



Independent Custody Visiting Scheme Guidelines

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Foreword

These guidelines have been issued for the guidance of independent custody visitors (ICVs) and will be made available to police officers so that there is a common understanding of the ICV's role.

The purpose of custody visiting is to enable members of the community to observe, comment and report on the conditions under which persons are detained at police stations and the operation in practice of the statutory rules governing their welfare. The scheme is written in conjunction with the Home Office Code of Practice on Independent Custody Visiting (Revised 2013) (Appendix A)

The credibility of the Independent Custody Visiting Scheme depends on visits being carried out with sufficient frequency by ICVs whose training and attributes combine to demonstrate that they can effectively monitor conditions in police stations.

Independent custody visiting is carried out by the consent of all the parties involved: the community from which the ICV has been appointed, the Police and Crime Commissioner (PCC) for Devon and Cornwall who makes the appointment, the police and the detainee.

These guidelines will help ICVs to undertake visits effectively and should help secure greater public understanding of the role of police officers in the detention and treatment of detainees.

A copy of these guidelines will be placed within the custody areas of police stations in Devon and Cornwall for the information of police officers and ICVs.

In order to comply with the ethos of transparency operated by the Office of the Police and Crime Commissioner (OPCC), a copy of these guidelines is available on the OPCC website

Section 1: Why we have independent custody visiting

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Background

- 1.1 **The Scarman Report.** Custody visiting (previously known as Lay Visiting) to police stations owes its origin to Lord Scarman, whose report on the Brixton riots in 1981 made recommendations about reforming the law, community relations and policing practices to help tackle the central problems which caused the civil disorders. Lord Scarman advocated a system for members of the public from local communities to inspect the way the police detained people in their custody.
- 1.2 **The Police and Criminal Evidence Act (PACE).** This act was made law in the mid 1980's and has been revised. This act sets out the way in which police officers must carry out their roles and states a specific code of practice for police procedures. It also established the rights of people who are detained by the police for a suspected crime or offence. Generally, it is Code C of PACE that covers the Detention, Treatment and Questioning of Persons by Police Officers and details the procedures that police must follow. PACE is a major reference for ICVs as they conduct their inspections in police custody.
- 1.3 **European Convention on Human Rights.** European Human Rights legislation was adopted within the UK in the year 2000. It contains significant implications for all those involved in the custody visiting process. The legislation requires that:
 - Detainees are treated according to UK legislation and their basic human rights are respected
 - ICVs are aware of appropriate Human Rights Articles and they perform their duties in accordance with them
 - PCCs who operate their recruitment and selection policies have regard to European Human Rights.
- 1.4 **The Police Reform Act 2002.** Section 51 of this act made custody visiting a statutory obligation for PCCs in England and Wales. Codes of Practice (latest version 2013) provide further clarification about the roles and responsibilities of those involved in the custody visiting process.
- 1.5. **Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment 2002 (OPCAT).** This international protocol establishes a system of regular independent visits to places where people are deprived of their liberty. Its aim is to complement national preventative mechanisms such as independent custody visiting.
- 1.6 **Other influences.** The MacPherson Report on the Stephen Lawrence Inquiry makes a series of recommendations about the treatment of minority ethnic groups. The Safer

Detention Guidance of 2012 contains working guides and standards to deal with the Safer Detention and Handling of Persons in Police Custody.

The aim of custody visiting

1.7 The Home Office Code of Practice 2013 states:

“Independent custody visiting is the well-established system whereby volunteers attend police stations to check on the treatment of detainees and the conditions in which they are held and that their rights and entitlements are being observed. It offers protections and confidentiality to detainees and the police and reassurance to the community at large.”

- 1.8 As well as being independent of the police service, the ICV must be impartial. They may champion the cause of neither the police nor a detainee. Their function is to observe, listen and report.
- 1.9 Custody visiting is carried out by consent; the consent of the community on whose behalf the visitor has been appointed, the PCC who made the appointment, the police and the detainee.
- 1.10 Custody visits need to be regular, unannounced and carried out with a frequency which is appropriate to the area and circumstances.
- 1.11 ICV schemes play a valuable role in police/community relations and in the context of providing an independent overview of a sensitive area of policing practice, they are as relevant in rural areas as in inner city conurbations.

Police and Criminal Evidence Act (PACE)

- 1.12 The Police and Criminal Evidence Act (PACE) is a major reference for ICVs as they carry out inspections of police custody suites. ICVs must be aware of the law as it applies to the detention of people in police custody; and must have knowledge of a detainee's rights and the limits of police powers. PACE sets out the way in which the police officers must carry out their roles and states specific codes of practice for police procedures. It also establishes the rights of people who are detained by the police for a suspected crime or offence. Specifically, Code C of PACE (Appendix 2) deals with the Detention, Treatment and Questioning of Persons by police officers and contains detailed procedures for the police to follow. 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.
- 1.13 PACE Code H specifically relates to the Detention, Treatment and Questioning of Persons by police officers detained under Suspected Terrorism offences (TACT).

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Attendance and access

Frequency and Timing of visits

- 2.1 The PCC should liaise with the Chief Officer about the frequency of visits. The OPCC is responsible for ensuring that each designated police station receives an adequate number of visits. Visits should be sufficiently regular to support the effectiveness of the system, but not so frequent as to unreasonably interfere with the work of the

police. A visiting roster will be drawn up by the Scheme Co-ordinator in association with volunteer panel co-ordinator. ICVs will be requested to make visits in accordance with the agreed roster.

- 2.2 Care will need to be taken that visits, whilst sufficiently frequent to meet the objectives of the scheme, do not take place so frequently that they impair the efficiency of the administration of the police station concerned or the operational work of the police officers. ICVs should bear in mind that their visits impose an additional responsibility on custody officers and they should also be aware of possible delays during custody officer change-over periods. The frequency and spread of visits will be monitored against expectations and reported to the PCC at regular intervals. Where insufficient visits are taking place, or the spread of visits across days and times during the month is uneven, the causes will be investigated and corrective action taken. The timing of visits is a matter for individuals. ICVs should arrive at the police station without prior notice and should avoid making visits at regular or predictable times.
- 2.3 The frequency of visits per designated custody suite will vary depending on usage, but there will be a minimum of 1 visit per custody suite per month. Visits should be spread across weekdays, weekends and throughout the daytime, evening and night. Consideration must be given to making visits to all police stations where detainees are held even where they are accommodated infrequently or for relatively short periods of time.

Visiting in Pairs

- 2.4 Visitors are required to visit in pairs at all times. Any ICV arriving at a police station on their own will not be granted access to the custody area to make a custody visit. It is considered that no more than two ICVs should visit together, as larger parties could constitute an additional burden on the staff at the police station.
- 2.5 ICVs may not be accompanied by any unauthorised persons; custody visits will only be made when accompanied by another accredited ICV.
- 2.6 ICVs will be responsible for making their own arrangements for visiting in pairs and will be provided with fellow visitors' contact details for this purpose by the Scheme Co-ordinator in association with the Volunteer Panel Co-ordinator if necessary.

Visits at the Request of the Police

- 2.7 Whilst visits should normally be unannounced, there may be instances when there is particular tension within a local community about the treatment or well-being of one or more persons being detained at a police station. In such circumstances, ICVs may be invited to attend to allay myth and rumour and to provide reassurance to the surrounding community. The police officer requesting the visit will be responsible for contacting the Scheme Co-ordinator who will arrange the attendance of two ICVs.

Security and Safety

- 2.8 Police staff must be alert to any specific health or safety risks ICVs might face and must advise them appropriately at the commencement of the visit. In the interests of

security and the safety of visitors, the Custody Officer or a Detention Officer will accompany them at all times during visits.

Attendance at the Police Station

- 2.9 Custody Officers will only respond to ICVs attending in person at a police station. Telephone enquiries as to the custodial situation at a police station will not be responded to.
- 2.10 ICVs should not combine making a custody visit with the conduct of any other business at a police station.

Immediate Access to Custody area

- 2.11 ICVs should be admitted immediately to the custody area. If access is delayed this will affect the credibility of the independent custody visitor Scheme. It is inappropriate for access to be delayed because the Custody Officer or staff are busy. In such circumstances the visitors should be admitted to the custody area but are invited to wait until the Custody Officer¹ or a Detention Officer² is available to escort them on the visit. Immediate access does not mean immediate attention. If this is not possible, access should only be delayed where the visitors may be placed in danger, for example if there is a disturbance in progress in the custody area or a health and safety issue. A full explanation should be given to the ICV as to why access is being delayed, which will be recorded by the visitors in their report.
- 2.12 Occasionally when the custody centre is exceptionally busy it will be impractical to visit every detainee. In these circumstances ICVs will be invited by the Custody Officer or a Detention Officer to prioritise detainees assessed as vulnerable.

Access to all Parts of the Custody Area

- 2.13 ICVs should have access to all parts of the custody area including cells, detention rooms, charging areas and to associated facilities such as food preparation areas and the medical room (this does not include access to locked drugs cabinets). ICVs will wish to satisfy themselves that these areas are clean, tidy and in a reasonable state of repair and decoration and that bedding in cells is clean and adequate. It is not necessary on each visit to inspect stores, but ICVs should establish that suitable arrangements exist for; adequate stocks of items such as blankets, clothes and flip flops; the cleaning of blankets; regular replacement of necessary furnishings and equipment. They may inspect empty cells and detention rooms to check heating/ventilation systems, that cell bells and toilet flushing mechanisms are working properly. They may visit interview rooms and medical rooms in the custody area if unoccupied. ICVs may not visit CID rooms or other operational parts of the police station. It is not part of the independent custody visiting role to attend police interviews with detainees.

¹ A Custody Officer is a police Sergeant with responsibility for custody

² A Detention Officer is a member of police staff who provides support to the Custody Officer

CCTV

2.14 ICVs will be allowed access to CCTV cameras to ensure that they are operational.

Categories of detainees

2.15 Detainees will fall into the following categories:

- PACE prisoners
These will constitute the vast majority and are held under the provisions of the Police and Criminal Evidence Act 1984.
- Home Office Prisoners
These are remanded or sentenced prisoners who would normally be held in prison.
- 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.
- People at risk
These may be persons held under the Mental Health Act Section 136 for their own protection or children taken into police protection under the Children Act 1989.
- Operation Safeguard
These are remanded or sentenced prisoners who would normally be held in prison. The rights and entitlements of Operation Safeguard detainees differ from other detainees. As with all other detainees, issues or concerns should be raised with the custody officer.

Access to detainees

2.16 ICVs should have access to all categories of detainees at all times, subject to certain restrictions (see 2.18).

2.17 Persons detained under the provisions of PACE who need for whatever reason to be held in hospital may be visited there with the agreement of the hospital authorities.

2.18 In exceptional circumstances the police may judge that it is necessary for a detained person not to be seen and/or spoken to by ICVs in order to avoid any possible risk of prejudicing an important investigation. Any decision to deny ICVs access to a detained person should be taken by a police officer of or above the rank of Inspector and recorded in the custody record. Any decision to deny access should be taken in each case in the light of all relevant circumstances. Access by ICVs should not necessarily be denied to any particular category of detainee, or where a decision has been made that a person should be held incommunicado.

Consent to custody visit by detainee and privacy of conversation

- 2.19 A detained person is not obliged to see ICVs or to answer questions. Discussions between detainees and ICVs must, wherever practicable, take place in the sight, but out of the hearing, of the Custody or Detention Officer. Where this is not possible, the Custody or Detention officer will not take any active part in the conversation. Custody/Detention Officers should not actively listen to conversations between ICVs and detainees.
- 2.20 Where practicable, and in order to preserve the privacy of detainees and safety of ICVs, detainees will be notified by the Custody Officer or Detention Officer within earshot, but out of sight of the ICVs, that two members of the public will now enter the doorway of their cell and introduce themselves and will also be asked to sit and remain sat on the bed within their cell. ICVs use self-introduction to determine if a detainee gives consent to a visit and if the detainee agrees that the notes about their detention (custody record) may be checked.
- 2.21 If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption must be in favour of allowing the ICVs to examine it and the Custody or Detention Officer should arrange for visitors to have access to the detainee's custody record.

Juveniles

- 2.22 Juveniles may be spoken to with their own consent. 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.

Detainees who are asleep

- 2.23 Sleeping detainees can be woken at the discretion of the Custody or Detention Officer to seek consent to a discussion with ICVs. However, where this would involve interrupting the continuous period of eight hours rest out of 24 provided for under PACE, the normal procedure should be not to wake the person but to observe them through the cell hatch and record all observations on the custody visit report form.

Detainees who are being interviewed

- 2.24 If a person is being interviewed the interview may not be interrupted. If the ICVs wish to see the detainee later in the visit, after the interview has been completed, they may do so and may, if necessary, wait in the waiting room for this purpose.

Detainees who are unable to consent to a visit

- 2.25 If for whatever reason, a detainee is not able to give consent, the Custody or Detention Officer must allow the visit unless any of the following circumstances apply.
- 2.26 The police may limit or deny ICVs access to a specific detainee if a police officer of or above the rank of Inspector believes that to be necessary for the ICV's safety.

Such a police officer may also deny or restrict access where they reasonably believe that such access could interfere with process of justice.

2.27 Where any of the above circumstances apply, consideration should be given to allowing the ICVs some limited form of access to the detainee, such as speaking to them through the cell hatch. Any decision to deny or limit access must be recorded in the detainee's custody record (together with relevant authorisation) and by the ICVs in their report of the visit.

Access to Custody Record

2.28 Subject to obtaining the detainee's consent to examine their custody record, the ICVs should check its contents against what they have been told by the detainee. ICVs whilst looking through the custody record would also have access to other relevant documentation, which relates to the detainee e.g., risk assessment. All such information should be treated confidentially.

2.29 If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption must be in favour of allowing the ICVs to examine it.

2.30 ICVs will wish to satisfy themselves that the custody record fully and accurately records the action taken in connection with detainees while in police custody.

In particular, ICVs will wish to verify

- whether their rights and entitlements under PACE have been given;
- whether the relevant safer detention guidelines have been given;
- that medication, injuries, medical examinations, meals / diets 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 the reviews of the continuing need for detention.

Medical Record and Medical Conditions

2.31 **ICVs have no right to see the detainee's medical records**, even though these are attached to the custody record. The custody record should include all relevant information about necessary medication for a detainee and the frequency of administering it. Custody officers, on guidance from the medical staff, are responsible for ensuring that medication is given at appropriate times. However, ICVs 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.

Dealing with issues raised

Conversations between detainees and ICVs

- 2.32 Discussions between detainees and ICVs must normally take place in sight but out of hearing of the Custody or Detention Officer where that is practical. Where this is not possible, the police officer will not take any active part in the conversation. Police officers should not actively listen to conversations between ICVs and detainees. ICVs should bear in mind however, that some detained persons may be violent or under the influence of drink or drugs and that the presence of the Custody or Detention Officer may deter or frustrate assaults on the visitors.
- 2.33 Visits should normally be conducted in English. Translation support will be provided where necessary either via Language Line or if an interpreter is present and they agree, the visit can be conducted through them.
- 2.34 ICVs should be aware that the detainee may be from a background where there may be cultural sensitivities concerning how they interact with someone, for example someone of a different gender, of a markedly different age or social standing to themselves. ICVs themselves should endeavour to treat all detainees cordially and with respect, in accordance with the principles of the Equality Act 2010 during any interaction.
- 2.35 Discussions must focus on checking whether or not detainees have been offered their rights and entitlements under PACE (including receipt of the necessary paperwork), their health and wellbeing and on confirming whether the conditions of detention are adequate. ICVs should do all they can to encourage an open exchange with the detainee and use the checklist on every visit to ensure that they cover all the relevant issues. The checklist can be found at Appendix B.

Impartiality

- 2.36 ICVs should remain impartial and must not seek to involve themselves in any way in the process of investigation. If a detainee presses them for advice about co-operating with the police, making a statement or anything in relation to their defence, the ICVs should explain that it is not part of their role. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the ICVs must tell them that the relevant contents of the visit will be made known to the custody officer and may be disclosed in legal proceedings. If the detainee's concerns are linked to not yet having received legal advice, that is something that ICVs may wish to take up with the Custody Officer.
- 2.37 If an ICV realises they know or are known by a detainee, they must consider whether to withdraw from the visit. The decision will depend upon the nature of the relationship and its likelihood to affect the ICV's impartiality.
- 2.38 ICVs must not pass messages for detainees or perform other tasks, for example agreeing to make contact with any person outside the police station, on behalf of a detainee as this might compromise impartiality of the interests of justice. ICVs must inform the Custody Officer immediately if this should happen. For this reason, ICVs must not make physical contact with detainees.

Treatment of Detainees

- 2.39 ICVs should primarily be concerned with overall conditions, standards and procedures at police stations. However, if there are immediate concerns about the treatment of particular detainees this must be passed on immediately to those in a position to take corrective action (such as a Custody Officer). If a detainee indicates that they may harm themselves or any other person, this should be brought to the attention of the Custody Officer.
- 2.40 ICVs should satisfy themselves that the statutory rights have been explained to detainees 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 the Codes of Practice, PACE Act 1984. (Appendix C)

Complaints by Detainees

- 2.41 It is important to distinguish between complaints by detainees about their general treatment or conditions of detention and a complaint of misconduct by a police officer. The former may encompass complaints such as that the detainee had not been notified of his statutory rights or had not received entitlements under the PACE Act 1984 Codes of Practice. Such complaints are clearly for custody visitors to pursue with the Custody Officer, or senior officer at the police station, ***at the time of the visit subject to the detainee's consent.***

Complaints of Misconduct by a Police Officer or a member of police staff

- 2.42 If a detainee makes a complaint of misconduct by a police officer or police staff member, they must be advised to address it to the duty police officer in charge of the police station. With the detainees' consent, it may be appropriate for the ICVs to notify the duty police officer that the detainee wishes to make a complaint. In addition, ICVs may want to remind them that they can seek legal advice in relation to the complaint or to ask to see a doctor if an alleged assault is involved. However, such complaints must be dealt with through the formal procedures which are laid down in the Police and Criminal Evidence Act 1984 and there is no broader role for ICVs. ICVs must not involve themselves in individual cases or make representations on detainee's behalf.

Deaths in Custody

- 2.43 Where there has been a death in custody, the PCC will be informed following the agreed procedure between the Police & PCC. Consideration will then be given to whether a visit would be helpful in terms of informing and reassuring the local community. Any visit following a death in custody or some other major incident will not be allowed to interfere with any relevant investigation which may be taking place. There may be circumstances in which the Senior Investigating Officer dealing with such an incident needs to refuse or restrict access to particular areas.

Procedures at a Temporary Remand Centre (when applicable)

- 2.44 Occasionally, where there is an industrial dispute involving the Prison Service, remand prisoners are detained at one or more of the custody centres, these are then referred to as Temporary Remand Centres. Because of the high number of persons detained at any one time at a Temporary Remand Centre, the procedure applicable will be varied to produce a more practical application of the Independent Custody Visiting Scheme.
- 2.45 Upon arrival at a Temporary Remand Centre, the ICVs will be met by the duty Sergeant or Inspector who will tell the ICVs how many persons are in custody at the centre and invite the ICVs to choose which cell or detainee numbers should be approached to see if they wish to receive a custody visit. Priority can be given to the selection of detainees who have been assessed as vulnerable. ICVs must exercise their judgement that the time taken to visit detainees in these circumstances does not unreasonably interfere with the work of those caring for detainees.
- 2.46 At the Temporary Remand Centre it may be more practical to take the persons in custody to an interview room instead of the ICVs going to cells. The procedure for the Temporary Remand Centre is otherwise as applicable to police stations.

Remand and Sentenced Prisoners

- 2.47 Remand and sentenced prisoners held in police stations may seek to complain about conditions in prisons or the treatment they have received there. ICVs must not involve themselves in such matters. There are recognised grievance procedures open to prisoners such as writing to or petitioning the Home Secretary or a Member of Parliament or contacting a solicitor.

Report Forms

Completion of ICV visit report forms

- 2.48 During each visit, ICVs should complete a visit checklist (Appendix B). At the end of each visit, ICVs should complete a report of their findings on the forms contained in the custody visiting book held in the custody centre. The visit report form is in triplicate and therefore handwriting needs to be clear and written with a ball point pen so that a clear impression is made on each copy. The Custody Officer will be asked to sign the completed form to acknowledge the issues. A white copy is passed to the Custody Inspector, the yellow copy (and all completed checklists) are sent to the Scheme Co-ordinator via internal post, and the green copy remains in the book. An example visit report form is set out at Appendix D.

Issues to Report

- 2.49 If a visit discloses any aspect of the treatment of detainees or conditions at the police station which are unsatisfactory, they should be included on the visit report form comprehensively and raised with the Custody Officer **at the time**. This is an essential

part of the visit process. Any action which the Custody Officer takes must also be recorded in the visit report form. (as shown on Appendix D)

Feedback

Feedback at a local level

- 2.50 The Scheme Co-ordinator is responsible for drawing together issues and identifying trends emerging from visits in their area and addressing these with relevant police supervisors. To achieve this, the Scheme Co-ordinator in association with the Volunteer Panel Co-ordinator should arrange and attend quarterly panel meetings where groups of visitors will discuss their work. After each Panel meeting, the Scheme Co-ordinator will arrange a meeting or follow up any issues arising from the panel meeting with the Custody Inspector responsible for criminal justice at a local level. Such meetings or follow ups may take place more regularly if required, for example, if there is an issue that needs to be addressed urgently.
- 2.51 The annual refresher training, organised by the Scheme Co-ordinator, will give ICVs an opportunity to network and discuss issues arising from custody visits and to share experience.

Feedback at PCC level

- 2.52 The Scheme Co-ordinator will meet regularly with the Chief Inspector with force wide responsibilities for custody to raise concerns and issues arising from independent custody visits. Such meetings may take place quarterly, or more regularly if required. Discussion at these meetings will be based on feedback from visit reports and local panel meetings.
- 2.53 A report summarising the output from the ICV scheme and the way in which concerns have or have not been addressed will be produced by the Scheme Co-ordinator for the PCC's consideration twice a year.

Feedback to the wider community

- 2.54 ICVs may report on their visits *in general terms* to members of their local community.
- 2.55. The PCC publicises the ICV Scheme.
- 2.56 The OPCC has an ICV scheme presence through the OPCC website and Twitter account. Social networking is considered to be a key resource in making contact and transmitting messages to people.
- 2.57 To assess how effectively the ICV scheme arrangements are working, visit reports will be monitored for quality, frequency and spread of visits and the number of occasions on which detainees refuse to speak to visitors.
- 2.58 This will indicate whether expectations of frequency are being met and highlight any locations or groups where corrective action is necessary. It will also indicate

something about the detainee's perception of the visiting system as well as reflecting the effectiveness with which ICVs are introduced at police stations.

Volunteer Panel

2.59 The Volunteer Panel consists of ICVs who live or work in the Devon and Cornwall Police force area. The panel is convened by the Scheme Co-ordinator and is Chaired by the Volunteer Panel Co-ordinator.

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Establishment and responsibility for the scheme

3.1 This ICV scheme has been established by the PCC in consultation with the Chief Constable of Devon and Cornwall Police. The operation of the ICV scheme is the responsibility of the PCC. The PCC, in consultation with the Chief Constable, has the final responsibility in all matters relating to the operation of the ICV scheme.

Visiting frequency

3.2 The PCC establishes, in conjunction with the Chief Constable, a visiting frequency across Devon & Cornwall's area, against which performance is monitored, measured and published annually.

Designated and non-designated police stations

3.3 ICVs are organised to visit designated police stations on a regular basis and non-designated police stations on a twice-annual basis.

3.4 A designated custody suite is designed to Home Office specifications, staffed by designated custody officers and detention officers and is able to hold detainees for periods over 6 hours and up to 24 hours before an extension needs to be obtained. (Except for persons detained under the Mental Health Act who can be detained for up to 72 hours).

3.5 A person can be detained at a non-designated suite for up to 6 hours but they must then be transferred to a designated unit as they will need to be reviewed by a police Inspector and where the facilities are adequate for longer stays.

The role of the Scheme Co-ordinator and Volunteer Panel Co-ordinator

3.6 Overall responsibility for the oversight of the ICV scheme rests with a nominated officer on the PCC's staff who fulfils the role of Scheme Co-ordinator. The Volunteer

Panel has its own Co-ordinator who is also an ICV. There is also provision for a Deputy Volunteer Panel Co-ordinator to support the Volunteer Panel Co-ordinator.

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Recruitment Process

- 4.1 The OPCC recruits ICVs from members of the public and operates competency based selection processes. Information on recruitment is found on the website and the process is outlined in the application pack.

- 4.2 The OPCC's aim is to develop a volunteer panel which reflects the diversity of the communities of Devon and Cornwall and the Isles of Scilly and is committed to the belief that all people have the right to be treated with dignity and respect. Applications from members of minority groups are particularly welcome.

- 4.3 The OPCC is committed to ensuring people with a disability can undertake their role as a volunteer by providing disabled access and making reasonable adjustments in line with the Equality Act 2010.

Eligibility

- 4.4 Subject to the exceptions set out below, any person over the age of 18 years and who lives or works within Devon and Cornwall and who has been resident in the UK for at least 3 years can apply as an ICV. There is no upper age limit.
- 4.5 ICVs should also be independent persons of good character who are able to make unbiased observations in which the community can have confidence and which the police will accept as fair criticism when it is justified. Where an applicant has convictions (whether spent or unspent) 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 suitability to become an independent custody visitor. However, past offending is not an automatic barrier to acceptance. Applicants will be asked to include in their application forms details of any such convictions and to consent to police enquiries being made. An appropriate Senior Police Officer should provide advice to enable a decision to be made on the suitability of each applicant.
- 4.6 When appointing ICVs, it is necessary to avoid any potential conflict of interest. Serving police officers and other serving members of the police staff or officers of the OPCC will be unsuitable for that reason. The same will apply to special constables, lay justices and members of the Police & Crime Panel. Applicants who have recently retired from working within the criminal justice system in Devon and Cornwall will be considered on an individual basis in terms of the potential conflict of interest.
- 4.7 Once appointed, any changes to individual circumstances that could cause a conflict of interest or compromise the independence and integrity of the ICV scheme must be notified to the Scheme Co-ordinator or another appropriate officer at the OPCC immediately.

Application form

- 4.8 All selections will be made on the basis of a standard application form. Personal information is removed from application forms and they are shortlisted on a competency based selection process.

Informal interview

- 4.9 Individuals successfully shortlisted at the application stage of the recruitment process will be invited to an informal interview. No person shall be appointed as an ICV without an informal interview taking place. The informal interview will be with the Scheme Co-ordinator and another member of OPCC staff.

Appointments

- 4.10 All successful candidates at the informal interview stage of the recruitment process will be notified by the Scheme Co-ordinator. This appointment will initially be on a probationary period subject to vetting clearance and references.

Terms and Tenure

- 4.11 ICVs are appointed for a 3 year term. At the end of a 3 year term, ICVs will have the opportunity to seek further terms subject to the maximum tenure.
- 4.12 An essential part of the ICV scheme is its independence from the police service. To reduce the risk of familiarisation and to increase the opportunity to take part, the maximum tenure for an ICV is nine years (three terms of three years).
- 4.13 Further terms up to the maximum tenure will be subject to continuing satisfactory performance and suitability.
- 4.14 A new ICV will commence their first term of 3 years at the point at which they commence their probationary period. At the end of the probationary period, their appointment will be confirmed.

Vetting

- 4.15 Any appointment is subject to vetting or security clearance for all ICVs (to an appropriate level). Vetting is renewed every three years.
- 4.16 A higher level of vetting at an appropriate level applies to those ICVs who are designated to visit persons detained under the Terrorism Act (TACT).

Identity Cards

- 4.17 Following notification of their appointment, the OPCC will issue each ICV with an identity card showing the holder's photograph. The identity card will authorise the holder to visit all police stations in Devon and Cornwall with accommodation for detainees, at the request of the OPCC or when a special visit is requested by the Devon and Cornwall Police.
- 4.18 ICV's identity cards should be used only for the purpose of making custody visits. If anyone uses their card for any other purpose, it may be withdrawn and that person's appointment as an ICV may be terminated.

Memorandum of Understanding

- 4.19 The ICV will also be provided with and asked to sign a written Memorandum of Understanding (Appendix D) on appointment (and at the point of re-appointment for a further term), summarising their agreed responsibilities and the legitimate expectations of both parties.

Induction Training

- 4.20 Successful applicants will be invited to attend a one-day training session organised by the Scheme Co-ordinator. This will provide those who are appointed with the basic knowledge and skills they will need to make visits. The training sessions will be held on various days and times to enable all to attend. No ICV can begin visiting prior to undertaking this training session.

Equality, Diversity and Human Rights Training

4.21 All ICVs are required to attend Equality, Diversity and Human Rights Training considered appropriate by the OPCC. This training emphasises the need for individuals to demonstrate commitment to the spirit of the Act by the behaviours that they adopt and the willingness to robustly challenge inappropriate behaviour in others. This training is mandatory for all ICVs. Training sessions will be held on various days and at various times to enable all to attend.

Probationary Period

4.22 All appointments are subject to a probationary period of 6 months. Probationers visit with an existing ICV who can offer advice and give feedback as the role is learnt. In exceptional circumstances two probationers may carry out a visit without an existing ICV provided that they are accompanied by the Scheme Co-ordinator. Carrying out visits with an existing ICV has many benefits. Along with discussion of practical issues and difficulties after visits have been completed, this will provide valuable practical training. The Scheme Co-ordinator is available to support new ICVs as they learn and will make regular contact during this period to provide support and to address any coaching or development needs. ICVs are encouraged to question as they learn and provide feedback on their visits to the Scheme Co-ordinator. Practitioner support and advice is also provided to the probationer through the Volunteer Panel Co-ordinator.

4.23 In deciding on the probationary period coming to a satisfactory conclusion, a review will be carried out by the Scheme Co-ordinator (Appendix E) in which the following will be taken into account:

- Number of allocated visits undertaken successfully (including times and days of visits)
- Feedback from existing ICVs and the Volunteer Panel Co-ordinator
- Feedback from other involved agencies, e.g. custody and police staff (where applicable)
- Attendance and contribution at panel meetings
- Attendance and contribution at training
- Quality of visit reports

4.24 Satisfactory completion of the probationary period will be notified in writing. Following the satisfactory completion of the probationary period, the appointment for the remainder of the 3 year term will be confirmed during which time ICVs will carry out their duties in accordance with the local and national ICV scheme guidance.

4.25 If the decision is made not to confirm probation and the ICV disagrees with the decision they can appeal through the Appeals Procedure which is set out at Appendix F.

Continuous Training

4.26 Annual Refresher Training sessions are arranged by the Scheme Co-ordinator, which may be in association with the Independent Custody Visiting Association (ICVA).

- 4.27 Other training sessions may be held either on request (if appropriate) or through an identified training need or personal development, either on a one to one basis or for all ICVs.
- 4.28 ICVs are expected to attend training sessions if they can as it is of great importance that ICVs' knowledge and training are kept up to date. Training sessions will be held on various days and at various times to enable all ICVs the opportunity to attend.
- 4.29 In addition to this, there may be the opportunity for attendance at conferences and other gatherings organised by the OPCC or other agencies, which can increase knowledge and experience.

Volunteer Support, Reviews and Re-appointment

- 4.30 The Scheme Co-ordinator will provide support to ICVs throughout the year and will make regular contact to understand and action any coaching or development needs.
- 4.31 An annual review meeting will be held between the Scheme Co-ordinator and the ICV and will take into account the range of activities and duties undertaken by the ICV during the year, any relevant feedback from other ICVs and the Volunteer Panel Co-ordinator, and participation in panel meetings and training.
- 4.32 At the end of a 3 year term, subject to the requirements of the ICV Scheme and the ICV wishing to continue a volunteer re-appointment review will be held. (Appendix E) The following points will be taken into account:
- Number of allocated visits undertaken successfully (including times and days of visits)
 - Feedback from fellow ICVs
 - Feedback from other involved agencies, e.g. custody and police staff
 - Observations of the Volunteer Panel Co-ordinator
 - Attendance and contribution at panel meetings
 - Attendance and contribution at training sessions
 - Quality of visit report forms
- 4.33 Each ICV will receive notification in writing of the outcome of the re-appointment review at 4.28, which will include the decision whether or not to extend the appointment by a further term up to the maximum tenure of nine years. The key factors in renewing appointments for further terms will be the continuing ability and willingness of the ICV to carry out their role effectively and the needs of the ICV Scheme. Any re-appointment is subject to vetting at the appropriate level on a three year basis. If the extension is not approved; unless the nine year tenure has expired, there is a right of appeal set out at Appendix F.

Volunteer Panel Meetings

- 4.34 Volunteer Panel meetings are held four times a year spread at quarterly intervals. They are organised by the Scheme Co-ordinator and chaired by the Volunteer Panel Co-ordinator. In order to provide all ICVs the opportunity to attend these may

be held on alternative days or locations and alternate between virtual and face to face. ICVs are required to attend all panel meetings whenever possible.

4.35 Volunteer Panel Meetings are attended by ICVs, the Scheme Co-ordinator Members of Force personnel such as Custody Inspectors or similar may be invited from time to time to provide an input as required.

4.36 The Volunteer Panel Meetings are a forum for volunteers to discuss issues arising from visits since the last meeting and other relevant matters. The Scheme Co-ordinator and/or Force personnel may also provide updates to the panel on relevant issues. Training and/or guest speakers may also be included in the meetings as a development opportunity.

Expenses

4.37 The role is entirely voluntary, but travelling expenses will be payable to all ICVs in line with HM Inland Revenue approved mileage rates. Public transport fares or private car mileage, at the agreed rate, will be paid. Expenses can also be claimed for telephone calls and attending training sessions. Expenses must be claimed within three months of the date they were incurred. Claims are made via e-form (Appendix G) directly to the OPCC via email:
opcc@devonandcornwall.pnn.police.uk.

4.38 ICVs whose role necessitates them to travel will be reimbursed travelling costs as set out below.

Mileage Rates	
Car Mileage Rate	45p per mile (for the first 10,000 miles per annum)
Car Mileage Rate	25p per mile (after the first 10,000 miles per annum)
Passenger Rate	5p per passenger per business mile for carrying their fellow custody visitor(s) as a passenger in their car or van on journeys to undertake a custody visit when all are undertaking a custody visit, or when all are attending a custody visiting related event. The rate that is approved as tax free by HM Revenue and Customs
Bicycle rate	20p per mile

4.39 The rates will be reviewed annually in line with rates applicable to Devon and Cornwall Police, however are likely to remain the same unless fuel costs rise significantly.

4.40 All claims for mileage must be supported by a VAT fuel receipt that should be retained for three years by the ICV for audit purposes. The receipt needs to be dated on or before the date of travel claimed but can be for any amount.

4.41 Use of public transport should be considered by ICVs as a matter of economy. If an ICV requires rail, air or sea travel outside of Devon and Cornwall (i.e. for a conference or meeting or travel to the Isles of Scilly), this will be agreed by the Scheme Co-ordinator in advance, arranged and paid for through the OPCC.

4.42 Public transport will be paid for in advance for ICVs whenever possible. If this is not possible, all reasonable costs will be reimbursed provided a receipt is retained in relation to the claim. Receipts with VAT details must be kept by the claimant for three years for audit purposes and available for inspection.

4.43 In relation to claims for public transport costs the following points should be noted:

- Rail tickets should be standard class unless prior agreement has been obtained from the Chief Executive of the OPCC.
- Receipts should be retained by the claimant to support expenditure claims and allow the OPCC to reclaim the appropriate element of VAT, where applicable.

4.44 Reasonable out of pocket costs will be reimbursed provided a receipt is available to be checked and kept by the ICV for three years from the date of expenditure.

4.45 In relation to claims for subsistence the following points should be noted:

- Out of pocket expenses include such items as car parking tickets, telephone calls and stationery. Expenses are not refundable for fines e.g. penalties incurred for exceeding parking restrictions.
- Receipts should be available to support expenditure claims (to include fuel receipts) and allow the OPCC to reclaim the appropriate element of VAT. They must be retained by the ICV for three years from the date expenditure incurred for audit purposes.

4.46 An ICV who needs to engage the services of a carer for a dependant relative or child to enable them to attend custody visiting business shall be entitled to claim the actual evidenced cost incurred subject to a maximum of £100.00 per day per carer.

4.47 For an allowance to be payable the dependent being cared for must be in one of the following groups:

- Under 16 years of age
- A person with mental health or physical health requirements
- A person with a learning disability who must not be left unsupervised.

4.48 The OPCC Chief Executive, has authority to vary these arrangements in exceptional circumstances

Insurance

4.49 The OPCC has arranged appropriate insurance cover for ICVs during a custody visit at a police station.

4.50 ICVs must ensure the vehicle cited in their travel claim is covered by fully comprehensive business use motor insurance.

Car Tax, MOT and driving licence

4.51 If ICVs are using their own vehicle to conduct visits on behalf of the PCC they must be able to provide a copy on request of:

- the insurance policy
- the MOT certificate
- evidence of car tax for that vehicle
- a valid driving licence.

Visitor Safety – travelling for visits

4.52 If ICVs are using their own vehicle to conduct duties on behalf of the PCC they are encouraged to complete the online driver awareness training that will be provided for their health and safety. ICVs are reminded to check the weather and road conditions before a visit and not undertake to travel if a severe weather warning has been issued, remembering to inform their visiting partner of this decision.

Effective working relationships

4.53 For ICVs to be effective, it is essential that ICVs and police staff develop and maintain professional working relationships based on mutual respect and understanding of each other's legitimate roles. In the event that a complaint is received by the OPCC about:

- a) An ICV from a detainee, a member of police personnel or others the process as detailed in the complaints procedure (Appendix K) will be invoked, or
- b) A member of police personnel from an ICV, then the procedures for dealing with such complaints as detailed in paragraphs 5.5 - 5.10.

Appropriate Adults & Lay Observers

4.54 Independence from the police service is key to the role of the ICV. Applications to become an ICV will not be accepted if the individual is currently an Appropriate Adult in the same area. This is due to a conflict of interests in the two roles, as ICVs may, on occasion, have cause to give critical feedback regarding the provision of Appropriate Adult services in the area they visit. Therefore, the independence element of the custody visitor role precludes one person covering both ICVs and Appropriate Adult roles in a suite.

4.55 ICVs may act exclusively as an Appropriate Adult but not an ICV if:

- in relation to a child, they are the parent or guardian; or
- in relation to a vulnerable adult, they are a relative, guardian or other person responsible for their care or custody.

4.56 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.

ICVs giving Evidence in Criminal Proceedings

4.57 Conversations between ICVs and detainees are not privileged information and 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 on a particular visit. An ICV is under no obligation to give evidence or produce documents otherwise than in response to a court order, but would be obliged to respond to such an order.

Confidentiality

4.58 ICVs will acquire considerable personal information about persons in police custody. Personal information relating to detainees must be protected against improper or unnecessary disclosure. ICVs will therefore be asked to give an undertaking not to release the identity of, or information capable of identifying, any person in police custody (Appendix H). It is desirable, in the interests of the strict application of the principles of confidentiality, that ICVs do not name or otherwise identify persons in custody even in reports to fellow ICVs or the OPCC. ICVs are strictly forbidden from disclosing any information regarding the identity of detainees or removing such information from custody suites or police premises. This may result in termination of the ICV's position with the OPCC.

Breach of Confidentiality

4.59 A breach of this undertaking may make an ICV liable to civil proceedings by the detainee. ICVs will also need to be aware that the unauthorised disclosure of the facts concerning police operations or the security of police stations may constitute an offence under Section 5 of the Official Secrets Act 1989.

Section 5: Problem Resolution

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Resolving Problems

5.1 The OPCC will always endeavour to:

- treat all complaints sensitively and confidentially, the issues will only be discussed amongst those who are directly involved in trying to resolve the issue
- keep all individuals involved in the process informed at every step of the procedure (where appropriate).

- 5.2 All complaints must be resolved openly, fairly and efficiently to help protect ICV volunteers and the OPCC. This must minimise disruption to staff, volunteers and service users.
- 5.3 The role of ICV is entirely voluntary and does not imply a contract. The OPCC maintains an agreed standard of service to the community. It is important that the ICV volunteer feels their contribution is valued and enjoy the role they undertake.
- 5.4 ICVs are expected to adhere to the Home Office Code of Practice (Appendix A) and these Scheme Guidelines. Failure to adhere to these may threaten the reputation of the ICV scheme or jeopardise the relationship between the ICV, the OPCC and the police.

Complaints made by an ICV about Police Personnel

- 5.5 Should an ICV have need to make a complaint about a police officer or member of police staff, the following procedures should be taken:
- 5.6 Initially, the ICV should refer their complaint to a supervisory officer based at the police station. This should be done as soon as possible after the incident. The complaint will be recorded in an official complaint form by that officer.
- 5.7 The ICV must advise the Scheme Co-ordinator about the complaint as soon as is practically possible.
- 5.8 If the complaint is of a relatively minor and straight forward nature, there may be scope for resolving the problem there and then.
- 5.9 Should that not be possible, or the nature of the complaint is of a scale that it is more appropriately dealt with by a person independent of the local custody centre, then the independent custody visitor should put their complaint in writing and send it to the Scheme Co-ordinator. The complaint will then be referred to the Professional Standards Department who will respond directly to the ICV who has made the complaint in line with their established processes.
<https://policeconduct.gov.uk/complaints-reviews-and-appeals/make-complaint>

Complaints made by ICVs concerning OPCC staff

- 5.10 If an ICV has an issue or problem they should in the first instance contact the Scheme Co-ordinator. If the ICV does not feel able to speak to the Scheme Co-ordinator they can speak to the relevant Senior Manager at the OPCC (Business Support and Customer Service Manager). It is expected that the individuals concerned will use their best endeavours to achieve a satisfactory resolution at local level wherever possible, however if this is not possible, the grievance policy as set out in Appendix I should be followed.

Conduct, performance and removal of an ICV from the ICV Scheme

- 5.11 Each ICV is a representative of the PCC and the OPCC. At all times conduct of the highest standard is expected to ensure confidence is maintained.

- 5.12 ICVs must ensure that activities undertaken in their private lives do not affect the integrity of the OPCC or compromise the activity of the Independent Custody Visiting Scheme.
- 5.13 All ICVs will be required to comply with all relevant policies and procedures associated with the OPCC and must also adhere to the Memorandum of Understanding (Appendix J).
- 5.14 There is an expectation that ICVs will undertake a minimum number of visits. Where an individual fails to make their scheduled visits during a twelve month period and / or regularly fails to attend panel meetings and training sessions and a valid reason has not been provided; removal of an ICV from the scheme may be considered.
- 5.15 Difficulties or concerns in respect of an ICVs conduct, performance or attendance can sometimes arise. In such cases, the Scheme Co-ordinator is responsible for raising and discussing such matters with the ICV.
- 5.16 The focus of these discussions is on agreeing actions to achieve the required improvements in conduct, performance and/or attendance. If practical, support or further training will be offered. The discussions and actions will be documented at each stage by the Scheme Co-ordinator who will write to the ICV outlining the concerns, the improvements expected and the actions that have been agreed.
- 5.17 If the Scheme Co-ordinator concludes that conduct, performance or attendance has not improved to an acceptable standard, the ICV may be required to leave their role. A copy of the procedure is at Appendix K. A right of appeal is available which is at Appendix F.

8 April 2022

List of Appendices

Appendix A	Home Office Code of Practice 2013	
Appendix B	Visit Checklist and Aide Memoire	*This document is being reviewed and an updated version will be circulated shortly for comment. Attached versions applies until any amendments made which comprises previous Appendices Fi and Fii.
Appendix C	Code C of PACE	
Appendix D	Visit Report Form	
Appendix E	Volunteer Review Process	* This document is being updated to merge the 3 existing documents into a single Appendix and will be circulated shortly for comment. Attached version applies until any amendments made which comprises previous Appendices I, J and K.
Appendix F	Appeals Procedure	* This document is being updated with some minor changes and will be circulated shortly for comment. Attached version applies until any amendments made which comprises previous Appendix Lii.
Appendix G	Expenses Form	
Appendix H	Security of Information	* This document is being updated and will be circulated shortly for comment. Attached version applies until any amendments made which comprises previous Appendix Di
Appendix I	OPCC Grievance Policy	
Appendix J	Memorandum of Understanding	* This document is being updated and will be circulated shortly for comment. Attached version applies until any amendments made which comprises previous Appendix Dii
Appendix K	Problem Solving Procedure	* This document is being updated and will be circulated shortly for comment. Attached version applies until any amendments made which comprises previous Appendix L (Complaints)