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Handbook for Independent Custody Visitors

March 2019

SCHEME FOR INDEPENDENT CUSTODY VISITING TO POLICE CUSTODY SUITES IN LINCOLNSHIRE

CONTENTS

SECTION A - INTRODUCTION

History of Custody Visiting Page 4
Police and Criminal Evidence Act Page 5
Equality, Diversity and Human Rights Page 5
Management of the Lincolnshire Independent Custody Visiting Scheme Page 5

SECTION B - SELECTION AND APPOINTMENT

Eligibility Page 6
Recruitment Page 7
Appointment and Accreditation Page 7
Re-Accreditation Page 8
Contact Details Page 8
Next of Kin Details Page 8
Equal Opportunities Monitoring Page 8
Initial Training and Information Day Page 8
Probation Page 9
Voluntary Suspension Page 9
Change in Circumstances Page 9
Criminal Proceedings Page 9
Leavers Page 9
Identity Cards Page 10
Long Service Certificate Page 10
Expenses Page 10

SECTION C - TRAINING AND DEVELOPMENT

Continuous Training Page 11
Regional Advanced Training Page 11
National Conference Page 11

SECTION D - COMPLAINTS AND CONDUCT

Code of Conduct Page 12
Effective Working Relationships Page 12
Impartiality Page 12
Press and Publicity Page 13
Social Media Page 13
Raising Issues of Concern/Dissatisfaction Page 13
Complaints by ICVs Page 13
Complaints against ICVs Page 13

SECTION E - VISITING PANELS

Police Custody Suites Page 14
Panels Page 14

SECTION F - WORKING ARRANGEMENTS

Programme of Visits	Page 15
Frequency of Visits	Page 16
Additional Visits	Page 16
Visits requested by the Police	Page 16
Deaths in Police Custody	Page 16
Other Voluntary Roles	Page 17
Access to the Custody Suite	Page 17
Security and Safety	Page 17
Fire Alarm Activation	Page 17
Hepatitis C	Page 18
Hepatitis B	Page 18
CS Spray	Page 18
Custody Facilities	Page 18
Categories of DP	Page 20
Consent to a Visit	Page 20
DP unable to give Consent	Page 21
DP Asleep/Resting	Page 21
Access to Vulnerable Persons	Page 21
DP in Interview	Page 23
Access to Custody Record	Page 23
Medical Issues	Page 24
Access to DP Denied	Page 24
Conversations with DP	Page 24
DP Complaints	Page 25
DP access to Legal Advice	Page 25
Contact with People outside the Police Station	Page 26
Police Investigations	Page 26
DP Admissions	Page 26
DP known to ICV	Page 26
Cells with Double Occupancy	Page 26
Remand and Sentenced Prisoners	Page 26
Non-English Speaking DPs	Page 27
Terrorism Act (TACT) 2000	Page 27
Reporting on a Visit	Page 27
Holding the Police to Account	Page 27
Confidentiality and Disclosure	Page 28
Giving Evidence in Criminal Proceedings	Page 28

Appendix 1 - Memorandum of Understanding

Appendix 2 - Code of Conduct Declaration

Appendix 3 - Complaints Procedures

Appendix 4 - Panel Chair/Vice Chair Election procedure

Appendix 5 - ICV Risk Assessment

Appendix 6 - Standard Introduction

Appendix 7 - Escalation Process

SECTION A - INTRODUCTION

1. This Handbook sets out the arrangements for the appointment of Independent Custody Visitors (ICVs) and for the carrying out and performance of their role.

History of Custody Visiting

2. 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.

3. 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.

4. 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.

5. 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.

6. In the wake of this report and after extensive consultation with the Metropolitan Police, the Association of Chief Police Officers (now the National Police Chiefs Council), 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.

7. The recommendation of a national agency resulted in the formation of the National Association for Lay Visiting (NALV), whose inaugural conference was held in May 1993.

8. 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 (ICVs) to maintain the independence of Independent Custody Visiting

Schemes. The NALV also changed its name to the Independent Custody Visiting Association (ICVA).

9. 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 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.

10. In November 2012, police authorities were abolished and replaced by directly elected Police & Crime Commissioners (PCCs) 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.

11. Today, Independent Custody Visiting has a number of connected purposes. First, and most obviously, it offers an extra level of protection to detained persons (DPs) 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.

Police and Criminal Evidence Act

12. The Police and Criminal Evidence Act (PACE) is the reference point for inspections of police custody suites. PACE sets out how police officers carry out their roles, states codes of practice for procedures and outlines DP's rights. Code ‘C’ of PACE deals with the detention, treatment and questioning of persons by police officers. These guidelines and codes of practice provide a way of measuring actions taken by the police and a means of checking that people being detained are treated properly.

Equality, Diversity and Human Rights

13. Promoting equality and diversity is an important element of the work of the Office of the PCC (OPCC). As representatives of the PCC, ICVs are expected to carry out their role in accordance with these principals. The PCC has a duty to monitor the performance of Lincolnshire Police in complying with duties imposed by the Human Rights Act. Independent Custody Visiting makes an important contribution to safeguarding the rights and welfare of people held in police detention, and checking the conditions in which they are held.

Management of the Lincolnshire Independent Custody Visiting Scheme (LICVS)

14. The PCC has overall responsibility for overseeing the maintenance and operation of an effective Independent Custody Visiting Scheme for Lincolnshire. However the day-to-day operation and management of the LICVS is the responsibility of the PCC’s Corporate Administration Officer, supported by the Support Services Officer.

SECTION B - SELECTION AND APPOINTMENT

Eligibility

15. Subject to the exceptions set out below, any person aged 18 or over who has had permanent residence within the UK for at least two years and who resides or is working within Lincolnshire may apply to become an ICV.

16. Persons who have unspent convictions for criminal offences may not be suitable for the role. Relevant factors will include the nature and number of any offences and how long ago they were committed. Having regard to the above, prospective candidates 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 an ICV. However it is important to note that past offending is not an automatic barrier and each case will be considered on its merits. Applicants are advised of this and will be asked to consent to Police vetting checks being undertaken should they pass the interview stage.

17. Applicants 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.

18. The Force Vetting Officer will provide advice to enable the OPCC to make an informed decision as to the suitability of an applicant. The OPCC should be informed by the Vetting Officer as to the reason(s) for recommending that a prospective candidate not be appointed.

19. In appointing ICVs, it is important to avoid any potential conflict of interest. Serving police officers and staff are unsuitable for this reason, as are Special Constables, Police Community Support Officers, Volunteer Police Community Support Officers and other Police related volunteers. In accordance with the stated policy of the Council of the Magistrates' Association, Justices of the Peace are not considered for participation in the LICVS. Persons in these categories who have left or been retired for at least 5 years may be considered for appointment.

20. 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 an ICV conflict 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.

21. The PCC, his/her deputy and staff employed within the OPCC may not be appointed as ICVs. 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 and OPCC staff members carrying out visits, which should be conducted independently and form the basis of reports to them in their formal role.

22. Applications will be accepted from persons who already 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.

Recruitment

23. The OPCC will ensure that adequate numbers of suitably accredited and trained ICVs are available at all times and throughout the County to carry out the required programme of custody visits. Each of the Force's four 24/7 designated police custody suites will be served by a local visiting Panel, each comprising of not less than six members. Should Panel membership fall below this threshold then additional volunteers will be recruited, with interim cover provided by ICVs drawn from other Panels until new appointees can commence their visiting duties.

24. The PCC recruits ICVs by inviting applications from the general public. Recruitment is managed through forward planning that focuses on factors such as the size of local Panels, the frequency of visits and the level of ICV retention. Vacancies will be advertised on the PCC's and Force websites, volunteering websites and by any other suitable means that will attract interest and applications. Whilst word of mouth recommendations will remain a legitimate source for applicants, care will be taken to ensure that this does not lead to an imbalance through ICVs recommending people from similar backgrounds to themselves. The aim will be to provide a suitable balance 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.

25. Applicants must 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.

26. An Appointments Panel comprising the Scheme Manager and the Chair of the relevant visiting Panel (or his/her nominated representative) will be responsible for shortlisting, interviewing and appointing ICVs, subject to the provision of a reference, completion of vetting checks and successful completion of an Initial Training and Awareness day.

27. Individuals interested in applying to become an ICV will be sent an application pack comprising an Application form, Equal Opportunities Monitoring form, Information on Disqualifications, Job Description/Person Specification.

28. The Appointments Panel will review completed application forms and identify (by reference to the information on disqualification and the job specification) candidates to be shortlisted for interview.

29. Shortlisted candidates will be invited to attend a formal interview with the Appointments Panel. The Panel shall record the reasons for decisions about appointment and non-appointment. This will used to provide feedback to those who have been unsuccessful, on request.

Appointment and Accreditation

30. Newly appointed ICVs will require a clear understanding of the expectations on them and the support they will receive. They will be required to sign a Memorandum of Understanding (Appendix 1) summarising the agreed responsibilities and legitimate expectations of both parties. They will also be required to satisfactorily complete an Initial Training and Awareness day and a six month probationary period before being confirmed as a fully accredited member of the LICVS for an initial three year renewable term.

Re-Accreditation

31. After three years' service, a formal re-assessment will be carried out by the OPCC, in conjunction with the relevant local Panel Chair. Re-accreditation will be dependent upon the continuing ability and willingness of the ICV to carry out the role effectively, as well as their general performance and attendance at meetings. ICVs will also be required to be re-vetted. The OPCC shall write to ICVs to notify them that their appointment has been renewed for a further three year term.

Contact Details

32. To ensure compliance with the PCC's data protection obligations, newly appointed ICVs will be required to complete a Contact Details form. By completing and signing this form, ICVs will be giving explicit permission for their contact details to be disclosed to their fellow Panel members (for the purpose of arranging custody visits) and for them to be retained by the OPCC.

Next of Kin Details

33. ICVs will be required to complete and sign a Next of Kin contact form. The information provided will be used by the OPCC and by the Force (copies will be retained in the relevant custody suite) in the event of an incident/emergency occurring whilst a custody visit is in progress (such as suffering a serious accident, falling ill or being assaulted).

Equal Opportunities Monitoring

34. Members of the LICVS will be invited periodically to complete and return an Equal Opportunities Monitoring form. The PCC is committed to equal opportunities and in order to assess how well he/she is doing with this, it will be necessary to collect monitoring data periodically. Completion of the monitoring form is voluntary but the information collected will be extremely useful in helping to make sure that the LICVS is inclusive and that membership reflects the diverse communities of Lincolnshire.

Initial Training and Information Day

35. To ensure that newly appointed ICVs are sufficiently aware of the relevant requirements of the law in respect of the care and custody of DPs, and to enable them to carry out their function in an efficient and credible manner, it is a pre-requisite of their accreditation that they attend and successfully complete an Initial Training and Information day. Events may be held in Lincolnshire (usually at Police Headquarters) or at other venues within the East Midlands region.

36. Training will cover the basic knowledge and skills required to carry out visits effectively and will be based on the ICVA's Training Manual for Students, including:

- Procedures at a Police Station
- Visit Process
- Professional Boundaries
- Communication Skills
- Equality and Bias
- Health and Safety

Probation

37. Following successful completion of the Initial Training and Information Day, ICVs will be appointed as Probationers for an initial six-month period during which experience will be acquired in a supportive environment. Only once the probationary period has been successfully completed will full accreditation to the LICVS be granted.

38. The probationary period will involve undertaking rostered visits in tandem with more experienced colleagues, who will initially take the lead in visits. This will allow Probationers to develop and consolidate their visiting skills and to discuss practical issues and difficulties after their visits have been completed.

39. ICVs rostered with a Probationer will be asked for written feedback on the conduct of their partner and performance in the role. If necessary, the OPCC shall arrange for any suitable advice and/or additional training to be provided to address areas of concern that might be highlighted.

40. On completion of their probationary period, newly accredited ICVs shall also have the opportunity to comment upon their visiting experiences, and to give their views on the operation of the LICVS in general.

Voluntary Suspension

41. Under certain circumstances, ICVs may request that their membership of the LICVS be suspended for a short period of time. This could be for a number of reasons, such as recovery from ill health or a personal issue. An initial period of absence will be agreed between the ICV and the OPCC, which will be 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.

Change in Circumstances

42. Existing members of the LICVs are required to notify the OPCC of any change in their personal circumstances that might affect their role as an ICV. This might include, for example, an ICV being made aware that they are the subject of a police investigation. The PCC's Chief Executive (or nominated representative) has the power to suspend an ICV until any allegations have been fully investigated and a decision made as to whether the ICV will be charged with a criminal offence.

Criminal Proceedings

43. ICVs will be required to notify the CAO if they are charged with a criminal offence. In such circumstances, the Chief Executive (or nominated representative) shall automatically suspend the ICV until the outcome of any proceedings is known. If the ICV is subsequently found not to be guilty, or if charges are dropped, consideration will be given to reinstating him/her.

Leavers

44. ICVs who step down from the LICVS will be invited to complete an Exit form. Feedback from this form will help identify the reasons why an ICV has decided to leave the LICVS and inform any necessary action that might be needed to prevent others from leaving for similar reasons. Completed forms will also help the OPCC to conduct an effective

role analysis and assess training needs for other ICVs. It will also help to secure the goodwill of the ICV and maintain the PCC's reputation.

Identity Cards

45. Following notification of their probationary appointment, ICVs will be provided with a (time limited) identification card, which they will need in order to gain entry to the custody suite. For security reasons, identity cards will not be sent through the post, but handed direct to the ICV. Identity cards must be visibly worn whilst on police premises, except when visiting a DP, so as to maintain anonymity.

46. Whilst the Identity card authorises the holder to visit any designated police custody suite in Lincolnshire, in practice visits will normally be confined to the Panel area for which the ICV has been appointed.

47. Identity cards should be used only for the purpose of making custody visits. If anyone is found to be using their card for any other purpose, it will be withdrawn and that person's appointment as an ICV terminated.

48. The identity card must be surrendered to the OPCC when an individual ceases, for whatever reason, to be an ICV.

Long Service Certificate

49. ICVs will be presented with a framed certificate signed by the PCC to formally mark their service with the LICVS. Certificates will be presented after each 5 year period of service. Presentations will be made at local Panel meetings, with certificates presented by the Panel Chair. The Chair's certificate shall be presented by the Scheme Manager or Support Services Officer.

Expenses

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

51. 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 OPCC.

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

Authorised Mileage Allowance Payment rates:

Motor Vehicle	all vehicle sizes: up to 10,000 miles a year 45p per mile over 10,000 miles a year 25p per mile
Motor Cycle	24p per mile
Bicycles	20p per mile

53. A passenger allowance of 5p per passenger is payable when using a motor vehicle to carry out visits.

54. Claim forms will be completed and returned to the OPCC for processing after each round of visits. ICVs claiming travel expenses must ensure that they attach any relevant receipts to their claim form.

Note

55. ICVs using a private motor vehicle/cycle when travelling from home address to a police custody suite and return will be responsible for ensuring that they have adequate insurance cover for this type of voluntary activity.

SECTION C - TRAINING AND DEVELOPMENT

Continuous Training

56. Local Panel meetings will be used as the primary means of delivering 'bitesize' and bespoke training/awareness sessions. These sessions will be delivered by the OPCC and should last no more than 30 minutes. ICVs will be provided with any reference material for inclusion within their Handbook.

57. Bitesize/bespoke training sessions will cover a broad range of topics, including:

- Children in Custody
- Equality and Bias
- Mental Health
- Vulnerability
- Use of Force
- Assertiveness
- Transgender

Regional Advanced Training

58. Scheme Managers within the East Midlands region (i.e. Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire) have formed a network that meets on a quarterly basis to share good practice, assess performance, identify areas where Schemes can be more aligned and where collaboration can take place in the interests of efficiency and cost saving. The network is also responsible for organising an annual Regional Advanced Training event, enabling ICVs from across the region to meet together for the purposes of training, networking and to discuss the wider aspects of their work. This event is usually held in May each year at venues across the region.

National Conference

59. The ICVA organises an annual National Conference for ICVs from across the country. Panel Chairs will represent their respective Panels at the event or they can nominate a colleague to attend in their place. Expressions of interest will also sought from the general membership for any additional places that might become available. Attendees will be expected to provide feedback to their respective Panels on their experience of the conference.

SECTION D – COMPLAINTS AND CONDUCT

Code of Conduct

60. All newly appointed members of the LICVS will be required to sign a declaration that they will abide by a Code of Conduct for the LICVS. A copy of the declaration is provided at Appendix 2.

Effective Working Relationships

61. For custody visiting to be effective it is essential that ICVs and custody officers (including civilian custodians and police personnel) 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 are a range of behaviours that have the potential to create tension and conflict and some examples are given below.

ICVs may cause difficulties by:

- failing to appreciate police priorities
- engaging in excessive petty criticism
- criticising custody 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 custody officers out
- becoming involved in an investigation or advising the detainee on that investigation
- telling or suggesting to a custody officer what they should do
- making promises to a DP on behalf of the police
- breaching confidentiality

On the police side, problems may arise from:

- failing to accept ICVs' status and recognising their responsibilities
- demeaning or belittling ICVs
- treating ICVs with indifference or disrespect
- unreasonably delaying or limiting access to custody suites

62. 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 perceived as being too close or 'cosy'. Where the latter occurs it becomes increasingly difficult for ICVs to provide the objective and constructive review of procedures and conditions, which is a key part of their role.

Impartiality

63. In order to maintain their strict impartiality, ICVs must not take up individual cases or make representation either on behalf of DPs or custody officers. Criticising police action or questioning their judgement in areas outside their remit may bring the LICVs into disrepute.

Press and Publicity

64. It is generally desirable that the role and aims of the LICVS should be promoted to the public. ICVs must, however, bear in mind that the purpose of publicity is to inform the public about the LICVS and not to draw attention to individual cases or to themselves.

65. ICVs must not discuss the cases of individuals with whom they come into contact during custody visits, and under no circumstances should individual contacts or specific events be discussed except in general, anonymous, terms that support any explanation of the purpose of the LICVS.

66. Any invitation to speak to the press, local groups or organisations about any aspect of custody visiting should be referred to the OPCC in the first instance. ICVs are reminded that they are accountable to the PCC and not to the media/members of the public.

Social Media

67. ICVs are expected to act with integrity and impartiality and the same standards of behaviour and conduct apply ‘on-line’ as would ‘off-line’.

68. Information placed on the internet/social media sites could potentially end up in the worldwide public domain and be seen or used by someone it was not intended for, even if it were intended to be private or on a closed profile/group. It is likely that any information placed on the internet/social media will be considered to be a public disclosure.

69. ICVs have a duty not to disclose information obtained from third parties through the conduct of their duties. Such information must not therefore be posted on the internet or social media.

Raising Issues of Concern/Dissatisfaction

70. The Scheme Manager is available for private ‘one-to-one’ meetings to discuss general issues of concern/dissatisfaction. Counselling might also be offered to ICVs if they are affected by anything they have seen/heard in the custody environment.

Complaints by ICVs

71. ICVs who wish to complain about their treatment by custody officers will be provided with a copy of the relevant Force complaint procedure. Complaints about the general role and conditions of the LICVS or any other matters relevant to the work of ICVs must be directed to the Scheme Manager in the first instance.

Complaints against ICVs

72. Complaints made against individual ICVs may come from a number of sources including colleagues, DPs and custody officers. A copy of the complaints procedure is attached at Appendix 3. This document includes disciplinary action and separate procedures for dealing with complaints of under-performance and fitness to undertake the duties of an ICV.

SECTION E - VISITING PANELS

Police Custody Suites

73. Independent custody visits are made to Police Stations designated under PACE as stations to be used for the detention of arrested persons.

In Lincolnshire, the following Police Stations have been designated:

- Boston Police Station
- Grantham Police Station
- Lincoln Police Station
- Skegness Police Station

Panels

74. The following custody visiting Panels have been established to facilitate visits to custody suites:

- South East Panel visit Boston custody suite
- South West Panel visit Grantham custody suite
- West Panel visit Lincoln custody suite
- East Panel visit Skegness custody suite

75. Each Panel comprises a minimum of six volunteers to provide sufficient resilience to achieve the programme of custody visits. Panels will be invited to elect a Chair and Vice Chair, who will serve for a term of three years. The Scheme Manager will be responsible for overseeing the election in accordance with the process attached at Appendix 4.

The job profile for a Panel Chair:

- To provide leadership in their Panel and have a pivotal role in team building
- To facilitate Panel meetings and discussions between ICVs
- To form the interface between ICVs and the OPCC
- To serve on the Selection Panel for appointing new ICVs to their Panel
- To represent their Panel at the ICVA National Conference
- To consider requests made by ICVs to undertake non-rostered visits outside the normal office hours of the OPCC
- To consider requests made by the Force for a special visit to be made, outside the normal office hours of the OPCC
- To assist the Scheme Manager in undertaking 3 yearly assessments of Panel members

The job profile for a Vice Chair (if appointed):

- To support the Chair in his/her role within the Panel (see above)
- To Chair Panel meetings, as required, during periods of absence
- To provide additional support and continuity for the Panel, particularly if/when the Chair is absent

76. To safeguard the integrity of Panels, the PCC considers it to be good practice for the Chair and Vice Chair not to have any formal relationship to one another outside of the Panel (e.g. are not related, married or domestic/business partners).

77. Panels will meet on a 6 monthly basis in February and October each year, whilst a joint meeting of all four panels will be held annually, usually in June at Police Headquarters. The function of Panel meetings is to stimulate debate and provide a forum for raising:

- issues relating to custody conditions or the treatment of DPs that have not been resolved satisfactorily at local level
- problems arising from the operation of the LICVS
- matters that may have implications for other local Panels or visiting practices generally
- to facilitate a greater understanding of the legitimate roles and challenges facing ICVs and custody officers
- to identify any future training and/or information needs
- to receive training, briefings, updates and presentations on relevant local, regional and national issues

78. The PCC will be represented at Panel meetings by the Scheme Manager or Support Services Officer, whilst Lincolnshire Police/G4S will be represented by the relevant Custody Inspector and Senior Custody Detention Officer (subject to their availability).

79. The OPCC will be responsible for circulating meeting agendas, booking meeting rooms, delivering training and organising the attendance of any guest speakers.

80. ICVs will be entitled to claim travel expenses for attending Panel meetings.

81. Any ICV who would like to attend a Panel meeting held outside of their normal Panel area will need to seek prior permission from the relevant Panel Chair. Please note that travel expenses cannot normally be claimed for attending other Panel meetings unless the ICV has been invited to attend (for example, to give a presentation).

SECTION F WORKING ARRANGEMENTS

Programme of Visits

82. The OPCC is responsible for devising and circulating a quarterly visiting rota to each of the four visiting Panels.

83. Rotas will randomly pair ICVs together to conduct unannounced custody visits. Each pair is responsible for visiting the relevant custody suite during a specified time frame (usually a 7 day period). Partners or close relatives serving on the same Panel will not normally be paired together. The PCC does not consider such pairings to be good practice as they could be seen to jeopardise the independence and integrity of the cross-checking function. ICVs cannot request who they are paired with and cannot refuse to be paired with another ICV.

84. 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 if visiting patterns start to emerge that could lead custody suites to expect visits at particular times/days of the week.

85. All custody visits are undertaken by pairs of ICVs 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. Visits will only be conducted by accredited members of the LICVS and ICVs serving their initial probationary period. ICVs must not be accompanied by any unauthorised persons. Periodically ICVs may be accompanied by the PCC, Deputy PCC and/or member of the OPCC to observe how visits are conducted.

86. If a rostered visiting partner is unable to undertake a custody visit for any reason, then the visit will be postponed, unless sufficient notice is given for a substitute to be arranged. Under these circumstances, ICVs may arrange a substitute themselves by contacting other members of the same Panel or this can be arranged through the OPCC.

Frequency of Visits

87. Having regard to the need for visits to be sufficiently frequent to meet the objectives of the LICVS, the merit of broad uniformity in arrangements and also the effect that too frequent visiting may have on the operational efficiency of custody suites, a minimum of one visit per week will be rostered for each of the four custody suites.

88. ICVs will have the right to undertake their rostered visits at any time of day without giving the relevant custody suite any prior notice. It should however be noted that a small proportion of visits will be rostered at weekends/late at night.

Additional Visits

89. On occasion, ICVs might want to undertake an additional visit, for example, if they have an on-going concern about the welfare of a particular DP. Permission must be sought and received from the OPCC prior to undertaking a non-rostered visit. Outside office hours, contact will be made directly with the Chair of the relevant Panel who will assume this responsibility.

90. Visits will also be considered following mass arrests, where individuals are held for some time, possibly in vehicles within the police station yard or temporarily in a holding centre, prior to being formally detained under PACE.

Visits requested by the Police

91. Exceptionally, circumstances might arise where the Force want to initiate a custody visit, particularly where there might be public concern about the treatment or well-being of a DP and a visit might help allay any public fears. Lincolnshire Police will be responsible for contacting the OPCC during office hours, to arrange such a visit. Outside office hours, contact should be made directly with the Chair of the relevant Panel who will assume this responsibility.

Deaths in Police Custody

92. Where a death in Police custody occurs, the Force will inform the OPCC as soon as is practicable. Consideration will be given as to whether a custody visit would be helpful in terms of informing and reassuring the public. 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 public is to be achieved.

93. Any visit following a death in custody or some other major incident must not be allowed to interfere with any relevant investigation that might be taking place. There may be

circumstances in which the Senior Investigating Officer dealing with the incident will need to refuse or restrict access to particular areas of the custody suite.

Other Voluntary Roles

94. ICVs may act as Appropriate Adults but must not switch between those roles during the course of a custody visit and must declare if they have previously carried out either role with the same DP. ICVs may also act as Lay Observers appointed under the Criminal Justice Act 1991 to inspect the conditions under which prisoners are transported and held.

Access to the Custody Suite

95. On arrival at the public enquiry counter at the police station, ICVs will identify themselves (using their id card) and explain the purpose of their visit. ICVs must be admitted immediately to the custody area as any delay will affect the credibility of the LICVS. Access should be delayed only when ICVs might be placed in danger, for example if there is a disturbance in progress. It would be inappropriate for access to be delayed because custody officers are busy. In such circumstances, ICVs should be admitted into the custody suite but invited to wait until a custody officer is available to escort them on their visit. A full explanation must be given as to why access has been delayed, which should in turn be recorded on the visit report form.

Security and Safety

96. In the interests of security and safety, ICVs will be escorted by a custody officer throughout their visit. Conversations between DPs and ICVs shall normally take place in sight but out of hearing of the escorting officer. ICVs should always bear in mind the potential for a DP to become abusive and/or violent. When seeking consent for a visit, ICVs should enter no further than the mid-point between the door-way and the DP, so that they can exit the cell quickly and safely should the need arise.

97. In addition to the risk of violence from detainees, police staff should also be alert to any specific health or safety risks that ICVs might face and should advise them accordingly. For example, ICVs should always be told if there is a possibility of them coming into contact with DPs/cells that have been exposed to CS spray.

98. ICVs should also be mindful of the risk assessment (see Appendix 5) produced by the OPCC/Lincolnshire Police for the LICVS.

Fire Alarm Activation

99. If the fire alarm is activated, ICVs, DPs and custody officers will need to evacuate the premises and assemble at the designated assembly point. Special provisions exist for the evacuation of DPs, which are the responsibility of custody officers. In the event of an evacuation it is important that ICVs do not leave the assembly point until instructed to do so.

100. ICVs must only re-enter the building when advised that it is safe to do so. The first priority for custody officers will be attending to the DPs and there may be some delay before a visit can continue.

Hepatitis C

101. It is highly unlikely that ICVs will become contaminated by Hepatitis C whilst undertaking custody visits, 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."

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

Hepatitis B

103. It is not be necessary for ICVs to be immunised against Hepatitis B as it is highly unlikely that they will come into direct contact with blood and/or body fluids.

104. ICVs may wish however to seek advice from their own doctor about this and other appropriate immunisation.

CS Spray

105. ICVs may, in the course of their visits, encounter DPs who have been sprayed with CS spray to facilitate their arrest. The escorting officer should advise ICVs when there is a possibility of cross contamination. ICVs should not enter the cells of contaminated DPs until decontamination has been carried out.

106. ICVs are encouraged to check the health and well-being of such persons. If the DP is suffering due to the after effects of CS spray, they should bring this to the notice of the escorting officer who has responsibility for seeking medical assistance.

107. If an ICV becomes cross-contaminated, they should be taken to a well-ventilated area to recover or if they feel unwell/are concerned regarding their well-being, they should seek medical advice.

Custody Facilities

108. ICVs will have access to cells, toileting/washing/showering facilities, medical room (this does not include access to locked drug cabinets), exercise area, detention/interview rooms (if unoccupied), charging and kitchen/food preparation areas.

109. It is not necessary to inspect storage areas, but ICVs will want to be assured that suitable arrangements exist for maintaining adequate stocks of mattresses and blankets.

(a) Closed Circuit Television (CCTV)

Custody visits must be carried out in person and not by viewing either live or recorded CCTV footage. However, ICVs will want to satisfy themselves that any CCTV systems installed to observe the custody area/individual cells are working.

(b) Cells

Empty cells should be clean and in a reasonable state of repair and decoration. Room temperature and ventilation/lighting should be adequate. ICVs 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 walls and doors. Check for fixed points such as protruding cell hinges that could be used as a ligature point.

(c) Cell Block

ICVs 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 or to self-harm.

(d) Toilet Facilities

Toilets should be reasonably clean and hygienic. Check for any obvious leaks, and ensure that the flushing mechanisms work. Toilet paper should be available.

(e) Washing/Shower Facilities

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

(f) Kitchen/Food Preparation Area

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).

(g) Exercise Area

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) or to self-harm.

(h) First Aid

ICVs will want to satisfy themselves that first aid material and trained First Aiders are available in the custody suite.

(i) Medical/Surgeon Room

The Medical Room should be reasonably clean, tidy and hygienic. Check for any drugs/hazardous substances that might be 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:

- ICVs may not visit CID rooms or other operational parts of the police station or attend police interviews with DPs.
- Occasionally, forensic evidence will be collected from DPs 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 DPs), ICVs will not involve themselves in this particular area of Police work.
- ICVs will not be required to sample DP meals. 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 small Panel of ICVs will be brought together 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 such events will be passed to the Contract Manager.

Categories of DP

110. DPs usually fall into the following categories:

(a) PACE Prisoners
These will constitute the vast majority and are held under the provisions of the PACE.

(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 and Immigration and Asylum Act 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 for their own protection or children taken into police protection under the Children Act.

111. 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

112. ICVs will normally be allowed access to any person detained in custody (see paragraph 135). However, the privacy of the individual must be respected and only persons who consent to a visit may be seen. Conversations between DPs and ICVs should normally take place in sight but out of hearing of the escorting officer. ICVs will be responsible for establishing whether the DP wishes to speak with them. The escorting officer will open the cell door and inform the DP that there are two people who would like to see him/her. The escorting officer will withdraw from the cell to allow the ICVs to enter and introduce themselves, explain the purpose of their visit and seek consent for the visit to proceed (see Appendix 6 for a copy of the standard introduction). ICVs will also seek permission to review the DP's custody record.

DP unable to give Consent

113. If a DP cannot give consent for a custody visit, perhaps because of the effects of drink/drugs or by virtue of a mental health issue, the custody officer must allow access unless it is considered that the ICVs' safely could be put at risk. In such circumstances the ICVs may wish to speak to the DP through the cell hatch. This may also apply where consent is given, but the custody officer judges the ICVs would be exposed to an abusive and/or potentially violent DP.

114. If the DP is not suitable to be roused due to being incapacitated, for example, through drink/drugs, the custody officer should allow access if the ICVs wish to satisfy themselves of the DPs wellbeing. If the ICVs have cause for concern over the wellbeing of the DP in these circumstances, they should request that the DP be roused.

DP Asleep/Resting

115. Sleeping DPs can be woken at the discretion of the custody officer to seek consent for 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 DP but to observe them through the cell hatch.

116. When custody officers apply their discretion in relation to sleeping DPs not in a period of eight hours rest, they will take into account the potential for disturbed DPs to become abusive and/or violent.

Access to Vulnerable Persons

117. ICVs are expected to prioritise vulnerable DPs over other DPs when conducting their visits. Vulnerable persons can include:

(a) Children

118. A person is classified as a child if they are aged 17 or under, and may be visited with their own consent. It will not be necessary to obtain the additional consent of a parent, guardian or an Appropriate Adult. If an Appropriate Adult is in attendance to support the child/vulnerable person, the DP's wishes should be sought and respected as to whether the Appropriate Adult it to remain in attendance during the visit.

119. Children should not be detained in police cells post charge (excluding those who have been arrested on a warrant or are being held for a breach of bail). Nor should they be kept in police cells overnight if refused bail having been charged for an offence. Children who have been charged with an offence should be released on bail whenever this is possible. Children who are denied bail having been charged with an offence will be transferred to local authority accommodation whenever practicable, unless there are exceptional circumstances. Such circumstances might include the absence of suitable accommodation, no transport available, the child's behaviour or nature of the offence. It will be a matter for the Custody Sergeant to decide whether secure or non-secure local authority accommodation is requested. Factors for requesting secure accommodation include:

- Aged 12 or over
- The child must pose a risk of serious harm to the public during the time between being charged and appearing at court

- Serious harm has been defined as likely to cause death or serious injury (physical or psychological), and the risk has to be to the public not the child.

120. When undertaking visits, ICVs will want to ascertain whether there are any children in custody and prioritise them for a visit. During the visit, ICVs will want to ensure that the child understands their rights/entitlements, to check on their well-being and the conditions in which they are being held. They should also seek consent to view the child's custody record. ICVs should consider the following issues:

- how long has the child been in custody?
- have they been charged?
- if yes, have the police requested local authority accommodation?
- if yes, will it be provided? What is the timescale?

(b) Female Children

121. Girls under the age of 18 must be under the care of a woman while being detained, conveyed to and from court, or waiting to be so conveyed. This is a requirement under section 31 of the Children and Young Persons Act 1933. '*Under the care of a woman*' in this context refers to a female custodian, police officer or member of police staff.

122. Subject to the risk assessment, the carer need not be physically present and with the DP at all times, but must be readily available and assigned to the DP throughout the period of detention. Custody officers will treat each case individually and will always give consideration as to whether a carer needs to be physically present or not. The assigned responsibility can be shared by more than one female carer and may be transferred at shift handover.

123. Where two male ICVs wish to visit a female child and no female carer is available to accompany them, they will liaise with the escorting officer regarding the perceived risk of undertaking such a visit and/or whether the visit should be undertaken by way of a conversation through the hatch in the cell door.

124. When undertaking visits, ICVs will want to ascertain whether the female child is under the care of a female carer. If not, then ICVs will want to establish from the Custody Sergeant whether the child is being moved to another custody suite where a female carer is available or whether arrangements are being made for a female carer to be made available, as and when required. In both cases, ICVs will want to record the timescales for those arrangements (if known) on their visit report form.

125. In cases where no alternative arrangements are being made for a female child to come under the care of a female carer, ICVs should ask to speak to the Duty Inspector and request that such arrangements are put in place. The outcome of that discussion must be recorded on the visit report form.

(c) Vulnerable Adults

126. A vulnerable adult has been defined as *"A person who is 18 years of age or over, and who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him/herself, or unable to protect him/herself against significant harm or serious exploitation".* (Law Commission – '*Who Decides? Making decisions on behalf of mentally incapacitated adults 1997*')

127. Vulnerable adults can include people with learning disabilities, mental health problems, older people and disabled people, particularly when their situation is complicated by additional factors such as:

- physical frailty
- chronic illness
- sensory impairment
- challenging behaviour
- social problems
- emotional problems
- poverty
- homelessness
- substance abuse

(d) DP detained under Section 136 of the Mental Health Act

128. Section 136 of the Mental Health Act 1983 provides a power for the police to remove a person believed to be suffering from a mental disorder and to be in need of immediate care and control, to a place of safety. This is a preserved power of arrest under Section 26 of PACE and reasonable force might be used under Section 117 of PACE. Under the Policing and Crime Act 2017, the power to detain someone under S136 has been extended to enable Police Officers to act in most locations other than a private residence. The provisions state:

'If a person appears to a constable to be suffering mental disorder and to be in immediate need of care or control, the constable may, if he thinks it necessary to do so in the interests of that person or for the protection of other persons:

- *remove that person to a place of safety*
- *if the person is already at a place of safety, keep the person at that place or remove the person to another place of safety'*

129. Section 136 DPs should be transferred to a health based place of safety such as a hospital/designated unit. Only in exceptional circumstances shall Section 136 persons be detained in a police custody cells.

DP in Interview

130. Police interviews with DPs must not be interrupted to facilitate custody visits. However, ICVs may await the completion of an interview if they want to see the person concerned.

Access to Custody Record

131. All custody facilities within Lincolnshire currently operate the NSPIS Custody and Case Preparation system. To access the e-custody record it will be necessary for a 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 might be provided in another room to allow ICVs to view custody records in relative privacy.

132. Subject to obtaining the DP's consent to view their custody record, ICVs should check its contents against what they have been told by the DP. In particular, ICVs 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 DP have been properly recorded
- the timing and frequency of cell inspections of inebriated or otherwise vulnerable DPs
- the timing of reviews of the continuing need for detention

133. If a DP is for any reason incapable of deciding whether to allow access to their custody record, the presumption will be in favour of allowing the ICVs to examine the record.

Medical Issues

134. ICVs have no right to see a DP'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. ICVs will wish to pay particular attention to DPs 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 and what instructions for medical treatment have been given and confirm by consulting the record that those instructions have been carried out.

Access to DP Denied

135. In exceptional circumstances a custody officer may limit or deny ICVs access to a specific DP if authorised by a Police Officer of or above the rank of Inspector and where either:

- after a thorough risk assessment has been carried out the Officer reasonably believes that to be necessary for the ICV's safety, or
- if the Officer reasonably believes that such access could interfere with the process of justice.

136. Any decision to deny or limit access must be recorded in the DP's custody record (together with the relevant authorisation) and on the visit report form.

137. There should be no presumption that access will 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 135 apply, consideration should be given to allowing the ICVs some limited form of access to the DP, such as observing and speaking to them through the cell hatch.

Conversations with the DP

138. Conversations will focus on checking whether or not DPs have been offered their rights and entitlements under PACE and on confirming whether the conditions of detention are adequate. ICVs will satisfy themselves that DPs 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.

139. ICVs should be aware that the DP may be from a background where there may be cultural sensitivities concerning how they interact with someone of a different gender or who they perceive to be of a markedly different age or social standing to themselves. ICVs will treat all DPs cordially and with respect, in accordance with principles of equality during any interaction.

140. ICVs will be primarily concerned with the overall conditions, standards and procedures at police custody suites. However, immediate concerns about the treatment of a particular individual should be passed on to those in a position to take corrective action. If a DP indicates that they may self-harm or harm another person, this must be brought to the immediate attention of the escorting officer.

DP Complaints

141. Where a DP, during the course of a custody visit, makes a complaint against a custody officer/member of police personnel, they must be advised to address it to the duty officer in charge of the police station. ICVs should take no further action in respect of the complaint, other than to record the incident on the report form. However, where a DP makes a complaint or raises an issue about their general treatment/conditions, ICVs should raise this with the escorting officer and seek a resolution. The same applies to similar issues identified by ICVs during the course of a visit.

DP access to Legal Advice

142. Whenever legal advice is requested by a DP, the custody officer should act without delay to secure the provision of such advice. However there are some circumstances where access can be delayed and these are set out in PACE Code C. In summary, access to a solicitor can be delayed if the authorising officer has reasonable grounds for believing it will:

- lead to interference with, or harm to, evidence connected with an indictable offence
- lead to interference with, or physical harm to, other people
- alert other people suspected of having committed an indictable offence but not yet arrested for it
- hinder the recovery of property obtained in consequence of the commission of an offence

143. In addition, access may be delayed if the authorising officer reasonably believes that the DP has benefited from their criminal conduct and the recovery of the value of the property constituting that benefit would be hindered. Free legal advice will be limited to telephone advice provided by Criminal Defence Service Direct (CDS Direct) if a DP is:

- detained for a non-imprisonable offence
- arrested on a bench warrant for failing to appear and being held for production at court (except where the solicitor has clear documentary evidence available that would result in the client being released from custody)
- arrested for drunk driving (driving/in charge with excess alcohol, failing to provide a specimen, driving/in charge whilst unfit through drink)
- detained in relation to breach of police or court bail conditions

Contact with People outside the Police Station

144. ICVs must not agree to any request from a DP to make contact with anyone outside the custody suite/police station. Neither must they agree to pass on a message to any other DP within the police station. ICVs must immediately notify the escorting officer if any such requests are made.

Police Investigations

145. ICVs must remain impartial and should not seek to involve themselves in any way in the process of investigation. If DPs 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.

DP Admissions

146. If a DP seeks to make admissions or otherwise discuss an alleged offence, the ICVs must inform the DP 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. Should the DP not have had access to legal advice that is something the ICVs will want to raise with the escorting officer.

DP known to ICV

147. If an ICV realises they know or are known by a DP, 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 ICV's impartiality. If an ICV decides to voluntarily withdraw from a visit, their partner must also withdraw as visits can only be conducted in pairs.

Cells with Double Occupancy

148. On occasion, more than one DP might be detained in the same cell. The Force has issued guidelines to custody officers to be followed when deciding whether or not to double-up DPs in a cell. If ICVs encounter two persons held in one cell, they may introduce themselves to the two DPs 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 by the escorting officer until the visit has been concluded or the discussions held in another part of the custody suite. This process will then be repeated if the second DP has also agreed to be visited.

Remand and Sentenced Prisoners

149. From time-to-time, due to operational constraints experienced by the Prison Service, ICVs may see remand and sentenced prisoners housed in police cells for short periods of time. Prisoners held in police cells have different rights to DPs subject to PACE, however, for visiting purposes ICVs should consider PACE sections relating to conditions of detention and care and treatment of DPs, as a minimum standard and seek to ensure that all detainees are treated with regard to those provisions.

150. If a prisoner requests something outside of the entitlements provided under PACE, ICVs should report their request to the escorting officer. Certain normal rights and entitlements for convicted or remand prisoners may not be feasible within a police

setting, so ICVs should avoid promising anything, but should simply undertake to report the request.

151. Prisoners may seek to complain about conditions in prison or the treatment they have received whilst there. ICVs must not involve themselves in such matters. There are recognised grievance procedures that 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 DPs

152. ICVs who need to converse with DPs who do not speak English will have access to an interpreter either in person or through the telephone interpreter service.

153. Sometimes it might be possible to conduct a custody visit in another language spoken by the DP, if one of the ICVs is fluent in that particular language. However, in such circumstances, care will be taken to ensure that the ICV's visiting partner is kept informed about what is being said.

Terrorism Act (TACT) 2000

154. ICVs selected and trained to visit TACT DPs are drawn from those hubs where terrorism detention takes place. The nearest TACT facilities to Lincolnshire are in Coventry and Nottingham. It is therefore unnecessary for Lincolnshire ICVs to receive TACT training at this time.

Reporting on a Visit

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

156. At the end of each visit, and whilst still at the police station, ICVs will complete a custody visit report form in triplicate. Wherever possible they should be able to use a private area for this purpose. Details recorded on the form should include both specific matters (which may already have been brought to the attention of the escorting officer) and more general issues relating to custody conditions/procedures. All reports will be completed in English even if the visit has been conducted in another language.

157. ICVs will retain the top white copy of form, which they will forward to the OPCC using a pre-paid envelope.

Holding the Police to Account

158. Completed custody visit 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 OPCC will be able to identify and draw together any emerging issues or trends that will be taken forward with the Force at an appropriate level. The flow chart at Appendix 7 shows the escalation process for ICVs, the Scheme Manager, PCC and the ICVA.

Confidentiality and Disclosure

159. During the course of their duties, ICVs may acquire 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.

160. Any breach of confidentiality may make ICVs liable to internal misconduct procedures and civil proceedings by the DP concerned. The unauthorised disclosure of facts concerning police operations or the security of police stations may also constitute an offence under the Official Secrets Act.

161. 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 DP and community reassurance is a major issue. It is in the interests of the strict application of confidentiality, that ICVs do not name or otherwise identify persons in visit reports.

Giving Evidence in Criminal Proceedings

162. Conversations between ICVs and DPs are not privileged and it would be open to a court to issue a witness summons requiring the attendance of an ICV to give oral evidence or to produce documents such as a report of a particular visit. ICVs 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.