

Annual Report 2017-18



Independent Custody Visitors Scheme

— **David Lloyd** —
**Police and Crime
Commissioner**
for Hertfordshire

Introduction

by David Lloyd

Police and Crime Commissioner for Hertfordshire



Welcome to the 2017/18 Annual Report for Hertfordshire's Independent Custody Visiting Scheme. This report provides an overview of the scheme and the activity of our Independent Custody Visitors (ICVs) over the last year, including data and

observations in relation to the visits undertaken between 1st April 2017 and 31st March 2018. The report highlights key areas of focus for my Office this year in relation to Hertfordshire custody and the Independent Custody Visiting scheme, as well as some information as to what the future of the scheme holds.

As with all Police and Crime Commissioners, I have had statutory responsibility for custody visiting since 2012. Members of the public, who have undergone police vetting and extensive training, voluntarily perform the role of ICVs allowing me to fulfil this responsibility. ICVs exist to check on the wellbeing of detainees whilst in the care of Hertfordshire Constabulary, and that their rights and entitlements are upheld. Hertfordshire Constabulary has two custody suites, one in Hatfield and one in Stevenage. These suites are visited unannounced on average twice a week day and night, including weekends, where ICVs provide

detainees the opportunity to discuss the experience of their detention. Any issues in relation to this or the custody suite facility are appropriately addressed by my office.

We are very fortunate in Hertfordshire to benefit from an excellent custody service, and the work of the ICVs ensures that this standard is maintained. ICVs play a significant role in increasing transparency and the public's confidence in their police force. I thank the volunteers very much for their valuable contributions, many of whom I'm aware have been involved with the scheme for several years and/or provide frequent visits to the suites, often on a monthly basis.

I am pleased this year to have a new team in place in my office, dedicated to working on my volunteering schemes. I hope ICVs will continue to feel supported in their vital role, and look forward to seeing the scheme grow.

A handwritten signature in black ink that reads "David Lloyd". The signature is written in a cursive style.

David Lloyd
**Police and Crime Commissioner
for Hertfordshire**

Overview of the scheme

Under the Police Reform Act 2002, all police force areas are required to have a custody visiting scheme in place. The scheme gives the public reassurance that detainees are being treated fairly by carrying out independent checks on the welfare of detainees, at a time when they may be feeling vulnerable or confused, as well as looking out for issues around cleanliness and maintenance of custody suites.

Police and Crime Commissioners (PCCs) replaced police authorities in 2012, which previously had statutory responsibility for running the custody visiting schemes. David Lloyd, elected as PCC for Hertfordshire in 2012, took on responsibility for the operation of the Independent Custody Visiting Scheme in Hertfordshire. This responsibility is delegated to a Volunteers Administrator and Volunteers Officer within the Community Safety Team, who manage the scheme on a daily basis, handle ICV recruitment, provide support to volunteers in their role and drive forward developments for the scheme.

ICVs are unpaid volunteers who live, work or study in Hertfordshire. Currently there are 41 active ICVs from across the county, visiting the custody suites at Hatfield and Stevenage. They are trained to introduce themselves to people in custody and ask questions to ensure that their treatment is fair and that they have access to their rights and entitlements. During each visit, ICVs complete a report form summarising their visit to individual detainees. This is forwarded to the Volunteers' Administrator and the hard copy left with custody staff.

Concerns raised by ICVs are reported to the Custody Inspector or escorting officer at the time of the visit, and to the Volunteers Administrator in the the Commissioner's office via the report form. The Volunteers' Administrator highlights any concerns to the Custody Chief Inspector via email, telephone or during regular meetings depending on the urgency. The ICVs also have an opportunity to raise general concerns and matters arising from visits during the six monthly meetings. This year a meeting of ICVs, Hertfordshire Constabulary and the Commissioner's office was held in September 2017, which included seven volunteers who were presented with long service awards.

This year, the new team have been working on developing training for ICVs for the upcoming year, updating the report form and recording database which logs the report forms to ensure effective recording, and the recruitment of new volunteers.



Deputy PCC David Gibson (back centre) and some of Hertfordshire's Independent Custody Visitors - September 2017 meeting.

Independent Custody Visitors

There are a total of 41 active ICVs who live, work or study in Hertfordshire, 24 male volunteers and 17 female volunteers.

Of the 41 volunteers, 36 have been volunteering for 10 years or less, four have been volunteering

for between 10 and 19 years and one for over 20 years.

This year, seven volunteers were presented with a certificate recognising over five years of service as an ICV.

Visits made by ICV's

From April 2017 to March 2018, Independent Custody Visitors made a total of 164 visits to custody suites. All visits are unannounced and at



the beginning of each visit, ICVs were informed of all detainees in custody. These detainees were then seen by ICVs dependent on the detainees' availability and consent.

Detainees were sometimes unavailable or unable to consent to have a visit. The reasons for this were that the detainee was asleep, intoxicated, deemed too violent by custody staff, were at an interview or were providing a DNA sample.

At the time of the visits, a total of 2003 persons were detained of which 996 of a possible 1171 available to visit were visited. 175 detainees did not consent to be visited by an ICV.

Below is a breakdown of the visits for the period 1st April 2017 to 31st March 2018:

Custody Suite Visited	No. of visits undertaken	No. of detained persons held	No. of detainees available to visit	No. of detained persons visited	% of detainees visited (of those available)	No. of detained persons not visited
Hatfield	85	1207	740	621	83.9%	586
Stevenage	79	796	431	375	87.0%	401
TOTAL	164	2003	1171	996	85.0%	987

Matters reported from custody visits

For the year 2017/18, no matters were raised with custody staff for 1178 detainees visited or observed whilst in custody¹, equating to over 73 per cent of all detainees.

17 additional positive comments were recorded for the year. These comments highlighted that the detainees felt they were treated well and police staff had been helpful. Detainees said they were comfortable, had food and drink, and access to blankets and books.

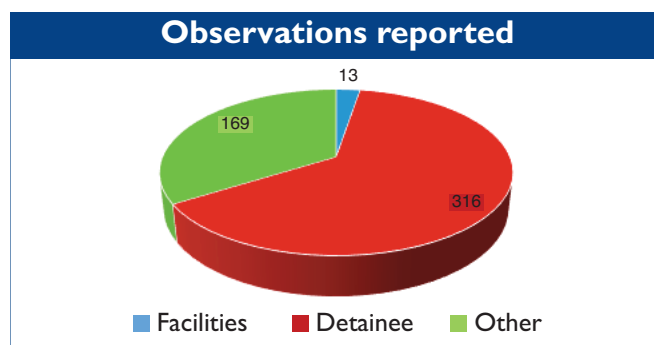
Throughout the duration of the year, ICVs reported 498 observations. These fell into three categories:

The breakdown of these observations is shown in the chart (right):

Detainees: 63% of observations made related to detainees.

Other: 33.5% of observations concerned detainees who refused visits, were asleep or couldn't be seen for operational or other reasons.

Facilities: 2.5% of matters raised to custody staff included issues such as cells being out of action, general cleanliness etc.



Observations relating to detainees:

These accounted for approximately 63% of all observations raised to custody staff, and related to 236 detainees. The context of these matters are noted in the table (right), with the percentage in which each sub-category accounted for of the total 316 detainee matters raised.

Medication/mental health	23%
Food/drink	16%
Solicitor	7%
Telephone call/someone informed of detention	14%
Exercise	3%
Smoking	1%
Blanket	8%
Wash facilities	8%
Reading material	2%
Length of detention	2%
Other	16%

¹ Please note this figure also includes some cases where a formal visit did not take place, however an observation of the detainee was made.

Example: An ICV Observation relating to Detainees

- During a visit, ICVs observed that several detainees were wearing shoes with shoe laces in their cells and noted this on the report form.
- This was something that had not been seen before by the ICVs visiting, thus was raised to the Inspector escorting them. The Inspector confirmed this was the case for detainees not classified as high risk.
- Upon the Commissioner's office following this up, the Chief Inspector confirmed that this was a legitimate position recently reinforced in staff training. The removal of personal property is to be managed on a case by case basis, as opposed to removing all items of personal property for every detainee. Staff must be aware that personal items can be used as ligatures, however the decision to withhold articles from a detainee must be based on a risk assessment and guidance given in Code C of the Police and Criminal Evidence Act 1984. The decision to remove property is therefore balancing the imperative to protect the right to life, with the importance of ensuring a detainee's dignity is respected, and reassurance was provided that this had been assessed on this occasion.



Example: An ICV Observation relating to Facilities

- A disabled detainee was visited by ICVs during a visit to custody. The detainee raised a concern with the ICVs that they were in some discomfort. The conversation was summarised on the report form.
- ICVs raised this concern with the escorting Inspector, questioning the appropriateness of facilities and provisions for this detainee. The ICVs noted that the detainee had been provided with an additional second mattress and had seen a Health Care Practitioner.
- The ICVs further suggested to the Commissioner's office via the report form whether grab rails could be provided in cells to increase disabled detainees' ability to use the toilet unaided.
- Following this visit, the matter was raised to the Chief Inspector by the Commissioner's office. The staff were reassured that custody facilitates all requests for reasonable adjustments as far as possible to accommodate the needs of a disabled person in custody. It was clarified that additional/thicker mattresses could be and were routinely provided for comfort, and that comprehensive risk assessments take place for each detainee to identify any vulnerabilities, which would then enable measures such as referral to a Health Care Practitioner to take place. The Chief Inspector highlighted that any reasonable adjustments made should not compromise the overall safety and security of the custody suite. Therefore, fitting grab rails in individual cells would not be possible due to the risk being too great in terms of ligature points etc. Nevertheless, there are separate toilets available outside of the cells for use by disabled detainees in both Hatfield and Stevenage.

Areas of focus this year

Mental health in custody

The care of vulnerable people with mental health needs has been a key priority area in policing, in Hertfordshire and at a national level, including their care whilst in custody. In Hertfordshire, for the last three consecutive years, there has not been any Section 136 detention whereby police custody has been used.

In 2015, a Street Triage pilot scheme was launched which placed mental health clinicians into Hertfordshire Constabulary's Force Control Room to help provide better guidance to officers around proposed detentions under Section 136 of the Mental Health Act. This was expanded in 2016 to a scheme involving street support. It is based on the provision of two cars with a police officer and a mental health crisis team clinician who attend incidents concerning people reported to be in mental health crisis countywide. The East of England Ambulance Service also continue to provide a paramedic in the team as well as use of an ambulance for a third Street Triage vehicle. An evaluation of the pilot was commissioned by the PCC in 2017. This found that the scheme provided effective support for service users who are in crisis. If further support is required, the individual is referred to appropriate services where they are prioritised, accessing healthcare quicker than other patients. The evaluation found benefits far outweigh the costs of the scheme, in particular a reduction in the use of emergency services, mental health improvements from early access to appropriate health services and wider impacts on the community.

From Monday to Friday should a detainee in custody present with mental health concerns, a triage process is undertaken by the Custody Criminal Justice Mental Health team. Out of hours, the Street Triage team will on the majority of occasions complete a like assessment. Separate on call provision exists for when Street Triage is not available and for juveniles. Should it be decided that a subject requires formal assessment, they would undergo a risk assessment, and be transported to an approved mental health facility by ambulance.



Care of female detainees in custody

This year, the care of female detainees in custody, particularly those detained with specific sanitary needs, attracted significant attention at a national level within policing inspections, government and the media. Through both Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS)/Her Majesty's Prison & Probation Service (HMPPS), and ICVs, it was found that provision for female detainees with these needs varied by police force. This issue was addressed by the Commissioner's office with the Chief Inspector of Custody. The following reassurances were provided:

- Hertfordshire Constabulary (or tri force) Custody strives to meet and exceed the College of Policing Accredited Professional Practice (APP) and Police and Criminal Evidence Act (1984) 'Code C' guidance.
- The Bedfordshire, Cambridgeshire and Hertfordshire have a separate Code of Practice identifying risk assessment and needs, for which all staff have received training on and receive reminders in relation to best practice.
- Detainees are offered hygiene packs on arrival, which is documented on the record custody holds for every detainee whilst in their care. A review of product availability identified both suites were adequately stocked at all times.
- The majority of detainees use toilets in privacy through pixilation or 'grey box' coverage on CCTV imagery. Custody may not mask imagery for certain high risk detainees to ensure the detainee's own welfare. The detainee is always informed when this is the case.
- Sanitary products are never withheld from individuals considered to be high risk and levels of observation by custody staff may be increased.
- Hand washing and shower facilities are available in all suites.

- There is a positive ratio of female staff throughout custody available to female detainees.
- Unisex clean clothing can be provided if necessary.

Further training of ICVs on the care of female detainees is planned for the coming year to ensure that the above is being upheld at all times.

At the national level, the Independent Custody Visiting Association (ICVA) is supporting the National Police Chief's Council to develop new guidelines for working with menstruating detainees, and the Home Office to amend PACE Code C.

Working with the University of Hertfordshire

This year, the Commissioner's office and two ICVs attended the University of Hertfordshire to meet Law and Criminology Students undertaking an Independent Custody Visiting co-curricular. This was delivered by a Lecturer in Criminology at the University, with Independent Custody Visiting experience, and is one of the first co-curricular of its kind nationally. The Commissioner's office welcomed the opportunity to raise awareness of the PCC's statutory responsibility amongst students, and hopes to attend again next year in order to attract new volunteers to help increase diversity.

ICV scheme costs

Although the role of an Independent Custody Visitor is an unpaid voluntary role, all ICVs are encouraged to complete an expenses form to allow any costs associated with visiting to be reimbursed. Additionally the Commissioner continues, as in previous years, to incur other minimal costs for running the scheme such as training costs, printing costs, catering for panel meetings, conference booking fees and membership of staff to the ICVA.

Comments from the Chief Inspector

Hertfordshire Constabulary's Custody Units



Police Custody is a fundamental element of policing and it remains of significant national interest. Recent developments in the service's approach to topics such as mental health and children in custody and the current Independent Review on Deaths and Serious

Incidents in Police Custody have served to maintain the high profile nature of this essential activity.

Custody remains one of the highest risk and most challenging areas of policing - with significant risk and expectations being placed upon Custody Officers, Detention Officers and PACE Inspectors on a daily basis. We are charged with the responsibility of looking after arguably our most chaotic, unpredictable and vulnerable individuals in society.

Our aim is to deliver a consistent and transparent custody operation that is safe, effective and efficient. The ICV volunteers' role is to ensure the Constabulary is delivering upon that aim and thereby reinforcing the already strong public confidence in its local police force.

There is much to reflect on over the last 12 months, which has seen significant change affecting Hertfordshire Custody.

Following the collaboration of Custody across Bedfordshire, Cambridgeshire and Hertfordshire in March 2017 significant work has continued in the work to align consistent, efficient policies and process across the counties.

This year saw the most fundamental change to Bail since the introduction of the Police and Criminal Evidence Act decades earlier. The most significant change is new legislation that creates the default position that suspects will be released without bail unless pre-conditions are satisfied. This has reduced the number of detainees released on bail – changing the way in which investigations are managed.

New legislation also made significant changes to the Mental Health Act. This created opportunity, in partnership with the local Health Trust to develop new procedures - ensuring those detainees who are subsequently identified in mental health crisis are transferred to a health based place of safety to be formally assessed.

Building work has taken place this year where custody cells across Bedfordshire, Cambridgeshire and Hertfordshire have been fitted with video screens to facilitate remote Inspector reviews via Skype. This innovative and creative project is the first of its kind in the country following successful securing of funding from the Police Transformation Fund. Following go – live, further work will continue to add other features including; remote interpreter's services, legal consultation and

Appropriate Adult Services – in addition to facilitating positive media messaging.

The work of the ICVs is highly important and I have worked closely with the Police and Crime Commissioner's Office this year to help promote further the status and impact of the Independent Custody Visitors Scheme in Hertfordshire.

I welcome and value the work of the ICV volunteers; independently visiting Stevenage and Hatfield Custody suites to check on the treatment of detainees and the conditions in which they are held and that their rights and entitlements are being observed.

The inspections and subsequent feedback - more important than ever following significant change - helps inform and reassure me that we remain effective, efficient and legitimate.

We continue to focus on HMIC / HMIP visits across the country – identifying best practice and together with the introduction of The National Custody Strategy will look to target ICV visits in the future to support the strategy and deliver improvements to custody services.

I would like to thank all of the ICV Volunteers for their outstanding effort last year, and look forward to working with you in the forthcoming year.



Mike Todd
Chief Inspector

Future of the scheme

Staffing changes within the Police and Crime Commissioner's office have recently been made to provide a permanent team dedicated to the PCC's voluntary schemes, including helping and supporting ICVs in all aspects of their crucial work in delivering the PCC's statutory obligations. The Commissioner's office now has a Volunteers' Administrator, the main point of contact for our volunteers, and a Volunteers' Officer, whose priority is to support and develop the volunteering schemes. This is an exciting time for the Commissioner's office going forwards.

One change made at the end of this year ready to take forward in 2018/19 is the development of the report form used by ICVs during custody visits. This has been amended to allow the Commissioner's office to increase the amount of demographic data provided for each detainee, all whilst working to data protection requirements, to ensure the Commissioner is properly able to perform the role of holding the Constabulary to account. At the same time, a number of external factors will soon influence areas of change. A new IT system for the force is due to go live in the next year called Athena. This will be an integrated operational policing system that will provide real-time intelligence and information across all participating forces; it will be their key system.

Further developments to our practices may be required as this system becomes more familiar, but the Commissioner's office will be working closely with the Constabulary prior to "go live" to understand the implications for Independent Custody Visiting.

Independent Custody Visiting continues to evolve with our guiding body, ICVA, through use of their Quality Assurance Framework. ICVA leads, supports and represents PCCs and Police Authorities with their Independent Custody Visiting schemes in the UK, helping shape their aims, equip Scheme Managers to deliver effective schemes and ensure they are kept informed of legislative changes and reforms. The Commissioner's office will be working to gain Quality Assurance accreditation with ICVA, which is being introduced nationally for the first time in the coming year.



Three ICVs were nominated for the Police and Crime Commissioner's Community Safety Awards in 2017. L to R - Assistant PCC, Stuart Nagler; ICVs - John Hartshorne, Sharifa Chaudry and Gus Mathie and Chief Inspector, Mike Todd.

Contacts

Independent Custody Visiting Scheme
Administrator
Office of the Police and Crime Commissioner
15 Vaughan Road, Harpenden, AL5 4GZ
Telephone: 01707 806100
Email: pccadmin@herts.pcc.pnn.gov.uk

For more information regarding the role of ICVs and that of the Police and Crime Commissioner for Hertfordshire, please visit: www.hertscommissioner.org

For more information on the role of the Independent Custody Visiting Association (ICVA), please visit: www.icva.org.uk

