



David Lloyd

**Police & Crime
Commissioner
FOR HERTFORDSHIRE**



**INDEPENDENT CUSTODY VISITORS SCHEME
ANNUAL REPORT
2022 – 2023**



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 2022-23.

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.

During the year Hertfordshire received an inspection of Custody from Her Majesty's Inspectorate of Constabulary Fire and Rescue Services (HMICFRS).

While the outcome was mostly very positive there were some areas of concern such as the force's use of anti-rip safety clothing. I am encouraged to see that my staff and ICVs have been working with the Constabulary to help address some of these areas, including setting up a new scrutiny panel to provide independent review of the use of anti-rip clothing.

I am also pleased to see a reduction in the number of issues reported by Hertfordshire's 31 ICVs this year, down from 39 to 27. The issues are wide ranging and include the stocks of blankets and sandwiches, which had been subject to new supply contracts, to detainees stating they had not been advised of their rights or not provided with medical assistance. I am pleased to note that all the issues were dealt with swiftly and positively. Over the years I have continued to see that the learning and feedback captured on the ICV visits has resulted in a number of positive changes being adopted by Hertfordshire custody staff.

As we look forward, my team will continue to seek further ways to enhance the scheme. They are currently considering how to widen our volunteer pool to better reflect the demographic makeup of the communities we represent and those detained in custody as well as expanding the role of some of the ICVs to support the administration of the scheme].

I would like to thank all the ICVs for their continued time and commitment to the scheme. They provide vital independent oversight of detainees' welfare and conditions in custody. I look forward to seeing how the scheme develops over the coming year and a continuation of the positive collaborative working for an even safer Hertfordshire.

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

David Lloyd
Hertfordshire Police and Crime Commissioner

Foreword by the Chief Inspector of Hertfordshire Constabulary's Custody Units



Public trust and confidence in policing remains a national priority. The role of independent groups such as ICVs are one of the ways that we can help maintain public trust. With this in the forefront of my mind please can I begin by extending a thank you to each and every one of our ICVs.

Like many other years in policing there have been challenges over the last 12 months.

We have worked diligently on points raised by the HMICFRS during last year's inspection which culminated in a positive reinspection early this year. The support received from ICVs specifically in relation to the use of anti-rip clothing and the new review group which has been set up is an excellent example of where ICVs being positive change.

Within the custody command we have worked to better manage demand across our custody estate to support the safer detention principles, as well as our staff.

Moving forward we will be looking at further ways to utilise digital technology to support the custody function.

This year I have had the pleasure of meeting many of the ICVs during training sessions and custody visits and I hope to have the opportunity to do so this year too.

Finally I would just like to say thank you to all the volunteers for giving their time to perform this very vital role.

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. The scheme's independent checks give the public reassurance that detainees are being treated fairly, that their legal rights and entitlements¹ are given as well as checking their welfare and dignity are being maintained. Independent Custody Visitors (ICVs) also review the custody suites for issues around cleanliness and maintenance. The scheme also provides assurances to detainees at a time when they may be feeling vulnerable or confused.

Following the introduction of Police and Crime Commissioners (PCCs) under the Police Reform and Social Responsibility Act (2011), the PCC assumed responsibility for the operation of the Independent Custody Visiting Scheme in Hertfordshire. The Office of the Police and Crime Commissioner (OPCC) manages and supports the smooth running of the scheme including the day-to-day enquiries, recruitment of the volunteers and improvements and development to the scheme.

ICVs are unpaid volunteers who live, work or study in Hertfordshire. There are currently 31 ICVs compared to 30 last year. Over the last twelve months 10 new ICVs have been recruited and 9 ICVs have stood down. Recruiting will continue again over the coming year and will target specific demographics to ensure that our volunteers better reflect the makeup of the county and the detainees.

In ordinary times all visits are unannounced and can take place at any time, 24 hours a day, 7 days a week. 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. The detainees are then introduced to the ICVs and, subject to their consent and availability a visit is undertaken.

ICVs complete a report form summarising their visit to each individual detainee. This is then forwarded to the Volunteers Administrator at the OPCC and the hard copy is retained by custody staff. Concerns raised by ICVs are reported to the Custody Inspector or escorting officer at the time of the visit, as well as to the Volunteers Administrator via the report form. The Volunteers Administrator then highlights any concerns to the Custody Chief Inspector via email, telephone or during regular meetings depending on the urgency. The ICVs have the opportunity to raise general concerns and matters arising from visits at their regular half yearly meetings with the OPCC.

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

The position of an ICV is an unpaid, voluntary role. All ICVs are encouraged to regularly complete an expense form to allow any costs associated with visiting to be reimbursed.

The Commissioner also incurs the other related costs for running the scheme including but not limited to OPCC staff time, ICV training, printing, some limited catering for panel meetings, conference booking fees, and OPCC membership of the Independent Custody Visiting Association (ICVA).

Nationally, the Independent Custody Visitor Association² leads, supports and represents PCCs and police forces with regards to the Independent Custody Visiting schemes. The OPCC has developed a good relationship with ICVA and other scheme managers over a number of years. This has enabled the OPCC to ensure the scheme's aims and scheme managers are effective and they are kept informed of legislative changes and reforms.

The Covid-19 Pandemic

Over the last year the OPCC has continued to be mindful of the pandemic. Appropriate precautions and support were maintained for all ICVs to ensure the scheme could continue to operate to its full capacity with the in-person model of unannounced visits.

Fixed Term Tenure

As reported on in the 2021-22 report³ the proposal to introduce fixed term tenure for ICVs was submitted and subsequently approved by the Commissioner.

ICVs can now serve for two terms of three years each with an option for the scheme manager to extend to nine years in some circumstances where the need arises. This will allow the scheme to refresh and update more frequently in order to maintain a high level of scrutiny and also brings it inline with other volunteer schemes.

As a result of introducing this new policy, some ICVs who had served beyond the new time limits were released and others chose not to continue. A recruitment campaign was coordinated alongside this change to ensure the continued viability of the scheme. The OPCC signposted those who left the scheme to other volunteering opportunities.

Key Findings

The report covers the period 1 April 2022 to 31 March 2023. Over these twelve months 12,255 detainees passed through both custody suites (7,201 through Hatfield and 5,054 through Stevenage). This compares to a total of 12,530 detainees in 2021/2022, a decrease of 2.2%. In line with findings from last year this is thought to be for a combination of reasons: the continued use of Out of Court Disposals (OCD) in line with national guidance; street triage with improved liaison and diversion schemes; and those whose detention is

² [Home Page of ICVA \(The Independent Custody Visitors Association\)](#)

³ [ICV Annual Report 2021-22](#)

refused. Not all persons who are brought to custody are booked in⁴. Overall ICVs visited 4.7% of those detainees that passed through custody.

Figure 1 shows that in 2022/23, ICVs undertook 94 custody visits, speaking to or observing a total of 582 detainees from a possible 681 who were available for a visit. It should be noted that due to a combination of volunteers stepping down and their availability the scheme often returned to a minimum schedule of 2 visits per week. This accounts for the reduced number of overall visits when compared to previous years, when the aim was to maintain a level of 3 per week.

Figure 1: Breakdown of the visits for the period 1 April 2021 to 31 March 2022

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	44	520	396	345	87%
Stevenage	50	386	285	237	83%
TOTAL	94	906	681	582	85%

It should also be noted that the number of detainees held at the time of ICV visits was 14% lower than in the previous year. While there was a decrease in the number of visits, as illustrated in Figure 2, the percentage of those spoken to or observed in relation to those available to be visited has increased to 85%, up 4% from the previous year. This is an excellent response rate and overall suggests that ICVs are engaging well with the detainees they meet.

99 detainees did not provide consent for a visit (see Figure 1). This equates to 14.5% of the cohort, an improvement on the previous figure of 19% for Hertfordshire but still comparatively high compared with other forces.

There are a number of reasons why ICVs are unable speak to detainees, including detainees being asleep, intoxicated or deemed too violent by custody staff. Detainees may also be unavailable if they are being interviewed, in Court, with a health care professional or providing a DNA sample.

The refusal rate for other forces is generally between 7% and 16%⁵ so while there has been an improvement in Hertfordshire on the previous year there is further work necessary to

⁴ The Custody Sergeant booking in detainees must determine whether the weight of evidence is sufficient or whether there is a case for an alternative intervention. For example, a detainee may require a mental health referral, or when a juvenile risks being detained overnight which would be a breach of policy. In the latter situation, alternative provisions and accommodation would be sought.

⁵ Taken from annual reports and direct enquiries with other forces.

understand why detainees refuse visits from ICVs in order to try and reduce this further where practicable. Detainees do not have to give a reason for refusing a visit so it is difficult to identify how this rate could be improved. To help overcome refusals, ICVs are encouraged to introduce themselves to detainees rather than the escorting officer undertaking this role. However, ICVs continue to report a relatively high refusal rate regardless of the method of introduction.

Figure 2: Comparison of detainees seen between 2019/20 and 2022/23

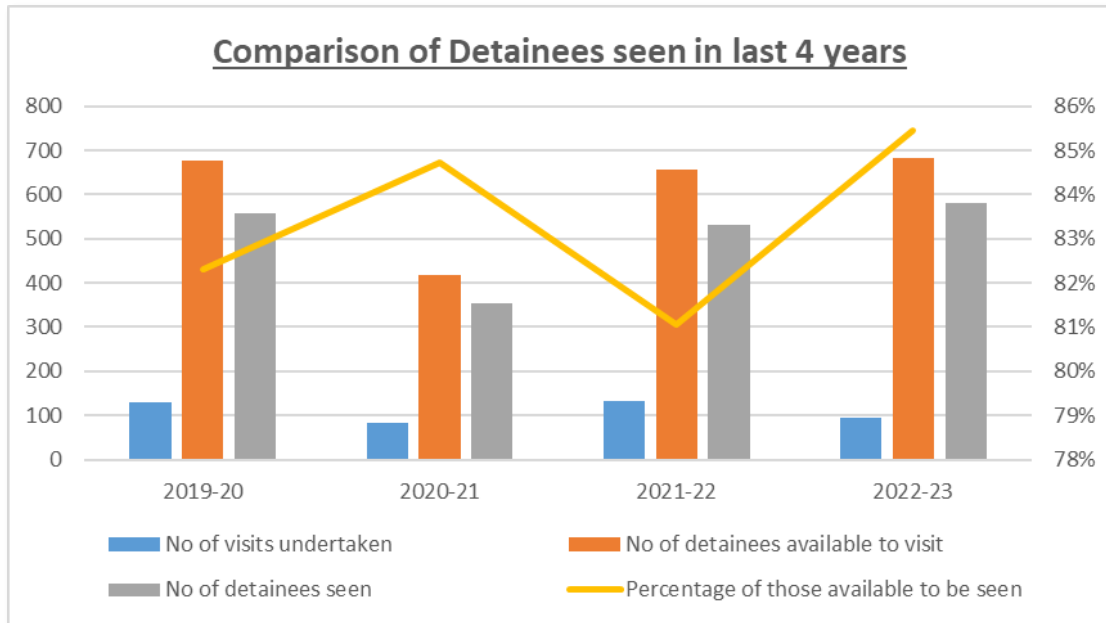
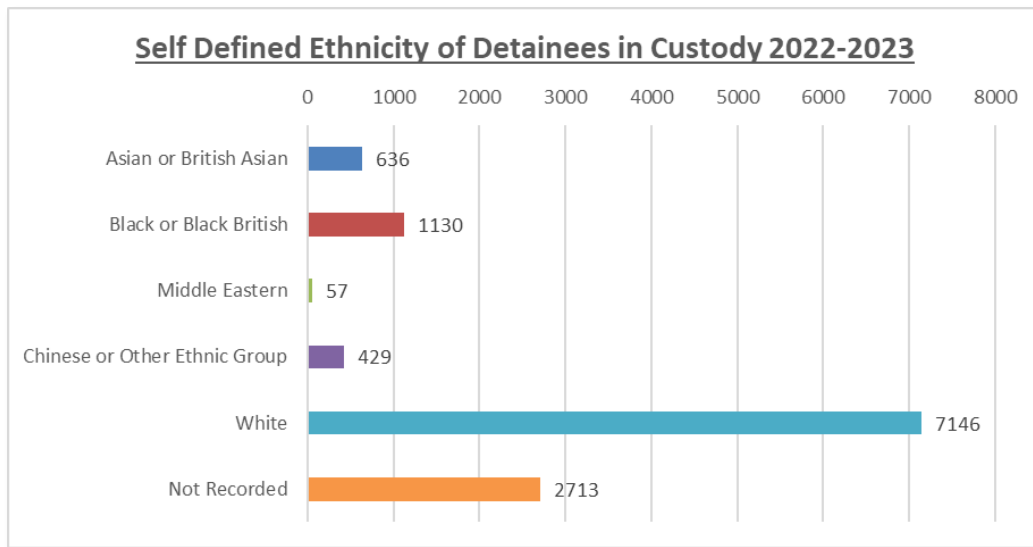


Figure 3 shows that the proportion of ‘Not Recorded’ self-defined ethnicity has decreased significantly on the previous year and now accounts for 22% of records, down from 36%. Work remains ongoing by the Constabulary to improve this further. While this is not a mandatory field on the custody record, the expectation is that staff complete this field. Monthly reports are reviewed by the Chief Inspector to identify where compliance issues arise so that Inspectors can address these with their teams directly.

Of the ‘Not Recorded’ instances, 60% originate from Hatfield and 40% from Stevenage. This reflects the higher throughput of detainees at Hatfield. It is also an improvement in the figures from Hatfield on the previous year (64% from Hatfield and 36% from Stevenage). The figure for Stevenage has increased slightly. However, this can be attributed to a new police system which informs officers where to take a detainee based on the capacity and wait times at each suite. There is a more even distribution of detainees between the two suites affecting the balance of these numbers.

The figures do not indicate a particular imbalance with the recording of this data between the two custody suites as it mirrors the relative percentages of detainees passing through each suite.

Figure 3: Self-Defined Ethnicity of those passing through custody 2022-2023



Profile of the Independent Custody Visitors

By the end of 2022/23, the roster of ICVs had changed significantly. This was partly due to the introduction of the fixed term tenure policy and partly due to a number stepping down due to changes in their circumstances around availability following the easing of restrictions in the aftermath of the Covid-19 pandemic.

Despite active recruitment over the twelve month period, at the end of the year there were 31 ICVs who live, work or study in Hertfordshire. An increase of 1 on the end of the 2021-22 period and short of our target of retaining around 40 volunteers. 45% of those volunteers are male and 55% are female.

ICVs are asked to fill in a voluntary information disclosure agreement. This year 100% have declared their age and gender and 74% disclosed their ethnicity. From the data available we know that ICVs are not representative of the ethnic (Figure 4⁶) and age (Figure 5⁷) profile for the county. Whilst the recent recruitment campaign targeted those from a wider ethnic background, further work needs to be done to improve representation.

⁶ According to the Office for National Statistics 2021 population denominators, Hertfordshire's population demographics shows ethnicity as: White 81.8%, Asian/Asian British 8.6%, Black/ African/ Caribbean/ Black British 3.7%, Mixed multiple ethnic group 3.8%, and other 2.1%. This information can be found at:

https://www.nomisweb.co.uk/sources/census_2021/report?compare=E10000015#section_5

⁷ According to the Office for National Statistics 2011 Census the comparable age range in Hertfordshire was represented by 11% aged 20-29, 21% aged 30-44, 21% aged 45-59, 6% aged 60-64, 9% aged 65-74 and 6% aged 75-84.

Figure 4: Ethnicity profile of the Independent Custody Visitors

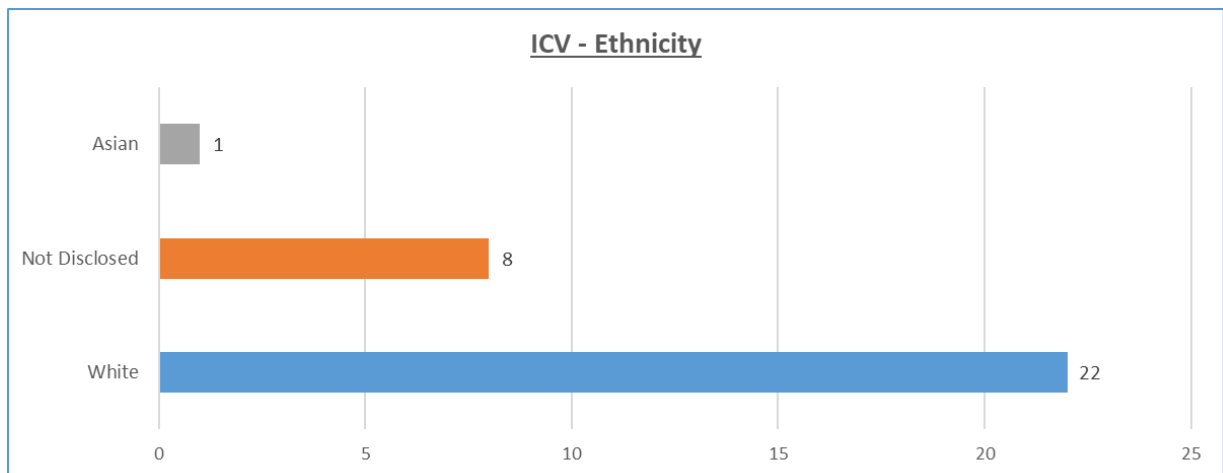
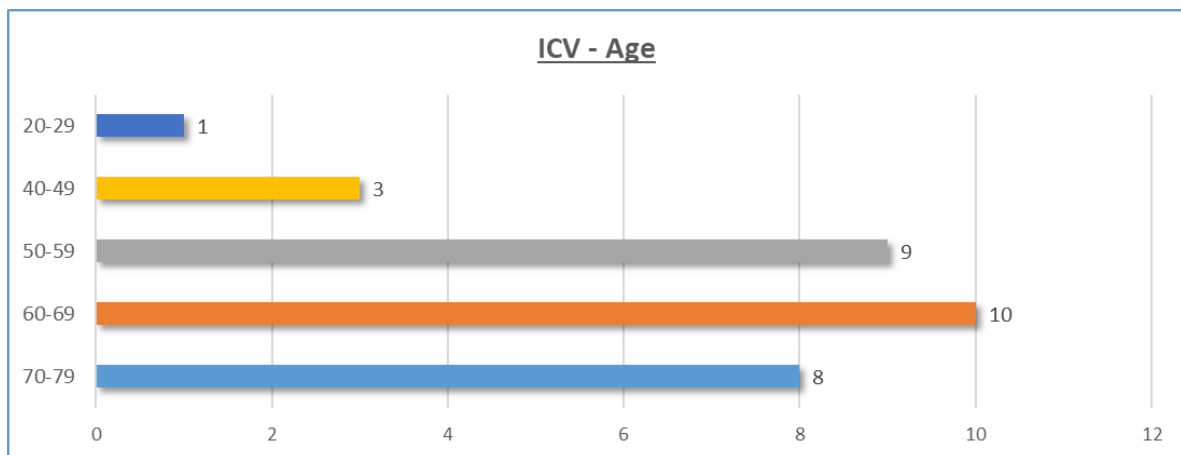


Figure 5: Age profile of the Independent Custody Visitors



Matters arising from custody visits

ICVs have been making at least one visit to each custody suite each week. The visits take place over a 24-hour period. This meets the minimum statutory requirement. We have previously aimed to undertake a total of three visits per week but due to reasons already explained this has not been consistently possible in the reporting year.

During 2022/2023 of the 582 detainees visited, issues were noted from only 10 (1.7%) detainees compared to 23 (4%) in the previous year. In total 27 issues⁸ raised by detainees were reviewed. ICVs reported a further 31 issues. Positively, 98% of detainees did not raise any issues regarding their welfare whilst in custody, compared with 96% over the previous reporting period. 13 (2%) detainees specifically gave positive comments that were recorded

⁸ More than one issue may have been reported by each detainee or may have been expressed by an ICV and exclude the positive comments

by the visitors surrounding their detention; comments focused primarily on how they had been treated by custody staff showing how considerate the treatment of detainees continues to be that they feel able to comment in this way.

All feedback is discussed in monthly meetings by the Scheme Administrator and the custody Chief Inspector. The Chief Inspector will then pass on and discuss with the custody inspectors as appropriate where any additional learning or training is needed.

Of the issues raised by detainees, the majority were in regard to the Rights of Detainee. 11 individual issues were raised compared to 18 individual issues in the previous year. The main rights issues recorded this year were regarding being given their rights and access to medical help (see Figure 7). Whilst this is in line with the issues raised last year, the reduction demonstrates that steps continue to be put in place to address the welfare and needs of detainees.

Of the 6 detainees who raised these issues, 66% were White British; 17% Any Other Mixed and the remaining 17% refused to state their ethnicity.

The low number of reported problems is notable. However, gaps in recorded information regarding the ethnicity of detainees reporting problems still means it is difficult to draw firm conclusions regarding any bias relating to ethnicity. Figure 6 shows the breakdown of reported issues by ethnicity.

Figure 6: Rights of Detainee by self-defined ethnicity

	Rights of Detainee	Vulnerable Detainees	Access to Amenities	Services Available	Cleaning	Maintenance	Food Drink Reading	Detention Issues PACE	ICV Staff Issues	Positive Feedback
White British	7%	1%				1%				6%
White Irish										1%
Any Other White										1%
White and Black Caribbean										
White and Black African										
Mixed White and Asian										
Any Other Mixed	1%									
Asian/British Indian	1%									
Asian British Pakistani										
Asian/British Bangladesh										
Any Other Asian										
Black/British Caribbean										
Black/British African										

Any Other Black										1%
Chinese										
Any Other Ethnic Group										
Refused/Not stated	6%						1%			3%
Not Recorded by ICV					4%	3%	11%		44%	6%

Categories of issues raised by ICVs

1. ICV Staff Issues

This is a general category for ICVs to highlight issues they witness or encounter in the custody suite or any general issues that do not fit into other categories.

Over the reporting year the contacts relating to the provision of laundry services, blankets and food provision had been reviewed and new suppliers chosen. This resulted in some issues with the supply of all items meaning that the ICVs regularly reported shortage of stocks over part of the reporting year while the new contracts were put in place.

These issues have been resolved and we expect the number of such reports to reduce significantly in the short term.

2. Rights of Detainee

Rights of the Detainee are broken down into 13 sub-categories and detailed in Figure 7.

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

Rights of Detainee	Number of Issues raised	% of total	Number of Valid Issues/ Number of Not Valid Issues
Not given rights	3	27%	1/2
Access to medical help	3	27%	0/3
Access to free legal advice	2	18%	1/1
Phone Call	2	18%	0/2
Access to food	1	9%	0/1
Privacy while receiving legal advice	0	0%	
Someone informed of their location	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	11		
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The highest reported areas of concern this year were ‘Not given rights’ and ‘access to medical help’.

Of these, ‘access to medical help’ is of high concern, even though overall the numbers are low. Of the three issues raised, it was verified that two of the detainees had been offered but refused medical assistance initially and subsequently requested it, which was arranged. In the other case, the nurse had been requested and was just waiting to attend.

Of the three rights issues, one detainee could not remember if they had been given their rights and a custody record check was inconclusive, therefore the rights were reissued following the ICV’s involvement. In the other two cases, a custody record check showed that the rights had in fact been given multiple times, both on booking in and during Inspector reviews.

Of the issues regarding access to legal advice, in one instance there was an error on the part of the solicitor reassigning the person who was due to visit; a new request was subsequently made. In the second instance, there was a delay in the solicitor attending which was followed up by custody staff.

Of the issues regarding phone calls, the officer stated that for one person due to the nature of the investigation they were unable to contact anyone. For the other, the person was requesting an international call which is not facilitated (a call should be to someone in the UK or to the relevant embassy or consulate).

The issue of access to food was checked and it was verified the detainee had declined food on two occasions previously.

3. Food, Drink and Reading materials

Nine issues relating to this category were raised during the year, compared to eight issues last year. Of the nine, five related to ICVs highlighting issues with either out of date sandwiches or low supplies. A supply issue was identified and resolved following discussions with the suppliers: delivery schedules and minimum orders had changed without being fully communicated to the Constabulary.

In two cases, detainees had requested access to stress kits, including reading material but the these were already in use and unable to be allocated until one became available.

In a further two cases, issues were noted with the storage of religious materials, both of which were corrected immediately.

4. Cleanliness & Maintenance

Cleanliness & Maintenance issues were noted on a total of six occasions, two related to an ICV noting a particularly dirty air-conditioning unit. This was resolved with a deep clean.

Two further issues related to the cleanliness of the kitchen microwave and two related to leaking or broken toilets. Custody staff were aware of all four issues and had already put in steps to remedy them.

Overall, the ICVs regularly comment on how clean and well-kept all areas of custody are kept.

5. Vulnerable Detainees⁹

In the reporting year, the ICVs identified only one issue of concern relating to a 17 year old juvenile being kept in custody overnight. There are robust processes in place that aim to prevent this from happening which were positively commented upon during the HMICFRS inspection¹⁰. In this instance no suitable juvenile accommodation had been available in Hertfordshire. Staff had tried to contact other force areas as far afield as Lincolnshire, Devon and Manchester but ultimately it was considered inappropriate to send the individual that far. The ICVs were satisfied that all reasonable steps had been taken.

For the seventh 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, individuals were taken to a designated medical facility as a place of safety.

No issues were noted by the ICVs under any of the other reporting categories during the 2022-23 reporting period. Overall, the low number of reported issues demonstrates how the staff and processes in place are maintaining the welfare, dignity and needs of the detainees.

Positive Feedback

ICVs recorded several positive comments by detainees regarding their welfare in custody. Of the 13 noteworthy positive comments, 9 were from detainees and 4 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. Comments such as “have been treated well”, “caring”, “have been treated humanely” are of particular note.

Once again ICVs also noted that police staff were helpful and professional when dealing both with detainees and themselves. Two very positive interactions between staff and a detainee were highlighted ; “Staff treated the person exceptionally well under difficult

⁹ For a definition of vulnerability, see Appendix 1

circumstances” and in the other case “One very drunk and agitated [detainee] causing disruption and required a lot of attention - great patience shown.”

Areas of focus for the year ahead (2023/2024)

Recruitment

Recruitment will continue with the focus on targeting a wider age and ethnic demographic. With the success of using Instagram as a new social media outlet in the last campaign the OPCC will seek to engage with a communications company to explore other social media campaign opportunities to target underrepresented groups.

IT Systems

The Constabulary's intelligence and case management system, Athena, provides ICVs with a snapshot of the detainees in custody when they arrive to undertake their visit. There are still occasional outages causing timeliness issues with obtaining the data, resulting in delays for ICVs. This continues to be monitored as updates are made to the system. There is also an identified issue with staff training about how to access the report that the ICVs need and this is being addressed by the Constabulary.

The OPCC is working to understand how other forces use electronic reporting for their ICVs. To date there have been a number of local challenges preventing this in Hertfordshire.

Data Quality

The Constabulary continue to review the data they record about detainees. Whilst the recording of self-defined ethnicity has improved since last year with custody staff being reminded to always fill out this information or mark it as "not stated", it could be improved further. In parallel, the OPCC will continue to monitor and raise issues with the Chief Officers to improve systems and data capture.

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 and the legislation which underpins custody visiting. The QAF seeks to encourage schemes to celebrate areas of strength and achievement, promote custody visiting, 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 recently relaunched the QAF and the OPCC is seeking to achieve the Gold Award in the next assessment round which runs until September 2023.

Other Improvements

The OPCC has been working with the force custody lead and policy unit to further improve the scheme, including in response to recommendations in the HMICFRS Inspection of Custody¹⁰. In April 2023, a new scrutiny panel was established to review the use of anti-rip or safety clothing in custody. The Panel review incidents to ensure that the use of the clothing is justified and proportionate. This strengthens and extends the work that the ICVs carry out to another important area.

The Constabulary have also introduced changes that have reduced the use of this clothing and made the reporting of it's use more rigorous.

Over the next twelve months the OPCC also plans to extend the involvement of some ICVs into a supporting role for the Scheme Administrator.

ICVA

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 OPCC will continue to look to use the findings from those trends to inform the scheme's ongoing development.

¹⁰ [HMICFRS Report on an Unannounced Inspection Visit to Police Custody Suites in Hertfordshire June 2022](#)

Appendix 1

The term vulnerable¹¹ 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.

¹¹ Police and Criminal Evidence Act 1984 (PACE) Code C – Revised July 2018 section 1.13(d)

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
13 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

We welcome applications from anyone who lives, works or studies in Hertfordshire. The OPCC is particularly interested to hear from younger people and those from Black, Asian and all Ethnic communities.