

The Independent Custody Scheme for Essex Handbook

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1. INTRODUCTION

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, (Fire) 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 ICVs and custody units are given a copy of this handbook. It is essential that ICVs maintain a professional working relationship with police staff based on mutual respect and understanding of each other's legitimate roles.

This handbook should be read in conjunction with Essex ICV Policy and PFCC Volunteer Policy.

2. ABOUT THE INDEPENDENT CUSTODY VISITOR SCHEME

The Police, Fire and Crime Commissioner (PFCC) for Essex has responsibility for organising and overseeing the delivery of the Custody Visiting Scheme.

The scheme was last updated in 2013 following the issue of the [Code of Practice on Independent Custody Visiting 2013](#) by the Home Office. Police services, PCCs and Independent ICVs must have regard to this code in carrying out their relevant functions.

[The Police and Criminal Evidence Act 1984 \(PACE\)](#) outlines the legislation and standards for dealing with people who come into contact with the police. PACE Code C ([Code of Practice for the detention, treatment and questioning of persons by Police Officers](#)) and G ([Revised Code of Practice for the statutory power of arrest by Police Officers](#)) set out the expectations and powers placed on the police during and throughout a police investigation, and also set out the rights of any individual suspected of committing a criminal offence.

The scheme is supported by more detailed national standards that expand the relevant procedures and describe established good practice, such as [Authorised Professional Practice \(APP\) for Detention and Custody from College of Policing](#) and [National Strategy for Police Custody 2022 from National Police Chief's Council](#). The national standards should be read in conjunction with this document.

In 2018, the [Independent Custody Visiting Association](#) (ICVA) introduced a voluntary quality assurance framework (QAF) award, which are national awards that recognise the quality of local ICV schemes. As of July 2023, ICV Scheme for Essex holds a Silver Award.

This handbook has been produced for the information and guidance of people who undertake the role of an Independent Custody Visitor (ICV) and those responsible for the custody and welfare of persons in police detention. All ICVs and custody units are given a copy of this handbook.

Equality, diversity, and human rights

Promoting equality and diversity is an important element of the work of the PFCC.

As representatives of the PFCC, ICVs are expected to carry out their role in accordance with these principals. The PFCC has a duty to monitor the performance of the constabulary in complying with duties imposed by the [Human Rights Act 1998](#).

The ICV Scheme for Essex 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.

3. ABOUT THE INDEPENDENT CUSTODY VISITOR ROLE

3.1 Recruitment and selection

The PFCC will recruit ICVs by inviting applications from the general public.

- 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 PFCC's commitment to equality and diversity.
- ICVs are appointed following an interview undertaken by the selection panel.
- All appointments are subject to satisfactory references and vetting.

3.2 Training packages

Once successful in the application process and vetting clearance has been confirmed, ICVs will be invited to attend the next available ICV Induction Training, which includes equality, diversity, and inclusion. This training is essential for the role and will equip ICVs with the knowledge and tools necessary to successfully conduct custody visits.

Other essential and optional training will be offered on an ad hoc basis. This can include any training packages offered by ICVA, any internal training opportunities, and local training courses which may benefit the ICV role.

3.3 Probation period, tenure and re-assessment

All new ICVs have a six-month probationary period during which they will complete their ICV visits with an ICV mentor. At the end of the probation period, they will be invited to take part in an end of probation assessment. If successful, they will be appointed for a further 2.5 years and will be subject to re-assessment every three years.

If an ICV performance falls below the necessary regulations and guidelines, they may be offered an extension of the probationary period of a further three months during which they will be given support to ensure they are suitable for the role. If, after 9 months of the probationary period they have not met the mandatory requirements, their role may be terminated.

ICVs are appointed for a three-year period which can be renewed. Every year ICVs will be invited to take part in a supervision meeting and every three years this supervision will become a re-assessment supervision. Upon successful performance and positive feedback from both sides, ICVs will be offered a re-appointment for a further three years.

Appointments of re-assessment are in accordance with:

- Number of visits
- Feedback from fellow ICVs, the ICV Coordinator and police custody staff
- Attendance at team meetings and training sessions

3.4 Supervision

Additionally, ICVs will be offered to take part in annual supervision with the ICV Manager. This will be an opportunity to discuss performance and identify any training or development needs, as well as to discuss any further support they may need. ICVs are expected to participate in those meetings and complete a self-reflection form prior to their supervision.

3.5 Termination of appointment

Although voluntary, the PFCC 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 Memorandum of Understanding (volunteer agreement) which ICVs are required to sign at the end of their induction training.

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 any guidelines, policy, or the Code of Practice,
- Failure to make a visit within three months of the probationary period,
- Failure to attend at least one team meeting a year without a valid reason,
- Failure to attend mandatory training with no reason given,
- Failure to pass any future vetting.

ICVs have the right to appeal against termination of their appointment.

Termination of appointment, misconduct and appeal procedure have been described in more details in the **Section 17 of the PFCC Volunteer Policy**.

3.6 Complaints procedures

The PFCC hopes each and every volunteer finds their volunteering experience rewarding and positive. However, if a volunteer feels that there is something that does not meet their expectations, there is a complaint procedure in place which volunteers can access via the ICV Scheme Manager.

Should a complaint be made against an ICV, the Scheme Manager will address the complaint using the **PFCC Complaints and Expressions of Dissatisfaction Policy** or Section 16 of [PFCC Volunteer Policy](#) as a guide depending on the nature of the complaint.

Complaints by ICVs against detainees or police officers and police staff must be made at the time to the custody officer regarding the detainees and to the custody officer or duty officer as appropriate regarding police officers and police staff. Any complaints will be recorded by the ICV on the ICV visit report form.

3.7 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.
- Expenses can be claimed for telephone calls and attending training sessions.

Mileage claims should be supported by a valid VAT fuel receipt. Rates are in line with rates set by the National Joint Council for Local Government Services. Claims should be made monthly.

The PFCC has arranged appropriate insurance cover for ICVs, in carrying out their duties as an ICV whilst they are at a police station.

ICVs need to ensure when using own vehicle, to have an appropriate insurance cover for the type of mileage they are doing as an ICV.

4. ABOUT ESSEX POLICE AND DETAINEES IN CUSTODY

An ICV will come across a number of different types of detainees in custody, depending on the specific legislation they have been arrested under. It's important to be familiar with the different types of detainees as some types of detainees will have different rights and entitlements to other types of detainees.

4.1 Types of detainees

Subject to the paragraphs below, ICVs may have access to any person detained at a Police Station. Detainees may only be spoken to with their consent.

- **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.
- **Non – Home Office detainees:** persons held by non-Home Office police forces such as the British Transport Police.
- **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](#)).
- **High security detainees:** Detainees who needs additional level of security and/or have restricted access whilst in custody (for example when the detention period exceeds 48 hours)
- **Terrorism Act 2000 (TACT) detainees:** persons held under the [Terrorism Act 2000 \(TACT\)](#) which can only be visited by ICVs who have undergone he appropriate security vetting and additional TACT ICV training.

In exceptional circumstances, the police may consider that it is necessary for a detained person not to be seen and/or spoken to by ICVs. This may be due to a risk of prejudicing an investigation, or that the detainee might pose a risk to ICVs or be under the influence of drugs/alcohol. Any decision to deny access to a detained person should be taken by an officer of the rank of Sergeant or above and recorded. On these occasions, a thorough risk assessment should have been carried out by the detention officer.

If any of the above apply, consideration should be given to allow the ICVs some limited form of access to the detainee, such as speaking to them through the cell hatch.

Any decision to deny or limit access must be recorded in the detainee's custody record (together with the relevant authorisation) and by the ICVs in their report of the visit. The ICVs should confirm with the officer that the risk assessment has been completed.

Home Office detainees (remand and sentenced prisoners)

From time to time, due to operational constraints experienced by the prison service, ICVs 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, ICVs 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 according to these provisions under PACE.

If a prisoner requests something outside of the entitlements provided under PACE, ICVs should report their request to the custody sergeant. ICVs 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. ICVs 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 ICV visit 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.

Non-Home Office detainees

Persons detained by non-Home Office police forces such as the British Transport Police are not covered by these arrangements. However, they may be visited with the consent of the force concerned and the spirit of these guidelines should be applied to any such visits.

High Security Detainees

Special arrangements exist in respect of visits to detainees requiring higher levels of security and restricted access whilst in custody. These will apply where there is a likelihood of the detention period exceeding 48 hours. Arrangements will be made via the Force Custody Command. ICVs undertaking these visits will be subject to increased vetting procedures.

Special Visits

There may be occasions when a special visit is justified in agreement with Essex Police. For example, when there is a particular tension with the local community about the treatment or wellbeing of someone in detention. Local groups should be ready to consider and respond to such requests from the police.

TACT detainees

Whilst ICVs make unannounced visits to custody suites, given the low number of TACT detainees it is highly unlikely that a suspect will be in detention during a spot-check. For this reason, the ICV Scheme Manager will be notified when TACT arrests take place and where those arrested are being detained. The notification will be made by the custody officer as soon as practicable after the detainee has arrived at the detention suite.

The ICV Manager will inform appropriately trained and security cleared ICVs that an individual has been arrested under TACT and the detention facility at which they are or will be detained.

Whereas not every detainee will have an opportunity to speak to ICV, TACT detainees must be offered an opportunity to speak to ICVs.

Visitors who visit TACT detainees may request that they are given access to audio or video recording of interviews. ICVs may only request access to the whole or part of the audio or video recording of the interview that has been conducted during the period of detention at the request of the detainee or where the ICVs have particular concerns about the conduct of the interview (the consent of the detainee is still required.)

Such a request will only be in order to ensure the detainee has been offered their rights and entitlements under TACT; that their health and wellbeing has been ensured and the relevant statutory code of practise has been followed.

Given the interests of the detainee will be protected by their legal representative and if relevant, an appropriate adult during the interview the ICV will not routinely need to access audio or video recordings of TACT interviews. Should the ICV continue to have concerns after viewing the recording, they should take it up as soon as possible with the custody officer in order to seek a resolution and follow the relevant complaints procedure.

Access to the whole or part of the recording of an interview may only be denied if it appears to an officer of or above the rank of inspector that there are grounds for denying access at the time if it is requested and procedural arrangements in relation to the denial of access to such recordings are complied with.

These are that the officer reasonably believes that it is not practicable to provide access at the time if it is requested or the officer reasonably believe that such access could interfere with the process of justice. In such cases, an explanation must be given to the ICVs and recorded on the custody record and the ICV visit report form.

ICVs may not be permitted to watch or attend live interviews of terrorist suspects.

ICVs access to recordings of interviews must always be subject to the consent of the detainee. Consent will need to be obtained at each separate visit.

Access to vulnerable detainees

On some occasions, ICVs might visit detainees who have been identified as vulnerable detainees. When upon visit, the ICVs identify detainees who are vulnerable, they should prioritise visits to those detainees.

If a detainee is not in a position to give consent, the escorting officer must allow the visit.

- **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 (tear gas):** The police service has advised that ICVs must not enter the cells of contaminated detainees until decontamination has been carried out. If a custody visitor becomes cross-contaminated, they should go to a well-ventilated area to recover or seek medical advice, if concerned. ICVs 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 aftereffects of CS spray, ICVs should bring this to the attention of the custody sergeant who has responsibility for seeking medical assistance.

4.2 Privacy of detainees

ICVs should not know the name of the detainee or the reason for detention. ICVs should only be given the cell numbers and detention numbers of the detained persons, from which they can choose who they would like to offer a visit. This means that the ICVs' 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 ICVs from seeing people who have not given their permission to be seen. For example, ICVs 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 ICVs or to answer questions. The officer who is escorting the ICVs is responsible for establishing whether each detainee wishes to speak to the ICVs and for explaining the purpose of the custody visiting scheme.

Where practicable, and 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 ICVs, 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 ICVs, 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 ICVs access unless it is considered that the ICVs' 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 the procedure should be for ICVs to observe detainees through the cell hatch and read their custody record (if required), and report findings in their report.

Detainees in interview

If a person is being interviewed, the interview will not be interrupted. If the ICVs wish to see the person after the interview has been completed, they can with the consent of the detainee.

ICVs and criminal proceedings

Conversations between ICVs and detainees are not privileged, and it would be open to a court to issue a witness summons requiring the attendance of ICVs to give oral evidence or to produce documents such as a report on a particular custody visit. ICVs 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.

5. ABOUT THE CUSTODY VISIT PROCESS

The ICV Scheme for Essex has an agreed system in place to ensure smooth and effective ICV visits and reporting. This section explains everything ICVs need to know before completing their visit.

5.1 Rota and TeamUp calendar

The ICV Coordinator is responsible for designing a rota for future visits. If ICVs are unable to complete visits in future months (holiday, family commitments, education purpose), they should notify the ICV Coordinator at their earliest convenience.

Once the rota is shared with ICVs, it is the responsibility of ICVs to contact the ICV co-visitor they are scheduled to complete visits with, to agree a suitable date/time for a visit. Once the date and time has been arranged, one of the ICVs must add the visit to a TeamUp calendar, which is a calendar used by the ICV Scheme for Essex to help organise visits in any given month. ICVs will be given individual links to the calendar as part of their induction. They will also be provided with a fellow visitor's contact details for this purpose.

5.2 Visiting in pairs

ICVs 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 re-arranged.

No more than two ICVs should visit together except for training purposes. To emphasise their impartiality and independence, ICVs 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).

Visits must be unannounced and must not develop a regular pattern.

5.3 Frequency of visits

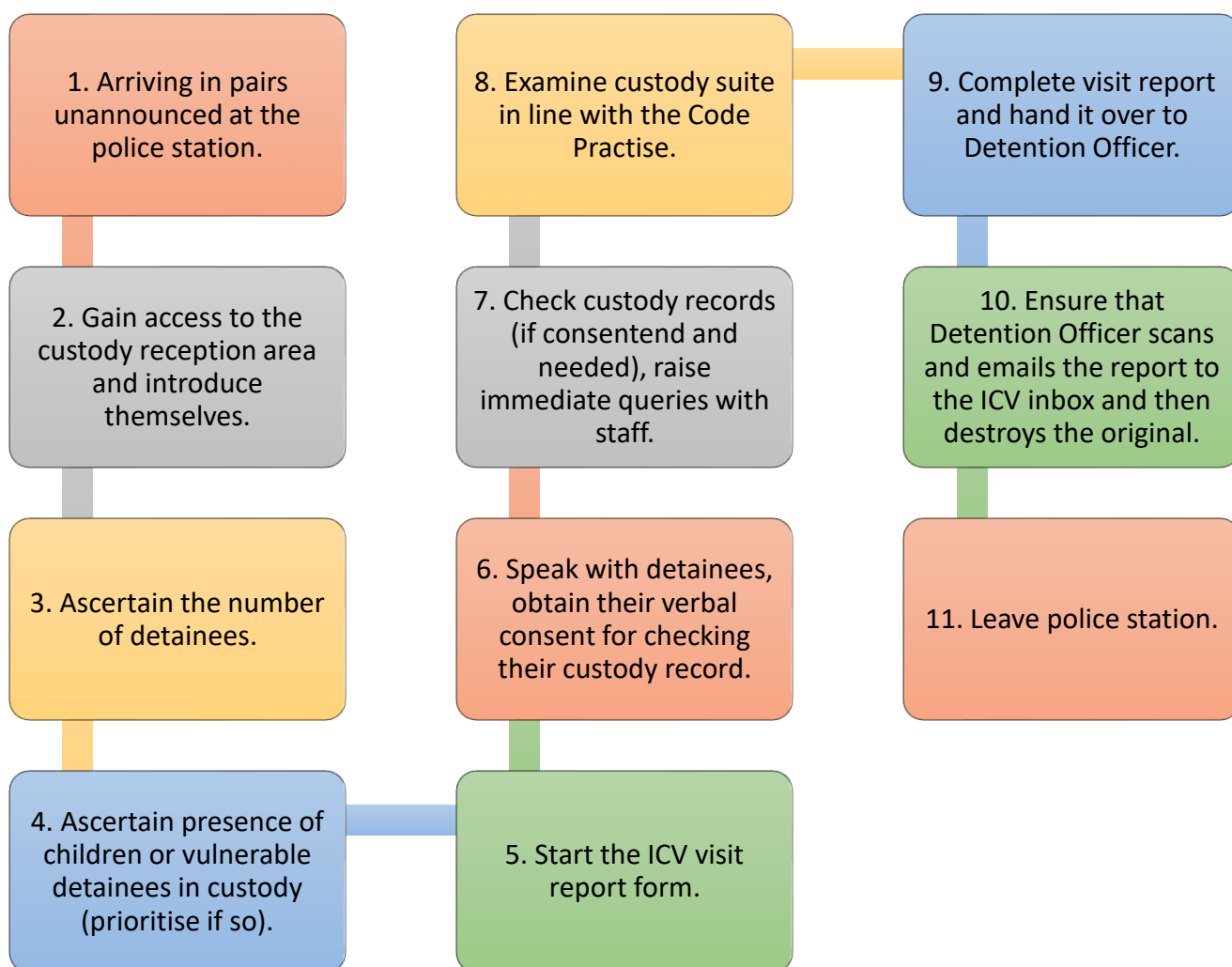
By signing the Memorandum of Understanding, ICVs are agreeing that they will complete a minimum of two and four visits a month. ICVs are expected to complete the agreed number of visits, unless they are exceptional circumstances which would need to be discussed with the ICV Scheme Manager.

The frequency of custody visits are set by the PFCC. 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. The frequency of visits will be monitored and reported to the PFCC. Where insufficient visits are taking place, the causes will be investigated, and action taken to address the causes.

ICVs 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. ICVs should arrive at the police station without prior notice and should try to avoid making custody visits at regular or predictable times.

5.4 ICV Visit Timeline

The process of visiting custody by ICV can be described by following these 10 steps:



5.5 Custody visit process

Immediate access into custody

On arrival at the police station custody suite, the ICVs should report to the booking desk, show their identity card, and explain that they wish to undertake a custody visit. ICVs should be admitted immediately to the custody area. In cases where custody is busy, ICVs should be admitted to the custody area, and invited to wait until the custody sergeant/detention officer is available. Delay is only permitted when immediate access may place the ICVs in danger. A full explanation must be given to the ICVs as to why access is being delayed and that explanation must be recorded by the ICVs in their report.

A delay of more than ten minutes should be referred to the duty inspector at the police station and noted on the report.

A telephone facility for enquiries is available outside some police station and this facility may be used by ICVs should they have any concerns relating to outside areas. In addition, contact telephone numbers are issued to all ICVs enabling them to telephone the relevant custody suite directly.

Access areas within custody

ICVs should have access to all parts of the custody area where the detainees have access, for example:

- Occupied cells
- The charging area
- Food preparation areas
- Interview rooms (unoccupied)
- The medical room (not including access to locked drug cabinets)
- Empty cells and detention rooms to check heating/ventilation systems.

ICVs will examine these areas to check they are clean and tidy, in a good state of repair and decoration, and that bedding is adequate and clean. It is not always necessary to inspect stores, but ICVs can look at the storage of mattresses, blankets, furnishings, and other equipment are stored.

ICVs might decide to inspect that cell alarms and toilet flushing mechanisms are working properly.

The role of an ICV is to ensure that all welfare needs are adequately met, for example that female detainees have been offered female hygiene packs.

ICV introduction

- When entering the police custody, ICVs should make themselves visible and introduce themselves to the detention officers at the charging area
- The detention sergeant or detention officer first says to the detainee: “two ICVs are visiting and would like to speak to you, if you agree.”
- ICVs should introduce themselves to the detainee using a version of the following words: “as the sergeant/detention officer said, we are ICVs – we are 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?”

Discussions with detainees

Discussions must focus on checking whether detainees have been offered their rights and entitlements under PACE, on their health and wellbeing and ensuring the relevant safer detention guidelines are being complied with.

These discussions between detainees and ICVs must normally take place in sight but out of hearing of the custody sergeant/detention officer, if practical. ICVs should 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 ICVs should seek the advice of custody staff to discuss if a visit is allowed/should be undertaken. ICVs can also speak to the detainee through the hatch in the cell door.

ICVs must remain impartial and must not seek to involve themselves in any way in the process of investigation. If a detainee seeks to make admissions or otherwise discuss an alleged offence, ICVs must tell them that the relevant contents of the visit will be made known to the custody officer and may be disclosed in legal proceedings.

Should an ICV become aware that they know or are known by a detainee, they must declare this and consider whether to withdraw from the visit.

ICVs must not pass messages to or from detainees or offer to perform other tasks on their behalf. If ICVs are asked to do so, they must immediately inform the custody officer and record it on the ICV visit report form.

Contact with persons outside custody

Under no circumstances should ICVs accept anything from a detainee or give anything to a detainee. ICVs must not agree to contact any person outside the police station at the request of a detainee. ICVs must not agree to pass on a message to any other detainee within the police station and must immediately notify the custody sergeant of such a request.

Access to custody records

The custody sergeant or detention officer will seek consent from the detainee for the ICVs to have access to their custody record. Subject to obtaining consent, ICVs might check its contents against what they have been told by the detainee. Should a detainee for any reason be incapable of deciding whether to allow access to their custody record, the assumption must be in favour of allowing the ICVs to examine it. In particular, ICVs 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.

ICVs may also have access to other relevant documentation that relates to a detainee (such as a risk assessment). Access to such information must be treated as confidential.

Treatment of detainees

ICVs should primarily be concerned with the welfare of detainees and overall conditions, standards, and procedures at custody suites. 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, ICVs should abort the visit immediately and inform the custody sergeant.

ICVs 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**, also 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, ICVs should (subject to the detainee's consent) record the issue on the ICV visit report form and report this to the custody officer. In cases where custody staff are the subject of the complaint, ICVs 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 ICV visit report form or if concerned raise it through the ICV Manager.

Closed Circuit Television (CCTV)

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

Medical records

ICVs have no right to see the detainee's medical records, even where these are attached to the custody record. However, key points relevant to medical treatment should be recorded in the custody record itself, for example information about medication for a detainee and the frequency of administering.

ICVs 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 for juvenile detainees

Juveniles should not be placed in cells unless no other secure accommodation is available, and the custody officer thinks they need supervision. Where this is the case ICVs seek an explanation and record on the ICV visit report form.

Visits to non-English speakers

Visits should normally be conducted in English. If an interpreter is required and available in the police station, ICVs 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, ICVs are encouraged to check on the detainee's welfare as far as is possible for example by checking the custody record, using flash cards to communicate any immediate needs. Essex Police subscribe to Language Line, which is a facility available without booking 24 hours, seven 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 ICVs may have the opportunity to access it at the custody sergeant's discretion. There are also flash cards available for ICVs to use for basic questions. These are left at the custody suites.

A relevant note must be made on the ICVs visiting report form.

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 must notify the PFCC.

The PFCC will contact the ICV Manager 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 PFCC will ascertain whether access restrictions are in place and inform the ICV Manager, so that ICVs can be notified of any changes to visiting arrangements.

Subject to access restrictions, the PFCC may discuss with the ICV Manager whether a visit should be made following a death in custody, in order to be transparent and to help reassure the community.

ICVs must not discuss the incident with anyone else as this may compromise the investigation. Any breach of confidentiality will result in removal from the scheme. Any concerns or queries should be directed to the ICV Scheme Manager.

When the IPCC investigation is complete, recommendations will be reported to the PFCC. General learning points will be taken to the relevant meeting for information and discussion with ICVs.

Consideration should be given to whether an increase in visits would be helpful to inform and reassure the local community. Should it be agreed that more visits will be made, it must be on the basis of a clear understanding as to how that feedback to the community will be achieved. Any visit following a death in police custody, or some other major incident should not be allowed to interfere with any relevant investigation that may be taking place. There may be circumstances in which the senior investigation officer dealing with such an incident needs to refuse or restrict access to particular areas.

The PFCC would not normally notify the ICV Scheme Manager of 'near miss' situations, which happen at times other than during a visit, unless to advise of any access restrictions that have been put in place as a result of the incident.

5.6 Completion of the ICV visit report form

During each visit, ICVs must complete a ICV visit report form, with their findings which will be shared with the custody officer. The custody officer is required to sign to acknowledge its receipt, not but not to confirm the content. The ICV visit report forms should include information about conditions and facilities, rights and entitlements, and health and wellbeing. ICVs are required to complete the report even when there are no detainees in custody, to ensure that all custody visits are accurately recorded.

ICV visit report forms must not include the names of detainees visited or other confidential information obtained during the visit.

Reports on visits to TACT detainees should be submitted to the Independent Reviewer of Terrorism Legislation and to the ICV Scheme Manager who will forward the report to both, police station where the suspect was held and to the police force in which the arrest was made. Coordination of reports is carried out via the PFCC and ICV Scheme Manager.

5.7 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 ICV visit report form and raised with the custody sergeant at the time. Any action taken by the custody sergeant should also be recorded on the ICV visit report form. Should the ICVs not be satisfied that the issue has been resolved, they may ask to speak to the duty inspector about any concerns. The ICV Scheme for Essex has adopted ICVA's escalation process of holding the force to account. This process is explained as part of the ICV induction process and explained in the **Essex ICV Policy**.

6. ADDITIONAL INFORMATION YOU NEED TO KNOW

Impartiality

ICVs should remain impartial and must not seek to involve themselves in any way in the process of investigation. Should 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.

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

In the interests of impartiality, ICVs must not visit friends or relations who are in custody. Should an ICV recognise 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 only go ahead with the detainee's consent for the ICV visit to be completed by the second ICV of the pair.

ICVs 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 an ICV who releases any confidential information.

Confidentiality

ICVs will be asked not to disclose 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 ICVs do not name persons in custody in ICV visit report forms or in discussion with ICVs. When speaking to custody staff about their discussions with detainees, ICVs should ask to speak to staff in a private room or office.

ICVs must not discuss the cases of individuals with whom they come into contact during visits to police stations 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 by an ICV will result in removal from the scheme. Breaches of this undertaking may make ICVs liable to civil proceedings by the detained person concerned. ICVs 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 ICVs are responsible for their own health and safety and the safety of others through their own actions and omissions. ICVs 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 only wearing appropriate clothes and jewellery, and being mindful of appropriate body language and positioning when speaking to detainees. For the personal safety of ICVs and to reduce the risk of the detainee being able to self-harm, ICVs are asked to leave all personal items at the custody desk, whilst they visit detainees in the cells. The only items ICVs should take into the cells are a pen, a notepad/checklist, the ICV visit report form and this handbook if required.

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

- In the interests of security and safety of ICVs, 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.
- ICVs 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. ICVs should ask to speak to the duty inspector if they are not satisfied with the explanation given by the custody officer as to why they cannot visit the detainee.
- Health risk can include: any known risk of infection, exposure to CS spray, any risks posed by the detainee (for example is there a risk that the detainee may spit at the ICV).
- Access to the custody area should be delayed if ICVs are placed in danger. A full explanation should be given as to why access is delayed, which must be recorded in the ICV visit report form.
- Cell doors must always remain ajar during detainee visits by ICVs.
- ICVs must never handle items within the cell (such as mattresses or blankets).
- ICVs should not have any physical contact with the detainee.
- ICVs should not hand anything to detainees or leave any objects/materials within physical reach.

- ICVs must follow any instructions given by custody staff in the event of fire alarm activation and/or evacuation of the custody suite.
- ICVs must report all accidents/near misses to custody staff.

Police staff must be alert to any specific health and safety risks ICVs might face and must advise them appropriately at the commencement of the visit. ICVs must also be alert to any actual or potential risks.

Publicity

It is desirable that the role and aims of the ICV Scheme for Essex should be promoted to the public. Any publicity is to inform the public about the Scheme and about individual cases or to themselves. Individual ICVs should not speak to any media representative except at the request of the PFCC.

The PFCC circulates independent ICVs' 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.

This handbook will be reviewed at least every three year or earlier, in the event that substantial changes required.

Review Date: September 2023

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