visitors with indifference or disrespect
- unreasonably delaying or limiting access to custody areas
- being insufficiently positive when introducing visitors to detainees

75. All these issues must be seen against the background of the need to strike the right balance between establishing effective working arrangements and developing a relationship that is too close and "cosy". Where the latter occurs it becomes increasingly difficult for Visitors to provide the objective and constructive review of procedures and conditions which is a key part of their role.

## Reporting on a visit

76. Recording the contents of a visit is one of the most important aspects of the Scheme. Visitors may wish to make notes in the course of their visit, but should explain to the detainee why they are doing so. When reporting on issues / concerns raised by a detainee, Visitors must identify that individual by their custody number and not by their name.

77. At the end of each Visit, and whilst still at the police station, Visitors will complete a Custody Visiting Report form in triplicate. Custody officers should not be present while Visitors discuss their findings and complete the form. Wherever possible they should be able to use a private area for this purpose. Details should include both specific matters (which may already have been brought to the attention of custody officers) and more general issues relating to custody conditions or procedures. All reports must be completed in English even if the visit has been conducted in another language.
78. Visitors will retain the top white copy of form, which will be forwarded to the PCC using a pre-paid envelope.

## Follow-up action

79. Completed custody visiting report forms will be checked on receipt by the OPCC for any general issues or specific matters of concern that need to be drawn to the attention of those who are in a position to respond. This system of reporting will ensure that a quick and positive reaction is secured at various levels of the Force to any issues or concerns that might be highlighted from visits. In addition, the CAO will be able to identify and draw together any emerging issues or trends which will be taken forward with relevant police supervisors.

## Reviewing performance

80. The PCC has overall responsibility for overseeing the maintenance and operation of the Scheme. The PCC will receive briefings on the performance of the scheme from the CAO on a periodic basis.

## Confidentiality and disclosure

81. During the course of their duties, Visitors will acquire considerable personal information about persons connected with police inquiries, the majority of whom will not at that time have appeared in court and some of whom may never appear at court. That information must be protected against improper or unnecessary disclosure.
82. Custody visit forms include an undertaking not to reveal confidential information obtained during the course of a visit. Breaches of confidentiality may make Visitors liable to internal misconduct procedures and civil proceedings by the detained person concerned. The unauthorised disclosure of facts concerning police operations or the security of police stations may also constitute an offence under section 5 of the Official Secrets Act 1989.
83. Very occasionally, in exceptional circumstances only, it may be appropriate to disclose information on the treatment and welfare of a specific individual. This is a decision for the PCC and will only be considered in circumstances where a visit has been arranged in connection with the treatment of a particular individual and community reassurance is a major issue. It is in the interests of the strict application of confidentiality, that Visitors

do not name or otherwise identify persons in custody reports to or in even in discussion with fellow Visitors or the OPCC.

## Giving evidence in criminal proceedings

84. Conversations between Visitors and detainees are not privileged and it would be open to a court to issue a witness summons requiring the attendance of a Visitor to give oral evidence or to produce documents such as a report of a particular visit. Visitors are under no obligation to give evidence or produce documents other than in response to a court order, but would be obliged to respond to such an order.

## Section 6: Recruitment and conditions of service

### Recruitment

1. The PCC is responsible for recruiting, selecting and appointing independent custody visitors. The CAO will ensure that adequate numbers of suitably accredited and trained Visitors are available at all times and throughout the County to carry out the required programme of visits. Each of the Force's 24/7 designated police custody suites is served by a local visiting Panel each comprising of not less than six volunteers.
2. Recruitment will be managed through forward planning that focuses on factors such as the size of local Panels, the frequency of visits and the level of visitor retention.
3. Representatives of the local community will be recruited through advertising in the local media, PCC web site, targeting of specific groups, such as independent advisory groups, police/community consultative groups, via the newsletters of voluntary organisations, churches and other religious groups. Whilst word of mouth recommendations will remain a legitimate source for potential Visitors, care will be taken to ensure that this does not lead to an imbalance through existing Visitors recommending people from similar backgrounds to themselves.
4. The PCC will aim to provide a suitable balance for visiting Panels in terms of factors such as age, gender and ethnicity. All reasonable adjustments will be made to accommodate suitable candidates with a disability, as defined in the Disability Discrimination Act 1995, and those who do not have English as their first language but who are able to communicate effectively so as to be understood.
5. Prospective Visitors will be independent persons of good character who are able to make informed judgements in which the community can have confidence and which the police will accept as fair criticism when it is justified.
6. An Appointments Panel will be responsible for the selection, interview and appointment of volunteers. The Panel will comprise the CAO and a Chair from one of the four visiting Panels.

### Selection process

7. Persons enquiring about appointments to the Scheme will be sent an application pack comprising a copy of this Scheme, information on disqualifications, a copy of the Memorandum of Understanding, job description/person specification, Equal Opportunities monitoring form and an application form.
8. The Appointments Panel will review the completed application forms and identify (by reference to the information on disqualification and the job specification) those candidates to be shortlisted for interview.

9. Shortlisted candidates will be invited to attend a formal interview with the Appointments Panel. The Panel will record the reasons for decisions about appointment and non-appointment. This will be used to provide any necessary feedback to those who have been unsuccessful where requested.
10. Appointments will be confirmed subject to the receipt of satisfactory references, police vetting checks to verify information provided about criminal convictions, attendance at a familiarisation visit to a police custody suite and the successful completion of an Initial Training and Awareness day.

## Disqualification

11. Visitors must be at least 18 years of age (there is no upper age limit) and be living or working within the Authority's boundary and been resident in the UK for at least 2 years prior to the date of application.
12. Persons who have unspent convictions for criminal offences may not be suitable for the role of Visitor. Relevant factors will include the nature and number of any offences and how long ago they were committed. Having regard to the above, prospective Visitors will be asked to declare any such convictions. Where an applicant has convictions for criminal offences, or has received any formal caution, warning or reprimand, or has failed to disclose any such finding, the specific circumstances will be considered in assessing the applicant's suitability to become a Visitor. However, past offending is not an automatic barrier and each case will be considered on its merits.
13. Prospective candidates will also be subject to the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975, and as such, will not be entitled to withhold information regarding convictions which for other purposes will be 'spent' under the provisions of the Act.
14. The Chief Officer will provide advice to enable the PCC to make a decision with regard to the suitability of each applicant. The PCC should be informed by the Chief Officer as the reason(s) for recommending that a volunteer should not be appointed.
15. In appointing Visitors, it will also be important to avoid any potential conflict of interest. Serving police officers and staff are unsuitable for that reason, as are Special Constables and Police Community Support Officers. In accordance with the stated policy of the Council of the Magistrates' Association, Justices of the Peace will not be considered for participation in the Scheme. Persons in these categories who have left or retired from the relevant duties for at least 5 years may be considered for appointment.
16. Applications from others involved with the criminal justice system will be considered on an individual basis. For example, solicitors and members of the Probation Service may find the duties of a visitor conflicting with their professional responsibilities. However, there is no hard and fast rule in such cases and each application will be looked at on its individual merits, having regard to the public service principle of being seen to be independent and impartial.

17. The PCC and his/her deputy may not serve as Visitors themselves. The essential feature of Independent Custody Visiting is that it draws its volunteers from the community at large and there is an obvious difficulty with the PCC/Deputy PCC carrying out visits which should be conducted independently and form the basis of reports to them in their formal role.
18. Persons who act as Appropriate Adults and/or Lay Observers (i.e. persons appointed to inspect the conditions under which prisoners are transported and held) appointed under the Criminal Justice Act 1991, will not be excluded from becoming Visitors.
19. Visitors must notify the CAO of any change in circumstances which will affect their position as a Visitor, for example, after becoming aware that they are subject of a police investigation, after being charged with a criminal offence or a change of employment that might cause a conflict of interest. The Chief Executive (or his/her representative) has the power to suspend a Visitor until any allegations made against them have been fully investigated by the police and a decision made whether to charge that individual with a criminal offence.

## Basis of service

20. Newly appointed Visitors will require a clear understanding of the expectations on them and of the support which the OPCC will provide. Each Visitor will be required to sign a Memorandum of Understanding which summarises the agreed responsibilities and legitimate expectations of both parties. Visitors will be provided with an identity card (time limited to their period of appointment) which will function as their approval to visit custody facilities in the Force area.

## Tenure

21. Appointments will initially be for three years, which will be confirmed following satisfactory completion of a six month probationary period. A full re-assessment of continuing suitability will take place every 3 years.
22. Reviews will be conducted by the CAO. The key factors in reviewing appointments for a further 3 year period will be the continuing ability and willingness of the individuals to do the job effectively and past performance in the role. Visitors will also be subject to Police vetting checks in accordance with the PCC's Vetting Policy. The reviewer will make a recommendation to the Chief Executive, who will make the final decision.

## Voluntary suspension

23. Under certain circumstances, Visitors may request that they be suspended from the Scheme for a period of time. This can be for a number of reasons such as recovery from ill health/physical condition or due to personal issues. An initial period of absence from the Scheme will be agreed between the Visitor and the CAO and reviewed periodically thereafter. A voluntary suspension cannot, however, be extended indefinitely and in any case will not normally be for any longer than 6 months.

## Leavers

24. Volunteers leaving the Scheme will be invited to complete an Exit form. Feedback will be used to identify any underlying reasons why Visitors want to leave the Scheme and help to assess any necessary steps that may prevent others leaving for similar reasons. Completed forms will also help the CAO to conduct an effective role analysis and assess training needs for other Visitors. It will also help to secure the goodwill of the volunteer and maintain the PCC's reputation.
25. Leavers will be required to return their identity card or to securely dispose of it themselves.

## Complaints by visitors

26. Visitors who wish to complain about their treatment by police personnel will be provided with a copy of the Force Complaints and Misconduct Procedure. Complaints about the general role and conditions of the Scheme or any other matters relevant to the work of Visitors will be directed to the CAO.

## Complaints against visitors

27. Complaints against individual Visitors may come from a number of sources including detainees, police personnel or others who may come into contact with them in the course of their duties.
28. In the event that a complaint or allegation is made against a Visitor, the following procedure will be followed:
  - The CAO will request that the complaint/allegation be made in writing, if it has not already been done so.
  - The CAO, on receipt of the written complaint/allegation, will notify the Visitor of its receipt and content.
  - The Visitor will be given the opportunity of responding to the complaint/allegation to the CAO in writing.
  - The CAO will make the necessary relevant enquiries to determine the substance of the complaint/allegation. In doing so, and depending on the nature of the complaint, the CAO may need to contact any or all of the following parties:
    - the complainant
    - fellow Visitor(s)
    - custody staff
    - any other person who is able to provide relevant information
  - Having made the necessary enquiries the CAO will prepare a report, with recommendations, which will be considered by the Chief Executive. Both the Visitor and complainant will receive notification, in writing, of the decision. The Chief Executive's decision will be final and no further correspondence will be entered into.

## Sanctions

29. If a complaint against a Visitor is substantiated, the Chief Executive may impose one or any combination of the following sanctions:

- a requirement to submit a written apology
- a requirement to undertake training or co-operate in a conciliation process
- suspension pending an apology
- suspension pending training or conciliation
- a written warning regarding future conduct
- a final written warning regarding future conduct
- termination of membership (see paragraph 30)

## Termination of membership

30. The PCC has the right to terminate the membership of any Visitor due to misconduct or poor performance. The procedure for considering possible removal will be as follows:

- The CAO will notify the Visitor of the grounds on which removal is being considered and invite them to make written representations within a specified time frame of not less than two weeks.
- The CAO will submit a report to the Chief Executive, which will include any written responses made by the Visitor. The Visitor will be notified in writing of the Chief Executive's decision. The Chief Executive's decision will be final and no further correspondence will be entered into.

## Criminal proceedings

31. Visitors will be required to notify the CAO if they are charged with a criminal offence. In such circumstances, the Chief Executive will automatically suspend the Visitor until the outcome of any criminal proceedings is known. If the Visitor is subsequently found not to be guilty, or if charges are dropped, he/she will be automatically reinstated.

## Section 7: Accreditation and training

### Visit to custody suite

1. New appointees to the Scheme will be given the opportunity to visit a custody suite to get some experience of the custody environment prior to their initial training. Visits will be arranged with the relevant sector Inspector and will include a tour of the cell block and other custody facilities such as the food preparation area, surgeon's room, exercise yard and interview rooms. Appointees will also receive a briefing on the process for booking-in detainees.

### Initial training and information day

2. In order to ensure that potential Visitors are sufficiently aware of the relevant requirements of the law in respect of the care and custody of prisoners, and to enable them to carry out their function in an efficient and credible manner, it is a pre-requisite of their authorisation that they attend an Initial Training and Information Day arranged by the OPCC.
3. The training day will be delivered by an accredited trainer provided by the Independent Custody Visitors Association (ICVA) and will cover the basic knowledge and skills required to carry out visits effectively. Students will receive a detailed manual of guidance to support their training, which will include:
  - Purpose of and background to Independent Custody Visiting
  - Relevant aspects of the Police and Criminal Evidence Act 1984 and of its associated Code C covering Detention, Treatment and Questioning
  - Current Home Office Statutory requirements
  - Local guidance, conditions of service and working practices
  - Basic practicalities of conducting independent custody visits
  - Communication skills to assist effective contact with detainees and custody staff
  - Equal opportunities and race awareness issues
  - Health and Safety issues
  - Data Protection considerations
  - Police complaints system Induction
4. Following successful completion of the Initial Training and Information Day, Visitors will be appointed for a six-month probationary period during which experience will be acquired in a supportive environment. Only once the probationary period has been successfully completed will full accreditation be granted.
5. The probationary period will be based around the carrying out of visits in tandem with experienced colleagues. This will allow new Visitors to develop and consolidate their visiting skills and to discuss practical issues and difficulties after visits have been completed.

6. Visitors who complete a visit with a Probationer will be given the opportunity to comment upon the performance of their partner. The CAO will, if necessary, arrange for any suitable advice or additional training to be given to Probationers to address any areas of concern or weakness that might be highlighted.
7. On completion of their probationary period, newly accredited Visitors will also have the opportunity to comment upon their experiences, and to give their views on the operation of the Scheme in general.

## Refresher training

8. Quarterly Panel meetings will be used as the primary means for delivering training and information on specific issues such as changing legal, procedural and health & safety requirements, developing best practice and practical issues emerging from the visiting process.
9. Attendance at regional training events will also provide further opportunities to benefit from others' knowledge and experience. Panel Chairs (or nominated representatives) will represent their respective Panels at the Annual ICVA National Conference.

## Evaluating training

10. The OPCC will evaluate the effectiveness of training delivered and the extent to which it is achieving its objectives.

## Section 8: Expenses

1. Visitors will be reimbursed their legitimate expenses incurred whilst carrying out visits including standard class public transport fares, car parking and toll bridge charges.

Taxi fares will not be reimbursed except in exceptional circumstances (e.g. unavailability of public transport) at the discretion, and with prior approval, of the Scheme Administrator (or his/her representative).

A travel allowance is payable for volunteers who use a motor vehicle, motor cycle or bicycle, as follows:

Authorised Mileage Allowance Payment rates:

Motor Vehicle	all vehicle sizes: <ul style="list-style-type: none"><li>• up to 10,000 miles a year 45p per mile</li><li>• over 10,000 miles a year 25p per mile</li></ul>
Motor Cycle	24p per mile
Bicycles	20p per mile

2. A passenger allowance of 5p per passenger is payable when using a motor vehicle to carry out visits.
3. Claim forms will be completed and returned to the Scheme Manager for processing after each round of visits. Visitors claiming travel expenses must ensure that they attach relevant receipts to their claim form.

Note:

Visitors using a private motor vehicle/cycle for travelling to and from police custody suites will be responsible for ensuring that they have adequate insurance cover for this type of voluntary activity.

## Section 9: Publicity guidelines

1. It is generally desirable that the role and aims of the Scheme should be promoted to the public. Visitors must, however, bear in mind that the purpose of publicity is to inform the public about the Scheme and not to draw attention to individual cases or to themselves.
2. Visitors must not discuss the cases of individuals with whom they come into contact during visits to police stations and under no circumstances should individual contacts or specific events be discussed except in general, anonymous, terms which support any explanation of the purpose of the Scheme.
3. Any invitation to speak to the press, or local groups or organisations about any aspect of custody visiting should be referred to the CAO and should not be undertaken by individual Visitors except at the request of the CAO.
4. Visitors must remember that they are accountable to the PCC and not to the press or individual members of the public.

## Section 10: Contact details

1. Corporate Administration Officer Mr John King

Lincolnshire Police Authority,  
Deepdale Lane,  
Nettleham,  
Lincoln,  
LN2 2LT  
Telephone: (01522) 947227  
Fax: (01522) 558739  
E-mail: [john.king@lincs.pnn.police.uk](mailto:john.king@lincs.pnn.police.uk)

2. Support Services Officer: Mrs Caroline Horton

Lincolnshire Police Authority,  
Deepdale Lane,  
Nettleham,  
Lincoln,  
LN2 2LT  
Telephone: (01522) 947192  
Fax: (01522) 558739  
E-mail: [caroline.horton@lincs.pnn.police.uk](mailto:caroline.horton@lincs.pnn.police.uk)

## Section 11: Review arrangements

1. The CAO will be responsible for the periodic review and amendment of this Handbook. Reviews will be conducted as and when necessary but will occur not less than once a year. Any significant revisions made to the Scheme will require the approval of the Police and Crime Commissioner.

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<b>Owner:</b>	CAO	<b>Source:</b>	Z:\Management and Administration\Policies and Procedures\Office of the Police and Crime Commissioner\Policies and procedures\Procedures\7. Independent Custody Visiting\Lincolnshire Independent Custody Visiting Scheme Handbook.doc	