



Northamptonshire Police, Fire & Crime Panel

1st December 2022

Office of the Northamptonshire Police Fire & Crime Commissioner

Independent Custody Visiting Scheme

1. Introduction

- 1.1 The Police, Fire and Crime Commissioner has a statutory duty to maintain an effective Independent Custody Visiting (ICV) scheme for Northamptonshire. The scheme allows for volunteers from the local community to observe, comment and report on:
- the welfare of detainees
 - that detainees are receiving their rights and entitlements
 - that the conditions that detainees are being held in are satisfactory.
- 1.2 The scheme provides independent scrutiny which offers mutual protection to detainees and the police, and reassurance to the community.

2. History of Independent Custody Visiting

- 2.1 Many key events and milestones over the years have contributed to the development of the ICV scheme. In 1981 several outbreaks of unrest and riots occurred in major cities throughout the country, including Bristol, Liverpool, Manchester, Birmingham and London. The most significant took place in Brixton where hundreds of people attacked property and the police.
- 2.2 The main cause of these disorders centred around protests about unjust policing, and in particular the alleged harassment of people, especially young black people, by the police. These riots were anti-police and voiced a lack of trust in the service.
- 2.3 After days of unrest, these serious incidents led to the government ordering an urgent inquiry and appointed Lord Scarman to conduct an investigation into the events. This resulted in the Scarman Report, which included several recommendations about reforming the law, community relations and policing practices to help tackle the central problems which caused the unrest. One of these recommendations was a system for members of the public to inspect the way the police detained people in their custody. This system was originally referred to as 'Lay Visiting', and Independent Custody Visiting is the system that has been developed over the years to meet this recommendation.
- 2.4 Legislation that underpins custody visiting includes:

PACE (The Police and Criminal Evidence Act)

The majority of the Scarman Report recommendations were included in PACE, which was made law in 1984 and revised in 2008. The Act is made up of specific codes of practice for different police procedures, and essentially sets out the way in which police officers must carry out their role.

Code C of the Act details the rights of people who are detained by the police. The rights include:

- Free legal advice
- Have someone informed of where they are
- Have medical help if they are feeling ill
- Being informed about their rights. e.g. regular food
- An appropriate adult if they are a child aged 17 or under or a vulnerable adult.

The European Convention of human rights

This was adopted by the UK and sets out how detainees must be treated according to UK legislation and that their basic human rights are respected.

Police Reform Act 2000

Section 51 of the Act made Independent Custody Visiting a statutory obligation for Police Authorities. In 2012 Police Authorities were transferred to PCCs (Police and Crime Commissioners) in England and Wales. A Code of Practice for custody visiting was introduced by the Home Office to provide clarification about the roles and responsibilities of those involved.

OPCAT (the Optional Protocol to the Convention Against Torture) 2002

This is an International Human Rights Treaty designed to strengthen the protection of people deprived of their liberty, where they may be particularly vulnerable to ill-treatment. The treaty sets out a framework for monitoring places of detention, known as the National Preventive Mechanism – the NPM, of which independent custody visiting is part of.

3. Introduction to the Northamptonshire ICV scheme

- 3.1 The scheme allows for volunteers to visit detainees held in the two custody suites in Northamptonshire - the Criminal Justice Centre and the Weekley Woods Justice Centre custody - to check on their welfare and that they are receiving their rights and entitlements. It offers mutual protection to detainees and Custody staff by providing independent scrutiny of the treatment of detainees and the conditions they are being held in. ICVs always visit in pairs, and they visit each Custody centre a least once a week.
- 3.2 There are currently 24 ICV volunteers in the Northamptonshire scheme; 14 of which were recently recruited. It is essential that ICVs are impartial, objective and non-judgemental, and able to communicate effectively with people from diverse backgrounds.
- 3.3 The ICV volunteers give up their time freely to support the PFCC in holding the Force to account. Prior to the new ICVs joining the scheme, the 11 volunteers collectively contributed approx. 270 hours of their time during the last 12 months.
- 3.4 The success of the scheme is due to the ongoing commitment of the volunteer Independent Custody Visitors, and the Northamptonshire Office of the Police, Fire and Crime Commissioner would like to thank them for their hard work and dedication.

4. Volunteer demographic

- 4.1 The OPFCC must seek to ensure that the overall panel of ICVs is representative of the local community and provides a suitable balance in terms of age, gender and ethnicity.
- 4.2 The group of volunteers in the Northamptonshire scheme is 33% male and 67% female, including a transgender female.

Age Group	
18-34	4%
35-49	21%
50-64	38%
65-74	25%
75-84	12%

Ethnicity	
White British	79%
White Other	13%
Black (or Black British)	4%
Asian (or Asian British)	4%

Disability	
Yes	8%
No	92%

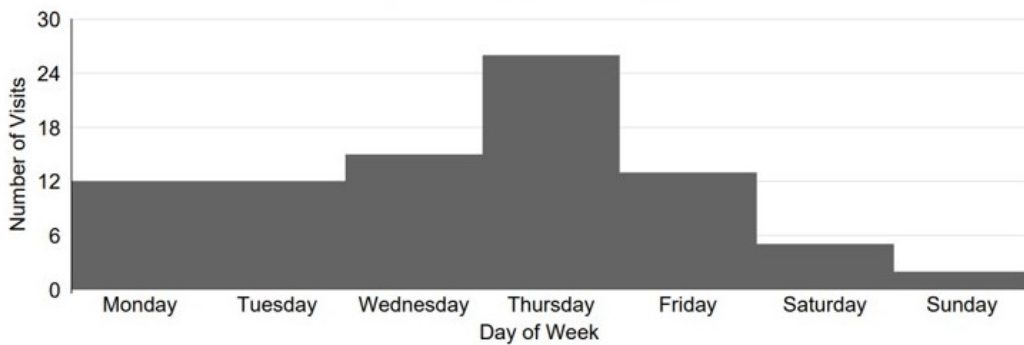
5. Visits

5.1 In the last 12 months (Nov 2021 – Nov 2022), 85 custody visits took place.

Days of visits

Days when visits were made.

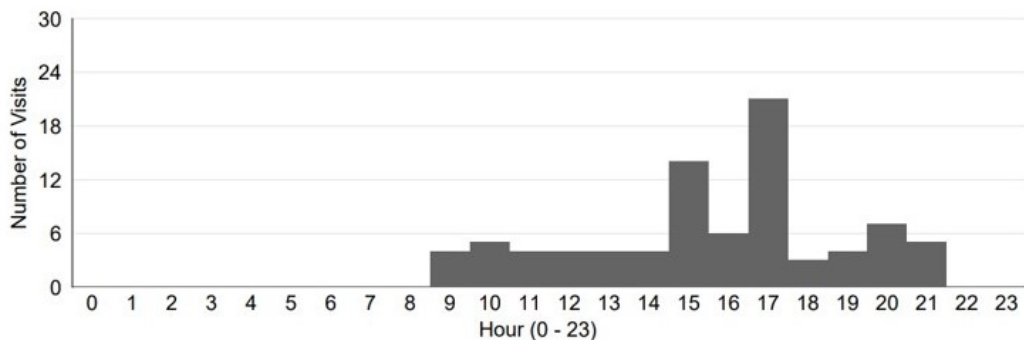
Showing Data for 7 Nov 2021 to 7 Nov 2022



Times of visits

Times when visits were made.

Showing Data for 7 Nov 2021 to 7 Nov 2022



5.1 Process of a visit

- ICVs arrive at Custody unannounced, at any time or day. They have immediate access
- Make themselves known to the Custody Sergeant, who decides who will be their escorting officer.
- Always escorted by a member of custody staff around the cell corridors
- Access to any detainee – subject to safety
- Prioritise vulnerable detainees
- ICVs introduce themselves to DPs and seek agreement to a conversation and permission to view their custody record
- Translation cards are available for non-English speaking detainees
- Private discussion with detainee, standing at entrance of cell, with escorting officer out of earshot but on hand in case of emergency
- View custody records
- Pick up any immediate issues with staff at the time of the visit
- Complete electronic report form – sent to Custody Inspector & OPFCC

5.2 ICVs questions to detainees:

- Have the police explained why you have been arrested?
- Have you been informed of your rights and entitlements?
- Do you understand your rights and entitlements?
- Have you been offered the opportunity to speak to a Solicitor?
- Does someone outside the Police Station know that you are here? E.g. Family or friend?
- Has anyone discussed with you any medical needs you have?
- Have you been offered food?
- Have you been offered something to drink?
- Do you have any dietary requirements that the police should be made aware of?
- Have you been offered a blanket?
- Has someone explained how the call bell works?
- Do you have any religious requirements?
- Has someone explained to you that the toilet area is pixelated?
- Have you been able to have a wash, if you wanted one?

In addition, female detainees are asked:

- Have you been offered a hygiene pack e.g. sanitary towels/tampons, if you need one?
- Have you been offered a chance to speak to a female member of staff?

In addition, juveniles or adults with mental illness are asked:

- Has an Appropriate Adult been called?

ICVs request consent from detainees to view their Custody Records. They check the contents of the custody record against what they have been told by the detainee and also check:

- That the entitlements under PACE have been given and signed for.
- That injuries, medical examination, medication and treatment have been recorded.
- That meals and any dietary requirements have been recorded.
- The timing and frequency of cell inspections particularly of inebriated or vulnerable detainees.
- The timing of reviews of the continuing need for detention.
- That the procedures to assess special risks and vulnerabilities presented by detainees have been properly recorded.

6. Issues raised

6.1 In the last 12 months (Nov 2021 – Nov 2022), ICVs saw 286 detainees. 144 detainees were not available to receive a visit (in interview, violent, in the exercise yard, in the shower, seeing the Doctor or their Solicitor) and 25 refused a visit when offered. Of the detainees available to receive a visit, 90% were seen.

Below shows a summary of issues raised by detainees in the last 12 months.

Comments/Complaints

A summary of the comments/complaints from persons in custody.

Issue	7 Nov 2021 to 7 Nov 2022
Adequate drink not offered	4 (10%)
Adequate food not offered	7 (17%)
Cell and/or contents dirty/broken	1 (2%)
Cell call bell no response	1 (2%)
Cell call bell not working	1 (2%)
Cell too cold	3 (7%)
Not offered to have someone notified of arrest	2 (5%)
Not received medication	5 (12%)
Notice of Rights and Entitlements not received	1 (2%)
Phone call requested but not provided	3 (7%)
Reading material not offered	2 (5%)
Shower not offered (if detained over 24 hours)	1 (2%)
Solicitor not offered	2 (5%)
Toilet paper not provided	2 (5%)
Update on case not offered	2 (5%)
Other	5 (12%)

6.2 The issues raised by the detainees above were looked into at the time of the visit and dealt with where necessary. There are no outstanding unresolved issues.

7. Governance of the scheme

7.1 The scheme enables the PFCC to hold the Chief Constable account on behalf of the public.

7.2 Issues and praise raised by ICVs are fed back to the Scheme Manager in the PFCCs office via an electronic report form:

- Smaller issues are resolved by staff on duty at the time of visit
- Issues that ICVs could not resolve within the visit are escalated to the Custody Inspector to resolve
- Thematic and serious issues are raised by the Police, Fire and Crime Commissioner with the Chief Constable or senior staff in Northamptonshire Police
- Issues are shared with the Regional ICV Managers network and the National Independent Custody Visiting Association (ICVA).

- The Northamptonshire ICV Scheme Manager represents the East Midlands Region at the ICV National Expert Forum. National issues from this forum are raised with the NPM, the Home Office and other bodies.

7.3 ICVs, the Scheme Manager and the Custody Inspector come together every three months at a Panel meeting to discuss findings and provide updates.

8. Training and Development of ICVs

8.1 Training for ICVs is continuous. New ICVs undertook Induction training in August and November and longer standing ICVs have observed 'Police use of force' training sessions throughout the year. Guest speakers present at each ICV Panel meeting to ensure ICVs have a general understanding of the wider Criminal Justice System. ICVs also attend an annual training event organised by ICVA.

8.2 New Custody Sergeants and Detention Officers receive an input about the ICV scheme during their training.

8.3 Thank you events are held regularly and ICVs meet annually during the Christmas period at an event organised by the OPFCC which gives the Commissioner the opportunity to meet with ICVs informally and to thank them personally for their exceptional contribution to volunteering.

8.4 The Northamptonshire ICV Scheme attained a silver level in ICVA's Quality Assurance Framework (QAF), which was presented to the Scheme Manger at the House of Lords in May 2019. The QAF is a tool for schemes to ensure consistency across the board and look at areas where improvements can be made.

9. Recommendations

9.1 That the Northamptonshire Police, Fire and Crime Panel considers the content of the report.

Stephen Mold

Police, Fire and Crime Commissioner for Northamptonshire