



# Police, Fire and Crime Commissioner for Essex

## Handbook for Independent Custody Visitors (ICVs)

*June 2018*

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## INTRODUCTION

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Custody Visiting (previously known as 'Lay Visiting') to police stations owes its origin to Lord Scarman's report following the Brixton riots in 1981. That report recommended a system of independent, unannounced inspection of procedures and detention in police stations by members of the local community. The intention was to counteract public mistrust of the police and to increase their accountability.

Now custody visiting is to enable members of the local community to observe, comment and report on the conditions under which people are detained at police stations which became a statutory requirement in the *Police Reform Act, 2002* (section 51). The Police and Crime Commissioners are responsible for organising, maintaining and overseeing the delivery of custody visiting.

This handbook has been produced for the information and guidance of people who undertake the role of Independent Custody Visitor (ICVs) to Police Stations and those responsible for the custody and welfare of persons in Police detention. All custody visitors and custody units are given a copy of this handbook. It is essential that custody visitors maintain a professional working relationship with police staff based on mutual respect and understanding of each other's legitimate roles.

## ABOUT INDEPENDENT CUSTODY VISITING

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### *The Police and Criminal Evidence Act, 1985*

The *Police and Criminal Evidence Act* (PACE) is the reference point for inspections of police custody suites. PACE sets out how police officers carry out their roles, states codes of practice for procedures and outlines detainee's rights. Code C of PACE deals with the Detention, Treatment and Questioning of Persons by police officers. These guidelines and codes of practice provide a way of measuring actions taken by the police and a means of checking that people being detained are treated properly.

### *How is the scheme managed?*

The Office of the Police and Crime Commissioner (OPCC) has responsibility for organising and overseeing the delivery of the Custody Visiting Scheme.

A coordinator is appointed to organise the rota of visits and to act as the first point of contact for custody visitors. Panels meet on a quarterly basis, attended by the deputy custody commander and a member of the OPFCC staff.

### *Equality, diversity and human rights*

Promoting equality and diversity is an important element of the work of the OPCC. As representatives of the Police and Crime Commissioner, custody visitors are expected to carry out their role in accordance with these principals. The PCC has a duty to monitor the performance of the Constabulary in complying with duties imposed by the *Human Rights Act 1998*. The Custody Visiting Scheme makes an important contribution to safeguarding the rights and welfare of people held in police detention, and checking the conditions in which they are held.

### *Complaints procedures*

#### **Complaints about the custody visiting scheme**

Any complaints in relation to the custody visiting scheme, services provided by the OPCC, or staff or members involved in the scheme should be made ideally in writing to the Chief Executive of the OPFCC. Complaints will be dealt with in consultation with the Police, Fire and Crime Commissioner as appropriate.

#### **Complaints against Police personnel**

Complaints by custody visitors against police personnel should be raised at the time with the Custody Sergeant or Duty Inspector. If the complaint cannot be raised at the time, details should be forwarded to the custody visiting manager who will pass the complaint to Essex police to be dealt with under police complaints procedures.

In either situation, all complaints relating to police personnel must be notified to the custody visiting scheme manager, ideally in writing, by the custody visitor concerned.

### **Complaints against custody visitors**

Complaints against individual custody visitors may come from different sources, including detainees, police personnel, fellow visitors, or others who may come into contact with them in the course of their duties. In the event that a complaint is made against a custody visitor, the following procedure will be followed:

- The custody visiting scheme manager will request the complaint is put in writing.
- The custody visiting scheme manager will notify the custody visitor of its receipt and content
- The custody visitor will be given the opportunity of responding to the complaint in writing
- The custody visiting scheme manager will make the necessary enquiries to determine the substance of the complaint
- The custody visiting scheme manager will agree findings and recommendations with the Chief Executive and inform the custody visitor of the outcome in writing.

If the custody visitor wishes to appeal against the outcome, the appeal should be made in writing to the PFCC. Every attempt will be made to resolve the complaint in a timely manner.

## ABOUT THE CUSTODY VISITOR ROLE

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### *Eligibility*

The OFPCC may appoint as a custody visitor any person over 18 years of age who lives or works in the policing area. The OFPCC endeavours to ensure that custody visitors recruited to the Scheme are reflective of the composition of the local population. Custody visitors should be able to make unbiased observations in which the community can have confidence, and which the police will accept as justified.

Each application will be treated on its merits, but the over-riding factor will be to prevent possible conflicts of interest, and to maintain the independence and integrity of the scheme as a whole. Anyone who has been convicted of an offence which could be punishable with imprisonment within the last five years, or who has ever served a term of imprisonment or detention, may not be suitable. All applicants go through police vetting procedures. Applicants will be asked to include details of any convictions, other than those which are spent by reason of the *Rehabilitation of Offenders Act 1974*, and to consent to police vetting enquiries being made.

Applications will not be considered from people who are or have been:

- (a) An officer or ex-officer of a Police Force (this may include serving and former members of the Special Constabulary, Police Community Support Officers (PCSOs) and support staff employees); or
- (b) Former members of the Police Authority; or
- (c) Under the age of 18 years (at the time of appointment).

Other people may be excluded if they have a direct involvement in the criminal justice system such as solicitors, officers of the CPS, Probation Service or Prison service.

### *Recruitment and selection*

The OPFCC will recruit custody visitors by inviting applications from the general public. This will be done by means of public advertisement which the OPCC consider suitable.

- All potential applicants will be sent an application pack.
- Selection will be made on the basis of an agreed recruitment process.
- Selection will be based on an applicant's suitability as detailed in the Person specification, flexibility regarding visiting frequency and in line with the OPCCs commitment to equality and diversity.
- Custody visitors are appointed following an interview, undertaken by the selection panel.
- All appointments are subject to satisfactory references and vetting.

### *Training packages*

**Induction:** arranged with the OPFCC to carry out a visit to the local custody unit, and go through the Custody Visiting Induction Pack. This would, ideally, be conducted by the Panel Coordinator.

**Initial training:** a one-day training session organised by the OPFCC in conjunction with the Independent Custody Visiting Association (ICVA) to provide those who are appointed with the basic knowledge and skills needed to make visits.

**Cultural awareness and diversity training:** organised by the OPFCC in conjunction with the Independent Custody Visiting Association to advise custody visitors of the duties under equalities legislation and how they apply to their role.

### *Trial period*

All OPCC offices have a six-month probation period and applicants will only be confirmed on successful completion of this. Panel Coordinators will be asked to complete a form at the end of this trial period which will be returned to the OPCC for consideration. Upon completion of vetting checks and references, new custody visitors will be issued with an ID pass for carry out visits. Appointments of confirmations are in accordance with:

- Number of visits
- Feedback from fellow Panel Members, the Panel Coordinator, Custody staff
- Attendance at panel meetings, and training sessions

### *Tenure and role renewal*

- Custody visitors are appointed for a total three year period which can be renewed. For every three year evaluation, a review and vetting is conducted.

### *Termination of appointment*

Although voluntary the OPFCC has the right to terminate the appointment of any custody visitor whose conduct is not felt to be of the required standard. Expectations are set out in the Volunteers' Agreement which custody visitors are required to sign upon appointment. Circumstances in which termination of appointment may be considered include:

- Misuse of the ID card/one's position as a custody visitor,
- Conviction of a criminal offence,
- Breaching the guidelines and Code of Practice,
- Failure to make a visit within a three months of probation period,
- Failure to attend panel meetings/training with no reason given.

### *Expenses and insurance*

Custody visiting work is entirely voluntary, but travelling expenses below are paid:

- Public transport fares and/or private car mileage at the agreed rate.
- Mileage claims must be supported by a valid VAT fuel receipt.
- Expenses can be claimed for telephone calls and attending training sessions.

Rates are reviewed annually (from 1 April) in line with rates set by the National Joint Council for Local Government Services. Claims should be made on a quarterly basis, and should be forwarded to your OPFCC.

The OPFCC has arranged appropriate insurance cover for custody visitors during a custody visit at a police station. Details of specific cover are available from the OPCC.

### *Publicity*

It is desirable that the role and aims of the Scheme should be promoted to the public. Any publicity is to inform the public about the scheme and about individual cases or to themselves. Individual custody visitors should not speak to the press except at the request of the OPFCC. The OPFCC circulates Independent custody visitors' names and telephone numbers in the strictest confidence, purely for the efficient management of the scheme. Such details must not be disclosed to any other person.

## CUSTODY VISITING ARRANGEMENTS

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### *Visiting in pairs*

Custody visitors are required to visit in pairs at all times. Any custody visitor arriving at a Police Station alone will not be granted access. If one member of the pair cannot attend for any reason, the visit must be rearranged. Custody visitors are responsible for making their own arrangements for visiting in pairs, and will be provided with fellow visitors' contact details for this purpose.

No more than two custody visitors should visit together except for training purposes. To emphasise their impartiality and independence, custody visitors should not combine the making of a custody visit with the conduct of any other business at a Police Station (for example, acting as an Appropriate Adult).

### *Visit information*

There is an expectation that custody visitors will undertake a minimum of three visits per month.

The frequency of custody visits is set by the Police, Fire and Crime Commissioner. Visits should be sufficiently regular to support the effectiveness of the system, but not so frequent as to unreasonably interfere with the work of the police. A visiting rota will be drawn up by the panel coordinators, and if a custody visitor is unable/does not wish to make a visit allotted to him/her on the rota, that custody visitor is responsible for finding another custody visitor to take his/her place. The frequency of visits will be monitored and reported to the OPFCC. Where insufficient visits are taking place, the causes will be investigated and action taken to address the causes.

Custody visitors should bear in mind that custody visits impose an unexpected responsibility on custody staff and they should also be aware of possible delays during custody staff change over periods. Additionally, delays are also possible during exceptionally busy custody periods and during shifts where staff are experiencing staff shortages. Custody visitors should arrive at the police station without prior notice, and should try to avoid making custody visits at regular or predictable times.

## CUSTODY VISITING PROCEDURES

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### *Immediate access into custody*

On arrival at the police station, custody visitors should report to the public enquiry desk, show their identity cards and explain that they wish to undertake a custody visit. Visitors should be admitted immediately to the custody area. In cases where custody is busy, custody visitors should be admitted to the custody area, and invited to wait until the custody sergeant/detention officer is available. Access will be delayed when visitors may be placed in danger; a full explanation for the delay must be given (please record this in the custody visitors report). A delay of more than 10 minutes should be subject of referral to the duty inspector at the police station and noted on the report.

A telephone facility is available at some public enquiry areas and this facility may be used by custody visitors. Contact telephone numbers are issued to all custody visitors enabling them to telephone the relevant custody suite directly.

### *Access areas within custody*

Custody visitors should have access to all parts of the custody area where the detainee has access such as:

- Cells,
- Detention rooms,
- Charging areas,
- Food preparation areas,
- The medical room (not including access to locked drug cabinets),
- Empty cells and detention rooms to check heating/ventilation systems,

Custody visitors will look at these areas to see if they are clean, tidy, in a state of repair and decoration, check for clean and adequate bedding. It is not always necessary to inspect stores, but custody visitors can look at where mattresses, blankets, furnishings and other equipment are stored. They may inspect that cell alarms and toilet flushing mechanisms are working properly. Custody visitors will ensure that all welfare needs are adequately met, for example that female detainees have been offered female hygiene packs. They may visit interview rooms in the custody area if unoccupied.

### *Words of introduction*

Introductions vary between OPCC offices, but generally the following script should be as follows:

- The detention sergeant or detention officer first says to the detainee: “two custody visitors are visiting and would like to speak to you, if you agree.”
- Custody visitors introduce themselves to the detainee: “as the sergeant/detention officer said, we are custody visitors – we’re independent members of the community (nothing to do with the police) and we visit this police station on your behalf to check, privately, that everything has been done according to the law and regulations, and that you have been treated correctly. We would like to speak to you privately and afterwards to check the Police custody record of what has happened since you were detained today if necessary and if you agree. Are you happy to talk briefly with us?”

### *Access to custody records*

The custody sergeant or detention officer will seek consent from the detainee to have access to their custody record. Subject to obtaining consent, the custody visitors should check its contents against what they have been told by the detainee. If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption must be in favour of allowing the custody visitors to examine it. In particular, custody visitors may wish to look for:

- Whether entitlements under PACE have been given,
- Ensure medication, injuries, medical examinations, meal/diets are recorded,
- Ensure procedures to assess special risks/vulnerabilities presented by the detainee have been properly recorded.
- The timing and frequency of cell inspections of inebriated/other vulnerable detainees
- The timing of reviews of the continuing need for detention.

### **Closed Circuit Television (CCTV)**

Custody visits must be carried out in person and not by viewing either live or recorded CCTV footage. However, custody visitors are encouraged to check that the CCTV is working. Please report if the CCTV equipment is not working.

### **Medical records**

Custody visitors may not see the detainee’s medical record, even if attached to the custody record. The custody record should include all relevant information about medication for a detainee and the frequency of administering it. Custody visitors may wish to pay particular attention to detained persons who are suffering from any form of illness, injury or disability and check that medical advice has been offered, and record any medical instructions given and/or carried out.

## *Accommodation*

### **Juveniles**

Juveniles should not be placed in cells unless no other secure accommodation is available and the custody officer thinks they need supervision (please seek an explanation for this and record on the custody visiting form).

### *Conversations between detainees and custody visitors*

Discussions between detainees and custody visitors must normally take place in sight but out of hearing of the Custody Sergeant/Detention Officer if practical. Please record if the Custody Sergeant decides that custody staff should remain within hearing.

Some detainees may be behaving in a violent manner and may request a custody visit. In such cases custody visitors should seek the advice of custody staff to discuss if a visit is allowed/should be undertaken. Custody visitors can also speak to the detainee through the hatch in the cell door.

### **Visits to non-English speakers**

Visits should normally be conducted in English. If an interpreter is available in the police station, custody visitors should check with the custody officer if it is possible to check on the detainee's welfare via the interpreter. If an interpreter is not available custody visitors are encouraged to check on the detainees' welfare as far as is possible e.g. checking the custody record, using flash cards to communicate any immediate needs. Essex Police subscribe to Bigword, which is a facility available without booking 24 hours, 7 days a week. Interpreters are fully trained to have a good command of both English and the language from which they interpret. Primarily this resource is to be used to allow the detainee to communicate with custody staff and receive legal advice but custody visitors may have the opportunity to access it at the Custody Sergeant's discretion. There are also flash cards available for visitors to use for basic questions. These are left at the custody suites.

A relevant note must be made on the custody visitors' report.

### *Treatment of detainees*

Custody visitors should primarily be concerned with the welfare of detainees and overall conditions, standards and procedures at Police Stations. However, if there are immediate concerns about the treatment of particular detainees, this must be passed on immediately to the custody sergeant. If a detainee indicates that they may harm themselves or any other person, custody visitors should abort the visit immediately and inform the custody sergeant.

Custody visitors should be satisfied that the detainees have had their statutory rights explained and that they have been given the written notice of those rights. They should also be satisfied that detainees have received those facilities to which they are entitled under Code C of PACE Act 1984 – printed on the reverse of the written notice of the detainees statutory rights.

Where a detainee makes a complaint or raises an issue about their general treatment or conditions at the police station, custody visitors should (subject to the detainee's consent) record the issue on the report form and report this to the custody officer. In cases where custody staff are the subject of the complaint, custody visitors should report this directly to the duty inspector and take no further action in the case of that detainee, other than recording the incident on the report form or if concerned raise it through the panel coordinator.

### *Deaths in custody*

All deaths in custody are referred immediately to the Independent Police Complaints Commission (IPCC), and are the subject of a coroner's inquest to which the police will report formally. When a death in police custody occurs, the on-call Chief Officer Group member will notify the Police and Crime Commissioner.

The OPFCC will contact the relevant Panel Coordinator at the earliest opportunity to inform them that an incident has taken place – this is for information purposes only.

There may be circumstances in which the Senior Investigating Officer dealing with such an incident needs to refuse or restrict access to particular areas while investigation takes place. The OPFCC will ascertain whether access restrictions are in place and inform the Panel Coordinator so that Panel Members can be notified of any changes to visiting arrangements.

Subject to access restrictions, the OPFCC may discuss with the panel coordinator whether a visit should be made following a death in custody in the spirit of openness and to reassure the community.

Coordinators and members of the panel must take care not to discuss the incident with anyone else as this may compromise the investigation. Any breach of confidentiality may result in removal from the scheme. Any concerns or queries should be directed to the OPFCC.

When the IPCC investigation is complete, recommendations will be reported to the Police, Fire and Crime Commissioner. General learning points will be taken to the relevant meeting for information and discussion with custody visitors.

The OPFCC would not normally notify panel coordinators of 'near miss' situations which happen at times other than during a visit, other than to advise of any access restrictions that had been put in place as a result of the incident.

### *Impartiality and confidentiality*

#### **Advice and disclosure**

Custody visitors should remain impartial and must not seek to involve themselves in any way in the process of investigation. If detainees press them for advice about co-operating with the police, making a statement or anything in relation to their defence, the custody visitor should explain that it is not part of their role, and that their sole responsibility is to ensure that the detainee is being treated in accordance with their rights and entitlements.

Custody visitors should discuss only those issues relating to the conditions in which persons are detained and their treatment in the custody area. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the custody visitor must stop them immediately, reiterate their role and tell them that the relevant contents of the visit may be disclosed in legal proceedings. If this situation arises, custody visitors should report this and anything said to the custody sergeant. Custody visitors may ask detainees if they have been informed of their right to access free, legal advice. If the detainee has not yet received legal advice and now wishes to do so, the custody visitor should inform the custody sergeant.

In the interests of impartiality, custody visitors must not visit friends or relations who are in custody. If one custody visitor recognises a detainee, the detainee must be advised that they are not permitted to make visits to persons whom they know. The visit to that detainee should be aborted immediately.

Custody visitors should emphasise that any information about anyone they see will be kept confidential and will not be released to anyone outside the police station. Legal action may be taken against a custody visitor that does release any confidential information.

#### **Contact with persons outside custody**

Under no circumstances should a custody visitor accept anything from a detainee or give anything to a detainee. Custody visitors must not agree to make contact with any person outside the police station at the request of a detainee. Neither must they agree to pass on a message to any other detainee within the police station. Custody visitors must immediately notify the custody sergeant of such a request.

#### **Custody visitors and criminal proceedings**

*Conversations between custody visitors and detainees are not privileged* and it would be open to a court to issue a witness summons requiring the attendance of custody visitors to give oral evidence or to produce documents such as a report on a particular custody visit. Custody visitors are under no obligation to give evidence or produce documents other than in response to a Court Order, but would be obliged to respond to such an Order.

## Confidentiality

Custody visitors will be asked not to release the identity of, or information capable of identifying any person in police custody (except where a visit has exceptionally been arranged in connection with the treatment of a particular person). It is desirable, in the interests of the strict application of the principles of confidentiality, that custody visitors do not name persons in custody in reports or in discussion with custody visitors. When speaking to custody staff about their discussions with detainees, custody visitors should ask to speak to staff in a more private room or office.

Custody visitors must not discuss the cases of individuals with whom they come into contact during visits to police station and under no circumstance should individual contacts or specific events be discussed except in general, anonymous, terms which support any explanation of the purpose of the scheme.

Any breach of confidentiality may result in removal from the scheme. Breaches of this undertaking may make custody visitors liable to civil proceedings by the detained person concerned. Custody visitors will also need to be aware that the unauthorised disclosure of the facts concerning police operations or the security of police stations may constitute an offence under section 5 of the *Official Secrets Act 1989*.

## Health and safety

Custody staff and custody visitors are responsible for their own health and safety and the safety of others through their own actions and omissions. Custody visitors must be fit and able to carry out the visit. Practical steps should be taken to ensure that custody visiting duties can be performed safely, for example wearing appropriate clothes and jewellery, and being mindful of appropriate body language and positioning when speaking to detainees. For the personal safety of custody visitors and to reduce the risk of the detainee being able to self-harm, custody visitors are asked to leave all personal items at the custody desk whilst they visit detainees in the cells. The only items custody visitors should take in to the cells are a pen, a notepad/checklist and the scheme handbook if required.

The following health and safety guidelines must be adhered to in carrying out visits:

- In the interests of security and safety of custody visitors, the custody officer/member of custody staff will accompany visits. However, the escorting officer should be in sight but out of hearing during discussions with detainees.
- Custody visitors must be made aware of any detainee who is or has been violent. On this basis, the custody officer can refuse the visit but a conversation can take place through the cell door hatch. Custody visitors should ask to speak to the Duty Inspector if they are not satisfied with the given explanation.
  - Health risk can include: any known risk of infection, exposure to CS spray, any risks posed by the detainee (e.g. that the detainee may spit at staff).

- Access to the custody area should be delayed if custody visitors are placed in danger. A full explanation should be given as to why access is delayed, which must be recorded in the custody visitors report.
- Cell doors must always remain ajar when during detainee visits.
- Custody visitors must never handle items within the cell (e.g. mattresses or blankets), only custody staff.
- Custody visitors should never make physical contact with the detainee.
- Custody visitors should not hand anything to detainees or leave any objects/materials within reach.
- Custody visitors must follow any instructions given by custody staff in the event of a fire alarm activation and/or evacuation of the custody suite.
- Custody visitors must report all accidents/near misses to custody staff.

## DETAINEES IN CUSTODY

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### *Access to detainees*

Subject to the paragraphs below, custody visitors may have access to any person detained at a Police Station.

- **PACE detainees:** the majority of detainees in police custody are held under the provision of the *Police and Criminal Evidence Act 1984*.
- **Home Office detainees:** remanded or sentenced prisoners who would normally be held in prison.
- **Immigration detainees:** persons held under the *Immigration Act 1971* and *Immigration and Asylum Act 1999* who are subject to deportation proceedings or who are waiting to be removed from the UK as illegal entrants
- **People at risk:** persons held under *the Mental Health Act 1983* for their own protection or children taken into police protection (*the Children Act 1989*).

In exceptional circumstances, the police may judge that it is necessary for a detained person not to be seen and/or spoken to by custody visitors to avoid any risk of prejudicing an investigation. Any decision to deny access to a detained person should be taken by an officer of the rank of Inspector or above and recorded.

### *Remand and sentenced prisoners*

From time to time, due to operational constraints experienced by the prison service, custody visitors may see remand and sentenced prisoners held in police cells for a short period of time. Remand and sentenced prisoners held in police cells have different rights to detainees subject to PACE, however for visiting purposes, custody visitors should consider sections 8 and 9 of PACE (Conditions of Service and Care and Treatment of Detained Persons) as a minimum standard and seek to ensure that all detainees are treated with regard to these provisions under PACE.

If a prisoner requests something outside of entitlements provided under PACE, Custody Visitors should report their request to the Custody Sergeant. Custody Visitors should be aware that certain rights and entitlements for convicted or remand prisoners may not be feasible within a police setting.

Remand and sentenced prisoners held in police stations may seek to complain about conditions in prisons or the treatment they have received there. Custody visitors must not involve themselves in such matters. There are recognised grievance procedures open to prisoners such as writing to, or petitioning, the Home Secretary, or writing to their solicitor or Member of Parliament. The contractors for the Court Escort Services also have their own procedures for recording complaints about their staff. Any complaint alleging a criminal offence will be reported to the Police and the HM Prison Monitor Service immediately.

Any complaint made to the contractor, which amounts to a police complaint will be referred to the police for investigation. Complaints made by remand or sentenced prisoners should be referred to the custody officer and noted on the report form. In cases where custody staff are the subject of the complaint, the custody visitor should report the issue directly to the Duty Inspector and take no further action with respect to that detainee.

#### *Privacy of detainees*

Custody visitors should not know the name of the detainee or the reason for detention. Visitors should be given only the cell numbers and detention numbers of the detained persons from which they can choose who they would like to offer a visit. In this way, the custody visitors' choice of whom to speak to is totally random and transparent to anyone who might wish to check on the operation of the Scheme.

This procedure will not deal with all situations as it is difficult to prevent custody visitors from seeing people who have not given their permission to be seen. For example, custody visitors may see detainees being moved from a cell to an interview or medical room or being booked in at the desk etc.

#### *Detainee consent to custody visits*

Detained persons are not obliged to see custody visitors or to answer questions. The officer who is escorting the custody visitors is responsible for establishing whether or not each detainee wishes to speak to the custody visitors and for explaining the purpose of the custody visiting scheme.

Where practicable, and in order to preserve the privacy of detainees who may not wish to be visited, detainees will be asked by the custody sergeant or detention officer within earshot, but out of sight of the custody visitors, whether or not they wish to receive a visit. An entry on the custody record, indicating whether or not the detainee consents to a visit will be made in all cases.

Whether or not the detainee agrees to see the custody visitors, the custody sergeant or detention officer should seek permission for them to have access to the detainee's custody record. Any agreement will be written onto the custody record.

**Detainees unable to consent visits: under the influence or asleep.**

If a detainee is under the influence of drink or drugs to such an extent that they are unable to give consent or is for some other reason unable to indicate willingness or otherwise to be seen, custody staff should allow custody visitors access unless it is considered that their safety could be at risk. Sleeping detainees can be woken at the discretion of the custody sergeant/detention officer to seek consent to a custody visit unless this would involve interrupting the continuous period of eight hours rest provided for under PACE. *In both circumstances, procedure should be for custody visitors to observe detainees through the cell hatch and read their custody record.*

**Detainees in interview**

If a person is being interviewed, the interview will not be interrupted. If the custody visitors wish to see the person after the interview has been completed they can.

*Access to vulnerable detainees***Juveniles**

Juveniles may be visited with their own consent. It is not necessary to obtain the additional consent of a parent or guardian. If an appropriate adult is in attendance, the detainee must express whether they want them to remain with them during the custody visit.

**Persons detained under *the Mental Health Act 1983***

Since April 2017 Essex police committed to all section 136 detainees to be transferred to a health based place of safety (HBPoS) such as hospitals or designated units. *Only in extreme circumstances will section 136 persons be detained in a custody cell.*

*Detainees subjected to CS spray*

The police service has advised that custody visitors must not enter the cells of contaminated detainees until such time as decontamination has been carried out. If a custody visitor becomes cross-contaminated, he/she should go to a well-ventilated area to recover or seek medical advice if concerned. Custody visitors are encouraged to check the health and wellbeing of detainees who have been subjected to CS spray. If the detained person is suffering due to the after effects of CS spray, custody visitors should bring this to the attention of the Custody Sergeant who has responsibility for seeking medical assistance.

## REPORTS AND FOLLOW-UPS

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### *Completion of reports*

During each visit, custody visitors must complete a report of their findings which will be shared with the custody officer who does not sign the form to agree the entry, only to acknowledge. Custody visitors are required to complete the report even when there are no detainees in custody, so as to ensure that all custody visits are accurately recorded.

Following the visit panel members are requested to complete the report electronically and return to the coordinator.

### *Unsatisfactory treatment and/or conditions*

If a visit discloses any aspect of the treatment of detainees or conditions at the police station which are unsatisfactory, the issue should be recorded on the report form and raised with the custody sergeant at the time. Any action taken by the custody sergeant should also be recorded on the report form. If custody visitors are not satisfied that the issue has been resolved, they may ask to speak to the duty inspector about their concerns.

The following process is used for flagging and monitoring issues raised:

- Actions are referred to the relevant custody inspector and other departments as appropriate for response. Actions are flagged as open until a satisfactory response is received.
- Open issues that prove to be persistent or intractable are escalated to the OPFCC chief executive and chief officer lead.
- A summary of issues identified through the custody visiting scheme is reported to the PFCC on a regular basis.

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