

The Independent Custody Visiting Scheme for Essex

2020/21 Annual Report



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Foreword by Roger Hirst

Police, Fire and Crime Commissioner for Essex

I am pleased to present this Annual Report which shows the important work carried out by the Independent Custody Visiting (ICV) Scheme, for Essex during 2020/21.

The past 12 months have seen unprecedented times, which have had a significant impact on custody. How we monitor detainees and ensure their rights and entitlements are being met, while ensuring the safety of volunteers, detainees, custody staff and officers has required many changes. I am proud to say that the ICV team rose to the challenge and by working closely with the custody team, were able to keep up the monitoring of detainees' welfare throughout the pandemic.

As many of the ICV team were shielding and/or vulnerable, visits to custody suites were put on hold and alternative forms of monitoring were introduced. We decided that weekly telephone calls to each of the six custody suites, was the best solution, enabling the ICVs to maintain consistent and effective monitoring.

To that end I would like to thank all the ICVs for their time and dedication to ensuring that our detainees are safe, and their rights and entitlements are upheld. It is testament to the professionalism of the ICVs that they maintained oversight and scrutiny of the custody scheme, during such challenging circumstances.

Finally, I would like to thank the Chief Constable, his custody team and all the officers and staff who have done a good job over the last year in ensuring the safety and welfare of the detainees in custody.



Roger Hirst

Police, Fire and Crime Commissioner for Essex

Overview of the Essex Independent Custody Visiting Scheme

The Police, Fire and Crime Commissioner (PFCC) for Essex's Independent Custody Visiting Scheme, appoints volunteers to visit police custody suites to ensure the treatment of detainees, the conditions in which they are held and their rights and entitlements are being observed. The volunteers also ensure their detention is compliant with the Police and Criminal Evidence (PACE) Act 1984 Code C ([Pace Code C 2019](#)), and is in line with the Detention and Custody Authorised Professional Practice ([APP](#)). The scheme offers protection to both detainees and the police and reassurance to the community at large.

The scheme introduced by the Police and Crime Commissioner in 2012 is based on the [Home Office Code of Practice on Independent Custody Visiting](#) published pursuant to Section 51(6) of the Police Reform Act 2002. The scheme is supported by more detailed national standards that expand the relevant procedures and set out established good practice [national standards](#). In 2018 the ICVA introduced a voluntary quality assurance framework which the scheme in Essex participated and currently holds the silver standard.

The scheme enables appointed volunteers to visit police station custody suites at any time of the day or night, to check on the treatment of detainees, the conditions in which they are held and that their rights and entitlements are being observed. Each ICV carries out between two and four visits to a custody suite per month and completes and submits a standard report as part of their visit. Visits are undertaken in pairs and generally last no longer than one hour. ICVs will visit more than one suite in their relevant geographical cluster and at varying times of the day and of the week wherever possible.

The custody suites and the number of cells in those suites is shown in the table below.

Table 1. Essex Custody stations and number of cells in each station.

Custody Station	Number of Cells
Southend Police Station	30 cells
Colchester Police Station	16 cells
Harlow Police Station	14 cells
Basildon Police Station	20 cells
Grays Police Station	17 cells
Clacton Police Station	12 cells
Chelmsford Police Station	15 cells
Total	118 cells

ICVs must be over 18 years of age and are welcome from all sections of the community. They must be independent of the criminal justice system to prevent possible conflicts of interest and to maintain the integrity of the scheme. Therefore, serving police officers and other serving members of PFCC staff are unsuitable for this reason. The same applies to Special Constables, Justices of the Peace (JPs), and Essex Police, Fire and Crime Panel members.

The Independent Custody Visiting Scheme in 2020/21

The pandemic led to some of the ICVs reassessing their ability to fully commit to the scheme, resulting in a couple of resignations and requests to stand down for a period.

To bring more volunteers into the scheme, a recruitment campaign took place in February 2021, which included a targeted approach to encourage recruitment from more diverse groups to make the scheme more representative of the communities we serve. In 2020/21 all ICVs have self-recorded their ethnicity as White.

Essex ICVs visit each of the six custody suites at least three times per month, however, during lockdown adjustments were made to this schedule. Chelmsford custody was closed for refurbishment from August 2019 until April 2021 and Clacton custody suite was closed between April 2020 and December 2021.

Our ICVs completed a total of 160 visits in 2020/21, 82 of which were an in person visit and 78 - a phone call made to custody. Combined, there were able to discuss the condition of 1137 detainees who were at the police custody at the time of ICV visit/phone call.

Custody visits during the pandemic

In March 2020, following the Government's announcement regarding a national lockdown, the decision was made in Essex to cease holding physical visits to custody suites by ICVs. This decision was made in consultation with our volunteers, the Custody Command team at Essex Police and advice from the Independent Custody Visitors Association.

Following discussions with members of the scheme and custody command and investigation of best practice across the country, it was agreed telephone calls to custody sergeants by the scheme members, would be the best way forward. It was also acknowledged that this was not an ideal scenario and that physical visits would resume as soon as it was safe to do so.

When ICVs were not physically present at the custody suite, the questions asked were amended in line with the Joint Interim Interview Protocol agreed by the National Police Chiefs' Council (NPCC), the Crown Prosecution Service (CPS) and others. This sought to mitigate public health risks by reducing interviews to only those that were necessary and to allow legal advice to be provided remotely by either telephone or video, when informed consent was provided by the detainee. The questions included:

- were detainees' Rights and Entitlements being given and understood?
- did detainees have access to adequate access to medical assistance?
- did detainees have access to solicitors/legal advice?
- did detainees have access to Appropriate Adults?
- how was the custody suite dealing with PPE, hygiene, and the protocol if a detainee tested positive for Covid 19 and was there timely availability of cleaning staff?

Once lockdown had lifted, ICVs started to return to physical visits. The ICV visits during 2021 broadly followed the timeline below:

- April 2020 – August 2020: telephone interviews
- September 2020 – December 2020: physical visits
- January 2021 – March 2021: telephone interviews

This allowed ICVs to maintain the scheme' aims and objectives, whilst ensuring everyone's safety. A record of each visit has been stored for information and review.

Essex Police Custody

Following the Prime Minister's announcement on 23 March 2020, which issued strict guidelines to stop the spread of coronavirus, the police custody estate faced unprecedented challenges to ensure:

- the health and safety of those employed in custody suites.
- the health and safety of detainees residing in custody.
- that the operation of the custody suite did not expose non-employees, such as solicitors, appropriate adults and others who may be present, to an unnecessary risk associated with Covid19.
- they carried out an assessment of the risks to employees and others who came into the custody suite.
- they provided solicitors with any relevant information that could usefully inform the solicitors' own risk assessments.

Legal representation

The impact of the pandemic quickly prompted an interview protocol agreed between the CPS, the NPCC, the Law Society, the Criminal Law Solicitors' Association, and the London Criminal Courts Solicitors' Association, which was issued on 2 April 2020 and updated on the 24 April 2022.

The protocol set out a cascading decision-making process in deciding the options available for holding interviews, which included

- a virtual interview.
- legal advice provided by telephone with the solicitor's attendance in the interview facilitated by live link.
- all parties physically in attendance.
- a written statement under caution.
- a charge without interview.
- a telephone interviews.

Appropriate Adults

In some cases, detainees might need an appropriate adult (AA) to act on their behalf. Many of the functions of an AA require their presence in custody and cannot be carried out remotely. For example, where an AA is required, samples cannot be taken from the detainee in the absence of the AA, nor can an interview take place in their absence. This was a significant challenge when looking to ensure social distancing. However, the measures put in place by the custody team ensured the AA, detained person and custody staff were not placed under any unnecessary risk, giving AAs the confidence to continue to attend in person.

Healthcare Professionals (HCPs) working in custody

The General Medical Council (GMC) make clear that Healthcare professionals (HCPs) have a duty of care to their patients regardless of the setting they see them in. Detainees in police

custody may be particularly vulnerable and may have had difficulty accessing healthcare advice in general. The GMC set out a clear protocol for dealing with suspected cases of Covid19, while reminding HCPs they had a duty of care to see detainees face to face and that the management of acute and chronic illnesses should be treated as in any other setting.

In 2020/21, there were 23,713 detainees (24,765 2019/20). Of these, the number of detainees self-defined as male was 9,889, the number self-defined as female was 3,800 and 24 were unspecified. In 2020/21 the detainees held who were adults were 21,471 and 2,241 (10.4%) were young people.

Matters identified in 2020/21

Through a combination of physical and telephone interviews the following matters were identified in 2020/21.

Table 2. Matters raised by the ICVs, and subsequent action taken in 2020/21.

Matters raised by detainees visited by ICVs and the subsequent action taken		
Theme	Matter identified	Action taken
Access to Legal Advice	Initially at the start of the original lockdown in March 2020, Essex Police custody suites revealed there were problems obtaining access to solicitors. This was in part due to Essex Police having to quickly implement a new virtual platform across the custody estate and this resulted in technical issues arising while it was being bedded in. The service was up and running within ten days and was still being used a year on.	Some ICV reports noted that connections could be patchy at times and connection lost. This could have had an impact on detainees who were presented with technical legal detail. The detainees may not have felt fully supported and the ability to ask questions was more difficult when their legal advisor was not in the room and the intermittent loss of connection would have made this even more difficult. As the Covid19 restrictions began to ease, return of solicitors physically into custody suites eased this problem and ICVs continue to monitor closely that detainees felt fully supported where the provision remains remote.
Hygiene and cleaning issues in custody during the pandemic	During the initial phase of lockdown, providing cleaners to deep clean custody cells where a Covid detainee had been identified was difficult. This was mainly due to the provider taking time to implement and provide the necessary level of cleaning staff and was resolved within a few weeks. The usual cleaning of custody facilities was not unduly affected.	Having access to PPE and sanitisers and hand washing facilities was also an important factor that had to be brought in swiftly by the custody command team. Regular phone calls with the custody command team in the initial phase of March and April 2020 assured us that both staff and detainees across the custody suites had adequate access to PPE, hand sanitiser and washing facilities. However once physical visits resumed during September 2020, on two occasions ICVs reported the hand sanitisers were empty when entering custody. This was raised with custody command team who investigated and confirmed that it the sanitiser had been refilled.
Personal, Protective Equipment (PPE)	Ensuring appropriate access to PPE	All custody staff were wearing masks and gloves where as appropriate, but for detainees this was optional. ICVs regularly reported a good stock of PPE in all custody suites.

Matters raised by detainees visited by ICVs and the subsequent action taken		
Theme	Matter identified	Action taken
Mental Health	Where detainees were identified as potentially experiencing mental health issues, concerns were raised about access to healthcare professionals throughout the pandemic, including potential staff sickness.	ICVs reported good practice by custody staff with escalation through onsite healthcare professionals in respect of mental health practitioners.
Food/drink/blankets	Some custody suites were reporting a shortage and non-delivery of food orders.	Where custody suites had a shortage of food, they were able to obtain food from other custody suites and by January 2021 all custody suites had received backdated orders.
Maintenance	Due to the age of some custody suites and their equipment, ICVs noted a variety of maintenance issues including faulty buzzers, CCTV, lights, toilets, flaking paint which was sharp and could have allowed detainees to self-harm.	Upgrades to custody suites have been planned as well as investment in CCTV. Issues are raised with custody command who update the scheme administrator on repairs and replacements.
Cold/hot cells	Detainees in the Clacton custody suite complained of cells being too cold in the winter and too hot in the summer.	This issue was caused by a centrally controlled temperature system and has been raised by the Custody Command team with the Estate Maintenance department of Essex Police.

Overall Essex ICVs reported receiving positive feedback from detainees about their treatment while in custody. Most detainees understood their rights and entitlements and understood why they had been detained. It was reported that ICVs always felt welcomed in the custody and any matter raised at the time of the visit is discussed and if possible, addressed immediately.

Looking ahead

The effects of the Covid-19 pandemic resulted in a further temporary suspension of ICV visits towards the end of 2020/21, for the safety of volunteers, detainees, staff, and officers. To meet the Commissioner's statutory responsibility a Home Office approved method of dip sampling custody records to check that rights, entitlements, and welfare needs were being met was initially undertaken. To improve the situation further, ICVs were involved in discussions to expand the process to a conference call into custody and speaking to detainees via mobile telephone link within their cells. This proved to be highly successful and allowed ICVs to undertake visits remotely in pairs.

We will launch a further recruitment campaign in 2021, with the aim being to bring our number of ICVs nearer to our target of 21.

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