



David Lloyd
**Police & Crime
Commissioner**
FOR HERTFORDSHIRE



**INDEPENDENT CUSTODY VISITORS SCHEME
ANNUAL REPORT
2021 – 2022**



Foreword by David Lloyd, Police and Crime Commissioner for Hertfordshire

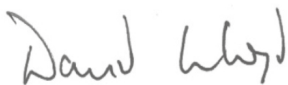
I am pleased to present this Annual Report highlighting the vital work our Independent Custody Visitors (ICVs) in Hertfordshire undertook during 2021-22.

Police custody remains a challenging and dynamic environment with many of the most vulnerable passing through its doors. The public rightly expect officers to act with integrity and impartiality and treat detainees fairly, professionally and according to their needs. This is why it is vital that we have independent visitors who are able to ensure that the high standard of detainee welfare in Hertfordshire's custody suites is maintained.

I am encouraged to see in the report that once again a successful recruitment campaign was undertaken to enhance the number of volunteers visiting custody suites and despite the changing landscape and guidance surrounding the COVID-19 pandemic custody visiting has continued throughout the year. I am also pleased to see that all the 39 issues reported by Hertfordshire's 30 ICVs this year were dealt with swiftly and positively. It is of significance the number of issues reported by the ICVs during the year is down on the previous year. Over the years, the learning and feedback captured on the ICV visits has resulted in a number of positive changes being adopted by Hertfordshire custody staff which I believe is reflected in these positive figures.

As we look forward, my team will be implementing new policies which will allow the scheme to be enhanced, kept relevant and up to date with focus on giving more people within Hertfordshire the opportunity to volunteer in order to reflect the changing demographic makeup of the communities we represent and those detained in custody.

I would like to thank all the ICVs for their continued time, dedication and perseverance to the scheme, providing that vital independent oversight of detainees' welfare and conditions in custody. I look forward to seeing how the scheme develops over the coming year and working collaboratively for an even safer Hertfordshire.



David Lloyd

Hertfordshire Police and Crime Commissioner

Comments from the Chief Inspector of Hertfordshire Constabulary's Custody Units



The custody function remains an integral part of the constabulary ensuring the safe detention of arrested individuals.

As we slowly begin to exit what has been a very different time for policing and our communities, progressing into the new normal we are continuously reviewing the challenges ahead.

We have managed challenging situations involving multiple person arrests due to protest activity within Hertfordshire and have recently concluded upgrades to our intercom system at Stevenage. These upgrades bring our cell capacity across the county back to full numbers.

Adopting the Prevention first strategy we are actively looking for innovation and national best practice to implement within Hertfordshire. Wall art has recently been installed at both suites to improve the environment for those working or visiting custody and we will seek to build on this approach.

Legislative changes will likely impact how our service is delivered, none more so than the anticipated changes to "Bail". Evolving to the changes quickly and efficiently will be important to our service delivery.

Hertfordshire's HMICFRS custody inspection has recently concluded and I want to thank the ICVs for their support during this time, the role of the ICV's providing independent scrutiny to our service continues to be important to us and I thank you all for your efforts. We await the final report and will review any suggestions to further improve our service.

Again thank you to you all for your hard work and dedication.

Simon Mason

**Chief Inspector,
Head of Hertfordshire Custody**

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 to ensure their legal rights and entitlements¹ are given as well as checking their welfare and dignity are being maintained. For detainees this is a time when they may be feeling vulnerable or confused. Independent Custody Visitors (ICVs) also review the custody suites for issues around cleanliness and maintenance.

Following the introduction of Police and Crime Commissioners (PCC) under the Police Reform and Social Responsibility Act (2011), David Lloyd was elected as PCC for Hertfordshire and took responsibility for the operation of the Independent Custody Visiting Scheme in Hertfordshire. The Police and Crime Commissioner's Office (OPCC) manages and supports the smooth running of the scheme including the day to day enquiries, recruitment of the volunteers and ensuring improvements and development of the scheme.

ICVs are unpaid volunteers who live, work or study in Hertfordshire. Currently there are 30 ICVs from across the county, visiting the custody suites at Hatfield and Stevenage. This is a decrease of 12 volunteers on the previous year however a recent recruitment campaign has been successful and we expect numbers to be back the previous level in due course. In ordinary times all visits are unannounced and can take place at any time, 24 hours a day, 7 days a week. Due to the Covid-19 pandemic the scheme has had to adapt to changes in the Government's lockdown restrictions, to maintain this important scrutiny function in what were uncertain and difficult circumstances. These changes are described in more detail in the next section.

The ICVs 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. At the beginning of each visit, ICVs are informed of the number of detainees in custody at the suite being visited. These detainees are then introduced to the ICVs and seen by them subject to the detainees availability and consent.

During each visit, ICVs complete a report form summarising their visit to individual detainees. This is forwarded to the Volunteers Administrator at the OPCC 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 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 at their regular half yearly meetings.

A further challenge during the reporting year has been a change of Chief Inspector but I am happy to report we continue to maintain an excellent working relationship and have the full support of the new post holder regarding the operation of the ICV scheme.

Although the role of an Independent Custody Visitor is an unpaid voluntary role, all ICVs are encouraged to complete an expense form to allow any costs associated with visiting to be reimbursed. The Commissioner incurs other related costs for running the scheme including training, printing, catering for panel meetings, conference booking fees, and office membership of the Independent Custody Visiting Association (ICVA). ICVA leads, supports

¹ An extensive list of these legal rights are provided under the section Rights of Detainees.

and represents PCCs and police forces with the Independent Custody Visiting schemes in the United Kingdom. They help to shape the scheme's aims and equip scheme managers

to deliver effective schemes and ensure they are kept informed of legislative changes and reforms.

The Covid-19 Pandemic

As the pandemic continued through the year the scheme had to adapt to changes in government and Constabulary issued guidance but in conjunction with the support of the Chief Inspector and custody staff, ICV visiting was able to return to the full in-person model of completely unannounced visits in July 2021. Hertfordshire being one of the first schemes to return to this model.

During this period however several of our existing ICVs moved out of the area or retired reducing the number of active visitors which resulted in a further recruitment campaign, the results of which we will see over the next few months.

While Covid-19 is still an issue in the community, with appropriate precautions and support of all the volunteers we continue to operate the scheme to its full capacity.

Key Findings

During the reporting period (1 April 2021 to 31 March 2022), 12,530 detainees passed through both custody suites, 7,257 at Hatfield and 5,273 at Stevenage. This compares to a total of 13,119 detainees in 2020/2021, a decrease of 4.5% which we believe to be as a result of the continued use of Out of Court Disposals and the those refused being detained in custody for a variety of reasons. Overall ICVs visited 4% of those detainees that passed through custody.

In 2021/22, ICVs made a total of 134 custody visits seeing a total of 531 detainees from a possible 655 who were available to visit. 124 detainees did not consent to be visited by an ICV (see Figure 2), which equates to 19%, consistent with previous years for Hertfordshire but higher than average comparable with other forces.

It is difficult to quantify why this might be as the detainees do not give a reason for refusing

a visit but other schemes have commented that focusing on the ICVs introducing themselves rather than the escorting officer doing the introductions saw a lowering in the numbers of detainees refusing the visit and this is something we will look at addressing over the next year.

ICVs are not always able to see detainees for a variety of reasons. This includes those who are unavailable or unable to consent to have a visit. This is often due to detainees being asleep, intoxicated, deemed too violent by custody staff, being interviewed, in Court, with a health care professional or providing a DNA sample.

It should be noted that in 2021/22 the scheme returned to its normal schedule of visits from the reduced number that was reported on in 2020/21 due to Covid-19 restrictions. This point should be borne in mind when making comparisons with previous years.

Figure 2: Breakdown of the visits for the period 1 April 2020 to 31 March 2021

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)
Hatfield	68	645	392	306	78%
Stevenage	66	413	263	225	86%
TOTAL	134	1,058	655	531	81%

The number of persons detained at the time of ICV visits is 11% higher than in the previous year. There has also been a corresponding 61% increase in the number of visits as the scheme adapted to changes in guidance and returned to its pre-pandemic procedures. As illustrated in Figure 3, the percentage of those visited in relation to those available to be visited (i.e. not asleep, in interview, seeing a solicitor or medical professional) has decreased to 81% down 4% from the previous year. This is most likely due to the return to more varied hours of visiting which has increased the number of late evening and night-time visits where many detainees will be asleep or not wanting to be disturbed.

Figure 3: Comparison of detainees seen between 2018/19 and 2021/22

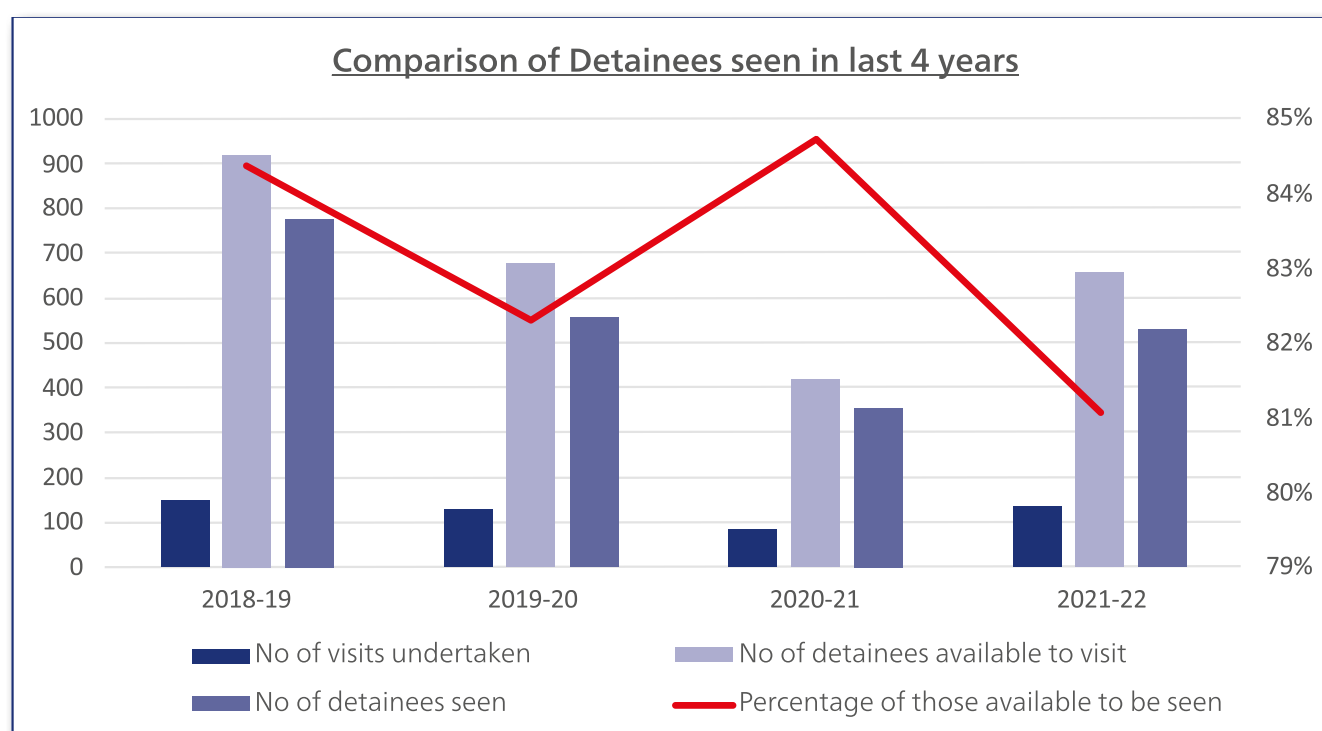
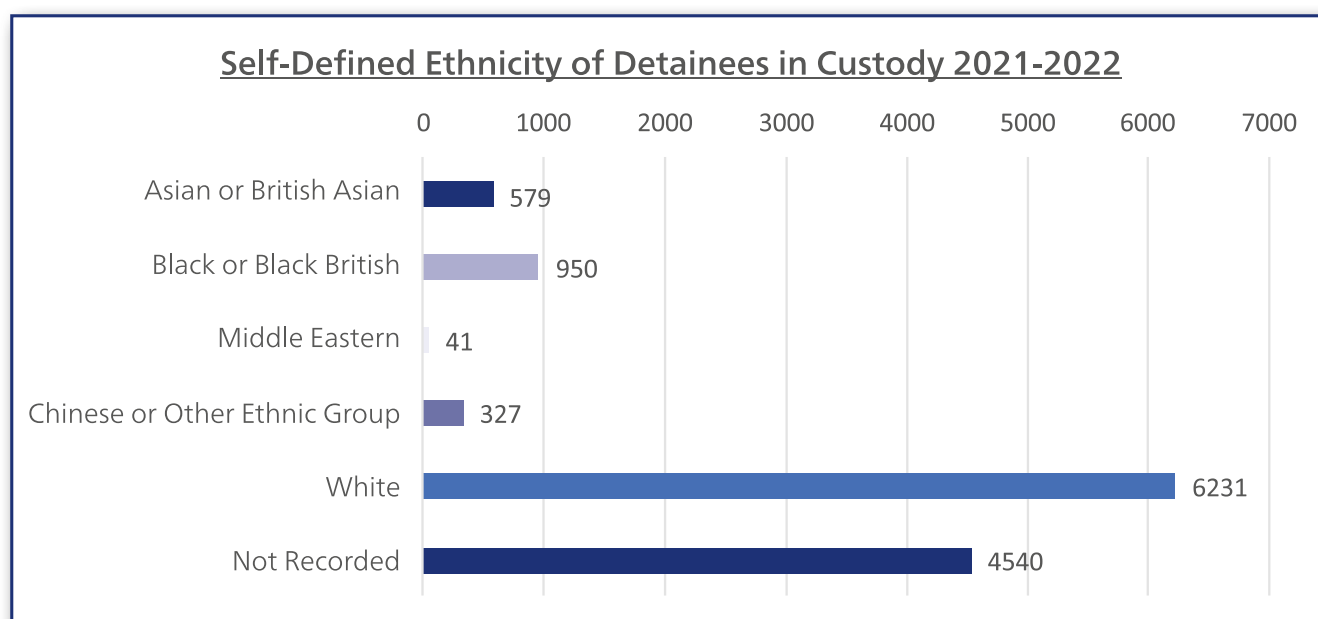


Figure 4 also shows that the proportion of 'Not Recorded' self-defined ethnicity has increased significantly on the previous year and now accounts for 36% of records. While not as high as the 2019-2020 pre-pandemic figure this still shows a significant data quality issue.

Of the 'Not Recorded' instances, 64% originate from Hatfield and 36% from Stevenage. This reflects the higher throughput of detainees at Hatfield and although the aim is to record this information for all detainees the figures do not indicate a particular imbalance with the recording of this data between the two custody suites.

Figure 4: Self-Defined Ethnicity of those passing through custody 2021-2022

Profile of the Independent Custody Visitors

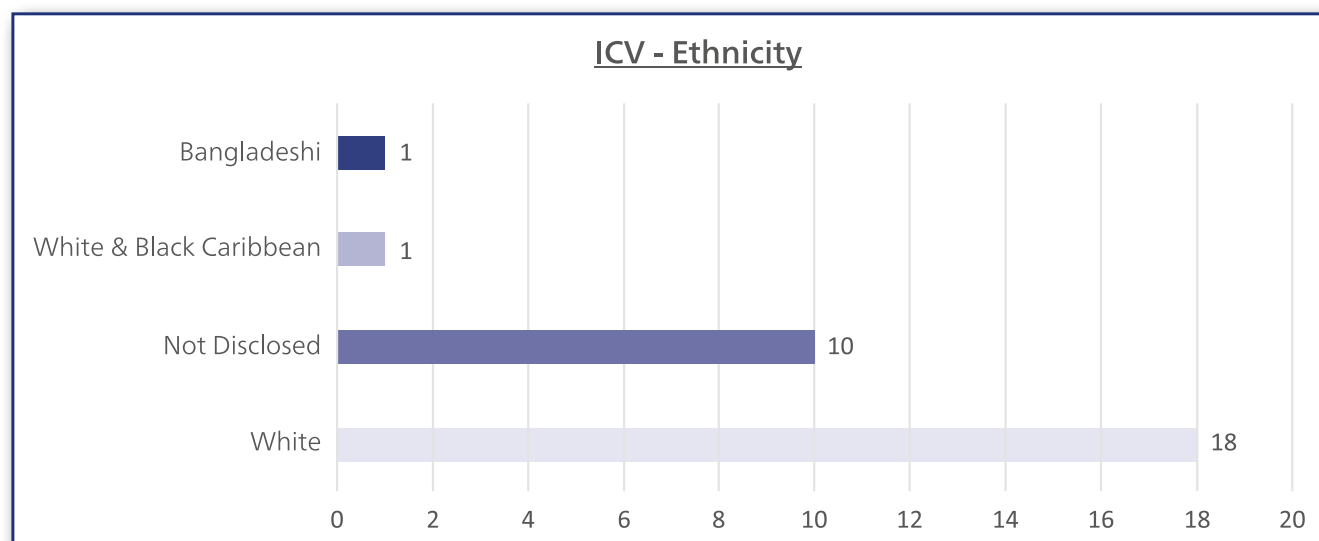
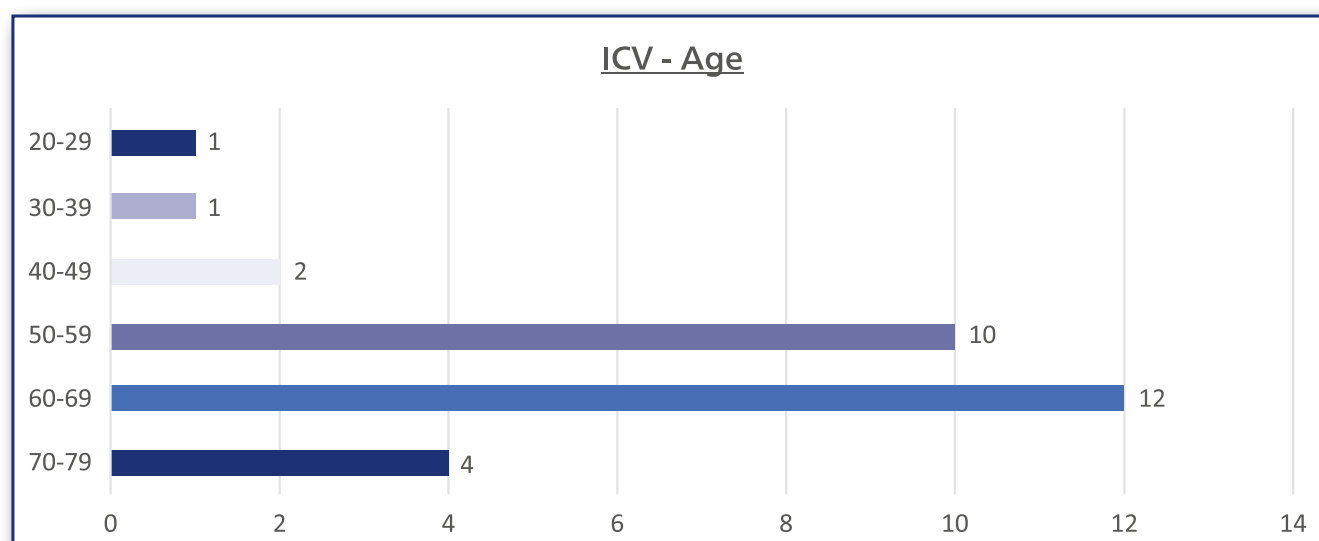
By the end of 2021/22, a number of our ICVs who had remained inactive due to the pandemic decided to not continue in the role and some did not have their vetting renewed when it came to review. We therefore ended the year with 30 ICVs who live, work or study in Hertfordshire. 47% of those volunteers are male and 53% are female. This switches the gender balance from the previous year where the figures were the other way around. The demographics of our ICVs who have declared their ethnicity show that they are not entirely representative of the Hertfordshire population with regards to ethnicity; however, the proportion who have chosen not to disclose prevents us from making a definitive direct comparison (Figure 5²). We are able to state they are on average older than the wider Hertfordshire population (Figure 6³). The recent recruitment campaign aimed to target a wider ethnic background but further work will need to be done moving forward to improve representation from a wider range of the community.

When comparing Hertfordshire to other forces, it is evident that length of service varies between the schemes with some having fixed term positions and others, including Hertfordshire, having volunteers with a wide range of length of service which brings valuable knowledge and experience to the scheme.

A report was commissioned during the year to explore the implications of introducing a fixed term of service. The proposal to introduce a fixed tenure of two terms of three years was approved by the Commissioner and will be introduced for the 2022-23 reporting period.

² According to the Office for National Statistics 2019 population denominators, Hertfordshire's population demographics shows ethnicity as: White 86.4%, Asian/Asian Black 6.9%, Black/ African/ Caribbean/ Black British 3.0%, Mixed multiple ethnic group 3.1%, and other 0.7%. This information can be found at: <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/adhocs/008781populationdenominatorsbybroadethnicgroupandforwhitebritishlocalauthoritiesinenglandandwales2011to2017>

³ According to the Office for National Statistics 2011 Census the comparable age range in Hertfordshire was represented by 22% aged 30-44, 20% aged 45-59, 6% aged 60-64, 8% aged 65-74 and 5% aged 75-84.

Figure 5: Ethnicity profile of the Independent Custody Visitors**Figure 6: Age profile of the Independent Custody Visitors**

Matters arising from custody visits

Hertfordshire Custody Visitors returned to making three visits per week to Hertfordshire's two custody suites on a rota system of two visits to one suite and one visit to the other, then the reverse the following week. The visits take place to provide coverage over a 24-hour period.

During 2021/2022, of the 531 detainees visited, issues were noted from 23 (4%) detainees. In total 39 issues⁴ were reviewed, a significant decrease on the previous year given the higher number of detainees visited. Positively, 96% of detainees did not raise any issues regarding their welfare whilst in custody, compared with 90% over the previous reporting period. 15 (3%) detainees gave positive comments that were recorded by the visitors surrounding their detention, focused primarily on how they had been treated by custody staff. This is roughly the same percentage as the previous year but

⁴ More than one issue may have been reported by each detainee or may have been expressed by an ICV and exclude the positive comments

given the higher number of detainees visited it shows how considerate the treatment of detainees continues to be that they feel able to comment in this way.

Positive comments and other feedback are discussed in monthly meetings between the scheme administrator and the custody Chief Inspector who will pass on and discuss with the custody inspectors where any learning is needed.

Of the detainees that raised issues, the majority were once again in regard to the Rights of Detainee where a total of 18 individual issues were raised. The main issues recorded this year were around access to medical help and access to legal advice (see Figure 7). Of the 7 detainees who raised these issues, 58% were White British; 14% Black British, 14% Any other White and the remaining 14% either refused to state their ethnicity or it was not recorded by the ICVs.

The highest reported issues from last year, access to a phone call and food have dropped to 4th and 6th place respectively.

Given the increase in the number of visits over the year, the low number of reported problems is notable although gaps in recorded information regarding ethnicity for the detainees reporting problems means it is difficult to draw firm conclusions regarding bias, or lack of bias, around ethnicity.

Categories of issues raised by ICVs

1. Rights of Detainee

The category reporting the largest number of issues was once again Rights of Detainee not being upheld in one form or another. The breakdown of these issues are as follows:

Figure 7: Sub-categories of issues relating to the Rights of Detainee

Rights of Detainee	Number of Issues raised	% of total	Number of Valid / Not Valid Issues
Access to medical help	5	28%	1/4
Access to free legal advice	4	22%	0/4
Someone informed of their location	3	17%	0/3
Phone Call	3	17%	0/3
Not given rights	2	11%	1/1
Access to food	1	6%	0/1
Privacy while receiving legal advice	0	0%	
Access to "Codes of Practice"	0	0%	
Can see written notice of rights	0	0%	
Access to drink	0	0%	
Access to interpreter/language cards	0	0%	
Access to complaints procedure	0	0%	
Contact Embassy	0	0%	
Total issues noted	18		

Access to medical help and legal advice were the highest reported areas of concern this year having been ranked slightly lower last year. Of the five issues raised regarding medical help, three were detainees requesting medical help where it had not been requested on booking in or prior to the ICV visit. The request was actioned in each case. Another was the detainee claiming they were overdue their medication. The custody record was checked with permission and found to state that medication had been given at the appropriate time. The final case was a detainee claiming her medical needs had not been met and primarily needed medication. The police offered to fetch medication from detainee's residence, but this was declined. ICVs believed the police had taken all possible action in the circumstances.

Of the four reporting issues with access to legal advice, one stated he had not seen a solicitor despite asking. The duty Inspector checked the custody record which showed that detainee had indeed spoken to a solicitor. Another complained he had not been offered a solicitor. Records shown he had been too intoxicated upon arrival and was immediately taken to the desk for his rights and entitlements to be administered. In the other two cases there had been a delay with the solicitor attending but in both instances the solicitor arrived shortly afterwards.

Figure 8: Rights of Detainee by self-defined ethnicity

	Rights of Detainee	Vulnerable Detainee	Access to Amenities	Services Available	Cleanliness	Maintenance	Food/Drink/Reading	Detention Issues/PACE	ICV Staff Issues	Positive Feedback
White British	13%	2%		2%						13%
White Irish										2%
Any Other White	7%							2%		2%
White and Black Caribbean										
White and Black African										
Mixed White and Asian										
Any Other Mixed										4%
Asian/British Indian										
Asian British Pakistani										
Asian/British Bangladesh										
Any Other Asian					2%					
Black/British Caribbean		2%								
Black/British African	2%							2%		
Any Other Black										
Chinese										
Any Other Ethnic Group										
Refused/Not stated	11%	4%						4%		4%
Not Recorded by ICV			4%		6%	2%			9%	4%

2. ICV Staff Issues

This section relates to specific feedback and observations by the ICVs about the custody staff or feedback from the staff themselves highlighting issues.

Of the 5 issues reported under this section, two related to ICVs being delayed entry to the custody suite due to a large number of persons being booked in. In one instance the ICVs felt that detainees were not getting enough updates regarding their detention due to being very busy and staffing numbers. The other 2 cases related to concerns over staffing levels which has occasionally been a challenge for the Constabulary due to covid-19 protocols.

The issues highlighted are sporadic and not endemic hence the low number of reports in this section.

3. Vulnerable Detainees⁵

ICVs have identified four concerns specifically relating to vulnerable detainees in custody and these equate to two children and two adults.

While this is one higher than the previous year, only one related to issues in having access to a Appropriate Adult which would seem to indicate that the changes brought in regarding how the scheme operates are generally having a positive effect.

One detainee stated that had not spoken to an Appropriate Adult or solicitor. The custody record was examined and found to record they had spoken to both.

A second report related to child being held overnight without seeing an appropriate adult. Attempts had been made to contact family members in the first instance who either refused or were inappropriate. The detainee was intoxicated and asleep until the morning at which time further attempts were made to appoint an AA who took some time to arrive. The opinion is that the delay was understandable although not satisfactory but that the detainee was not at risk or detriment from the delay.

The other two issues highlighted were specific concerns for welfare where the detainees indicated the desire to cause harm to themselves in some way, one refusing to eat or drink. Both were on regular watch with appropriate medical support in place and the detainee refusing to eat was persuaded to do so later in the day by custody staff.

For the sixth year running, the Constabulary have not held anyone in a custody suite who has been detained under Section 136 of the Mental Health Act 1983. In all instances, they were instead taken to a designated medical facility as a place of safety.

4. Cleanliness

Cleanliness issues were noted on four occasions, three related to particularly messy or dirty cells, which were addressed immediately and one related to rubbish in the exercise yard which again was addressed once highlighted by the ICVs.

5. Issues relating to Detention or PACE

Four suggestions of detention or PACE issues relating to their length of stay were investigated and found to be lawful.

⁵ For a definition of vulnerability, see Appendix 1

6. Food, Drink and Reading material

Comments were also noted with regards to accessing amenities. Access to having a shower or exercising was good, the two issues highlighted were no blankets available during one visit though a delivery was expected. The other incident was a lack of the Female Hygiene Packs and other sanitary items. Staff were taking steps to obtain these personally as they were required urgently until a delivery was due.

7. Services Available

Only one incident was reported which was a need for access to healthcare, primarily medication. The detainee needed medication which had been dropped off and was waiting for a Health Care Professional to administer.

8. Maintenance

Maintenance issues related to cells out of use at Stevenage because the buzzer was out of order. Work was undertaken at the end of the reporting period to upgrade the system for all cells which we expect to alleviate these reports and allow all cells to be used appropriately.

Positive Feedback

ICVs also recorded a number of positive comments by detainees regarding their welfare in custody. Of the 15 positive comments, 13 were from detainees and 2 from the ICVs. All detainees chose to comment specifically about their welfare saying they had been well treated and that their dignity had been maintained. In 114 cases (89% of visits made) ICVs commented specifically that the facilities were clean and generally supplies of equipment and food were good. Once again ICVs also said that police staff were helpful and professional when dealing with detainees and themselves, highlighting one very positive interaction between a custody officer and a detainee in particular. This is an extremely positive result and comments are regularly fed back to the Chief Inspector. Custody staff should be commended for maintaining the facilities to a high standard.

Areas of focus this year

Covid-19

As the year progressed the restrictions imposed due to the Covid-19 pandemic changed with the requirement for visitors to be fully vaccinated prior to entering police premises. This prevented some ICVs returning to visits for a period of time which put pressure on the scheme to maintain the required standards. The ICVs stepped up and many carried out multiple visits each month to make sure the appropriate level of scrutiny was maintained. By the end of the year the scheme was once again operating as normal with most ICVs only being required to do one visit per month.

Fixed Term Tenure

Historically Hertfordshire has not set a limit on how long an ICV may serve. In line with the Home Office Code of Practice, a review is carried out every 3 years and a decision taken on whether to renew the tenure for another 3 years.

A report was commissioned which looked at the issue of tenure on a national level and how tenure was implemented across the other volunteer lead OPCC scrutiny panels.

The proposal was put forward to introduce a maximum of 2 terms (6 years in total) with the option to extend to 9 years in exceptional circumstances.

This will give more people in the county the opportunity to volunteer as an ICV, bring fresh eyes to the role more frequently and allow us to try and address any bias around demographics.

A paper has been put before the Commissioner for a decision and if approved will be implemented in the 2022/23 period.

Recruitment

As stated, last year the OPCC recruited more volunteers into the ICV role and unfortunately some of our ICVs stepped down from the role. The issues of volunteer recruitment across the OPCC were examined and a combined webinar was held in January 2022 to promote the different scrutiny panels and volunteer schemes the OPCC has oversight for with the aim of informing a much wider demography of the opportunities available. This was again very successful and we are in the process of recruiting 10 new volunteers to the ICV role.

IT Systems

The Constabulary's intelligence and case management system, Athena, provides ICVs with a bespoke "snapshot" of those in custody when they arrive. There are still occasional outages causing timeliness issues with obtaining the data and delays for the ICVs. This continues to be monitored as updates are made to the system.

Data Quality

While work is ongoing by the Constabulary to address this, it is noted from the report that the recording of Self-defined Ethnicity data continues to be an issue. This will be monitored.

Quality Assurance Framework

The Quality Assurance Framework (QAF) was introduced by the Independent Custody Visiting Association (ICVA) in April 2018. It enables schemes to reflect on how they comply with the Code of Practice, the legislation which underpins custody visiting. It seeks to encourage schemes to celebrate areas of strength, promote custody visiting and the achievements schemes have made, drive performance and increase sharing of good practice.

Hertfordshire achieved the Silver Award standard in 2019, showing a good standard of custody visiting and volunteer management. ICVA have confirmed that the QAF is being relaunched for 2022/23 so the OPCC will build on the Silver Award and the great work of the dedicated custody visitors in seeking to achieve the Gold Award in this next round of assessment.

Going Forward

In the coming year ICV reports will continue to be carefully reviewed to ensure all detainees continue to receive their rights and entitlements and are treated with dignity and respect.

The OPCC will be working with the new force custody lead to look into ways of further improving the scheme, in particular following up on the outcome of the HMICFRS Inspection of Custody that is due in April 2022.

We will be seeking to extend the involvement of some ICVs into a supporting role for the scheme manager and will be looking to introduce a standard fixed term tenure of 6 years for volunteers to keep the scheme active, allow us to try and address demographic imbalances and give more people in the country the opportunity to volunteer.

We will also be working to maintain the ICVA QAF Silver standard and looking to achieve the Gold level.

ICVA monitor issues raised by the scheme managers across the country to review and monitor national trends and cascade details of legislative changes and reforms. The Hertfordshire scheme will look to use the findings from those trends to inform the scheme's ongoing development.

Interested in becoming an Independent Custody Visitor?

If you are interested in becoming an Independent Custody Visitor please contact:

**Independent Custody Visiting Scheme Administrator
Office of the Police and Crime Commissioner for Hertfordshire
15 Vaughan Road
Harpenden
AL5 4GZ**

Telephone: 01707 806100

Email: pccadmin@herts-pcc.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

Hertfordshire OPCC is particularly interested to hear from younger age groups and those from Black, Asian and all Ethnic communities.

Appendix 1

The term vulnerable⁶ applies to any person who, because of a mental health condition or mental disorder:

- (i) may have difficulty understanding or communicating effectively about the full implications for them of any procedures and processes connected with:
 - their arrest and detention; or (as the case may be)
 - their voluntary attendance at a police station or their presence elsewhere, for the purpose of a voluntary interview; and
 - the exercise of their rights and entitlements.
- (ii) does not appear to understand the significance of what they are told, of questions they are asked or of their replies:
- (iii) appears to be particularly prone to:
 - becoming confused and unclear about their position;
 - providing unreliable, misleading or incriminating information without knowing or wishing to do so;
 - accepting or acting on suggestions from others without consciously knowing or wishing to do so; or
 - readily agreeing to suggestions or proposals without any protest or question.

⁶ Police and Criminal Evidence Act 1984 (PACE) Code C – Revised July 2018 section 1.13(d)