

Independent Custody Visitor (ICV) Policy

1. Security Protective Marking

1.1. Not protectively marked.

2. Summary of Changes

2.1 This policy was reviewed and issued on 12 August 2016, and the following changes have been made:

- 7.5.1, 7.7.2, 7.7.3 - Changes to length of service from four years to three.
- 7.6.1 – Clarification as to when ICVs should return their ID cards after resigning.
- 8.1.2 – Clarification to when ICV roles are confirmed.
- 9.1 – Clarification as to how many visits should be carried out and when.
- 9.2 – Inclusion of frequency and coverage of visits of Longport
- 10.1 – Clarification on admission times and delays
- 10.4.13 – Changes to the wording regarding who to report to when DP complains.
- 10.5.3 – Clarification regarding viewing the Prisoner Escort Record (PER)
- 12.2.2 – Clarification as to what car insurance cover ICVs should have

2.2 This policy was updated on 16 February 2017 and the following changes have been made:

- 7.6.1 – Changes to the way ICVs can return their ID cards after resigning.
- 11.2.1 – Clarification as to who can sign off the visit report forms and when.

2.3 This policy was updated in May 2017 and the following changes have been made:

- 7.8.1 – Previously under 12.5
- 10.4.5 – Changes to the way ICVs speak to foreign nationals in another language

2.4 This policy was updated in August 2018 and the following changes have been made:

- 5.1 – Changed to the wording regarding what ICVs are referred to as.
- 5.2 – Inclusion of a statement which recognises the value of the role and how it works against the Commissioner’s work.
- 5.5 – Inclusion of a statement which recognises the Commissioner’s commitment to Equality & Diversity.
- 6.1 – Inclusion of the Scheme Hierarchy.
- 6.3 – Changes to the wording regarding reports received by the Commissioner.
- 6.4 – Changes to the wording of the Scheme Manager’s role.
- 6.5 – Changes to the wording of the Head of Standards and Regulation’s role.
- 6.6 – Inclusion of the phrase “in conjunction with the OKPCC”.

- 6.8 – Strategic Criminal Justice Department changed to Central Custody Command.
- 7.1 – Inclusion of the phrase ‘those from an ethnic minority’.
- 7.1.2 – Inclusion of a reference to 5.5.
- 7.1.3 – Inclusion of “diversity monitoring form” to be completed by new applicants.
- 7.1.4 – Inclusion of the phrase ‘and guidance issued by ICVA and the Home Office’.
- 7.4.4 – Changes to the wording regarding who runs the initial training session.
- 7.4.6 – Inclusion of a statement which offers support to ICVs.
- 7.4.7 Inclusion of a statement which gives ICVs the right to refuse unrealistic demands beyond the scope of the role.
- 7.4.8 – Inclusion of a statement which offers ICVs the opportunity to obtain references from the Commissioner’s Office.
- 7.5 – Changes to the wording regarding re-accreditation and performance.
- 7.8.5 – Inclusion of a statement which gives Coordinators the right to refuse unrealistic demands beyond the scope of their role.
- 7.9 - Moved from 12.5
- 7.10 - Moved from 12.6
- 7.11 – Moved from 12.7
- 8.1 – Inclusion of the fact that ICVs will be given handbooks.
- 8.1.2 – Changes to the wording around suitability.
- 8.2 – Changes to the wording around refresher training.
- 10.1.7 – Changes to the wording around self-introduction.
- 10.1.9 – Changes to the wording around conducting a visit through the hatch.
- 10.1.10 – Changes to the wording around conducting a truncated visit.
- 10.1.11 – Changes to the wording around finding an escort of a higher rank.
- 10.3.1 iv) – Inclusion of the changes to Section 136 of the MH Act 1983.
- 10.3.5 – Changes to the wording around assuming access to custody records.
- 10.3.9 – Changes to the wording around when an ICV can visit a DP in hospital.
- 10.4.4 – Inclusion of the phrase ‘and make a record of this on the report form’.
- 10.5.4 – Inclusion of guidance around assuming access to custody record.
- 11.1.1 – Inclusion of guidance around using crib-sheets.
- 11.1.6 – Inclusion of guidance around destroying notes and crib-sheets.
- 11.2.2 – Changes to the number of report copies to be made.
- 11.2.5 – Inclusion of the phrase ‘ICVA’s guidance and the OKPCC Retention and Disposal policy’.
- 12.5 – Inclusion of guidance as to how social media should be used.
- Throughout – Chief of Staff changed to Chief Executive.

2.5 This policy is due for review in August 2019.

3. Application

3.1. This policy applies to:

- Independent Custody Visitors (ICVs);
- Police officers;
- Civilian staff;
- Office of the Kent Police and Crime Commissioner (OKPCC) staff.

4. Purpose

4.1. This policy outlines the expectations and requirements of ICVs and those officers and staff who work with them.

5. Introduction

5.1. The Police Reform Act 2002 (paragraph 51), amended by the Police Reform and Social Responsibility Act 2011 places a statutory responsibility on Police and Crime Commissioners (PCC) to have an effective independent custody visiting scheme in place, whose members are known as Independent Custody Visitors, or ICVs.

5.2. ICVs are volunteers, and therefore do not get paid for their work. The PCC and the Office of the Commissioner recognise the values that volunteer involvement brings, and ICVs are one of a number of schemes that support the work of policing. Volunteers give a different perspective, and in this case ICVs are a critical friend, who help the PCC hold the Chief Constable to account. Volunteers' efforts are specifically highlighted by the Commissioner in his statutory policing plan, and their contribution plays a vital part in the Commissioners' work. ICVs are independent, and that independence is central to their role and the insight they bring.

5.3. The PCC has an established scheme of local community members, who check on the welfare of people in police custody by visiting police stations unannounced. Their role is to observe, comment and report on the rights and entitlements, the health and well-being, and conditions and facilities under which people are detained at police stations. These ICVs fulfil an important role in reassuring the public that the police are fulfilling their duty to protect people detained in their custody from harm.

5.4. This policy was developed jointly by Kent Police and Office of Kent Police and Crime Commissioner, in consultation with ICVs. The policy has been agreed with the Independent Custody Visitors Association (ICVA).

5.5. The Office of the Police and Crime Commissioner is publically committed to acting with integrity at all times, on all occasions. This is a golden thread through all our work, starting with the Commissioner's Oath and commitment to the Code of Conduct and the Nolan principles, through our working practises and transparency and openness in all that we do. This includes a commitment to equality and diversity, and the ICV Scheme is included in that commitment. We value and celebrate differences to encourage a culture where we can all thrive, and where all individuals are supported, respected and engaged. We are committed to trying to make the Scheme as representative of the county in which it operates, and our recruitment is open to and encourages people from all sections of the community to apply. We will target the recruitment of underrepresented groups, whether that relates to protected characteristics, geographical location, or other relevant attributes. ICVs are expected to treat everyone, whether other members of the Scheme, OPCC staff, Kent Police staff or detainees with respect and a positive approach, irrespective of culture, background or protected characteristic. ICVs must be committed to carrying out their duties in a non-discriminatory way, and this commitment will be tested during recruitment and in their day to day work with the Scheme.

6. Roles and Responsibilities

6.1. Reporting Chain

6.1.1. The arrangement of the scheme is as follows;

1. ICVs
2. ICV Coordinator
3. ICV Scheme Manager (ICV & Administrative Officer)
4. Head of Standards and Regulation
5. Chief Executive
6. Police and Crime Commissioner

6.2. For the scheme to work effectively Kent Police, the OKPCC and the ICVs must be aware of each other's roles and responsibilities, and co-operate fully with each other in the best interests of the scheme. The main role of each of the three parties is summarised below. Further detail is provided throughout the policy.

6.3. The PCC and the OKPCC

6.3.1. The PCC has statutory responsibility for the scheme. He will receive both quarterly and annual reports on the functioning of the scheme, and any reports by exception. He will use this information to hold the Force to account.

6.4. OKPCC- ICV Scheme Manager

6.4.1. The day-to-day administration of the scheme will be carried out by the OKPCC scheme manager. His / her duties involve the recruitment, appointment, performance management and re-accreditation of ICVs, paying expenses, organizing the AGM, monitoring the Scheme's performance and budget, running and maintaining the private ICV website, assisting in the review, development and revision of policies, working practices and procedures for ICVs, and ensuring the effective organisation and running of the Scheme. He /she will also collate and analyse the data required for the quarterly and annual reports. The Scheme Manager will also provide quarterly updates to the national body ICVA and represent Kent as part of ICVA's South East Regional team. He / she will also attend national conferences and training arranged by ICVA aimed to benefit the scheme as a whole.

6.5. OKPCC- Head of Standards and Regulation

6.5.1. The Head of Standards and Regulation will manage, oversee and co-ordinate the delivery of an effective ICV scheme. His / her duties include developing and reviewing the scheme's policy, developing best practice, handling all staffing and complaints matters, liaising with the national body and compiling the scheme's annual report. He / she will also provide managerial support to the ICV Scheme Manager.

6.6. Independent Custody Visitor Scheme - Independent Custody Visitors

6.6.1. ICVs commit to make an agreed minimum number of regular and unannounced visits to custody suites to observe, comment and report on the rights and entitlements, the health and well-being and the conditions and facilities under which people are detained at police stations. In carrying out this role they must abide by the conditions set out in this policy.

6.7. Independent Custody Visitor Scheme - ICV Panels and Coordinators

6.7.1. All ICVs will be assigned to one of two panels which are co-terminus with the Kent Police Divisions.

6.7.2. At a local level each panel will have a nominated coordinator who shall be an ICV and is responsible for time tabling visits, carrying out recruitment interviews, training and re-accreditation of individual ICVs (in conjunction with the OKPCC), providing routine the findings from visits, liaison with the local Division, and chairing panel meetings; the full details are set out in the role requirement, attached as an appendix (Appendix A).

6.8. Kent Police – Central Custody Command

6.8.1. The team will be responsible for ensuring custody staff allow ICVs to perform their role and that the information from the ICV visits is used to monitor standards and to improve service delivery.

6.9. Kent Police - Kent Police Custody Staff

6.9.1. Custody Sergeants and DDOs will be responsible for ensuring that ICVs have appropriate and safe access to the custody suite and detainees and that local issues identified during visits are addressed and appropriate feedback given to ICVs and the OKPCC. The Duty Inspector will be responsible to seek additional resources if the suite is too busy to facilitate the ICVs. The Custody SPOC will be responsible for checking the report following a visit and taking action, where necessary, and feeding back to the OKPCC.

7. Recruitment, Appointment, Re-accreditation and Resignation of ICVs and ICV Panel Coordinators

7.1. Advertising Vacancies

7.1.1. The Scheme Manager will work closely with Panel Coordinators to ensure that each panel has sufficient visitors to fulfil their visiting schedule. Vacancies will be openly advertised, using means such as the Commissioner's website, social media, press releases and volunteer bureaux. Efforts will be made to attract under-represented groups, particularly younger volunteers and those from an ethnic minority.

7.1.2. As outlined in the introduction under 5.5, the OKPCC is committed to the principles of equality and diversity as well as the elimination of discriminatory practices. Applications are welcome from all sections of the community. Where applicants have additional needs, the panel coordinator and scheme manager will assess whether these needs can be met through reasonable adjustments to the ICV role and / or custody environment, and will request risk assessments from the Force where appropriate.

7.1.3. All applicants must complete the standard application form and diversity monitoring form. The requirements for the Scheme are that

- ICVs must be over 18. There is no upper age limit.
- ICVs must be able to, as a minimum, spend two hours in a custody environment and review a custody record per visit.
- ICVs need to have a good understanding of the English language as guidelines, procedures etc are only available in English (or Welsh). Home Office guidance states all reasonable adjustments should be made to accommodate those who do not have English as their first language, but who have an ability to

communicate in English, when they are considered as suitable candidates to the scheme.

- ICVs must also have been resident in the UK for at least three years prior to their application.

7.1.4. In appointing ICVs, care must be taken to avoid any potential conflict of interest. For example, serving police officers and other serving members of police or OKPCC's staff will be ineligible. Individuals with family members working for Kent Police, must declare this at the application stage. The same will apply to special constables and justices of the peace. These factors are clearly detailed in the application pack. The specific circumstances in assessing suitability to becoming an ICV, will be considered by the OKPCC's Chief Executive, in consultation with the Head of Standards and Regulation, and guidance issued by ICVA and the Home Office.

7.1.5. Where an applicant has convictions (whether spent or unspent) for criminal offences, or has received any formal caution, warning or reprimand, or has failed to disclose any such finding, the specific circumstances in assessing suitability to becoming an ICV will be considered by the OKPCC's Chief Executive, in consultation with the Head of Standards & Regulation. However, past offending is not an automatic barrier to acceptance.

7.2. Short-listing Process

7.2.1. The Scheme Manager and Head of Standards and Regulation will review the long list of forms in the first instance, in order to remove those applicants who do not meet either the legal requirements or the person specification.

7.2.2. The subsequent short list of applicants will then be viewed by the Panel Coordinator to agree the candidates for interview. Candidates' suitability for the role will be based on the person specification. The Scheme Manager will have issued the Panel co-ordinator with the suggested number of new ICVs required to bring each panel up to full strength, to which the co-ordinator should have regard when selecting the shortlist.

7.2.3. Applicants that have been selected in the shortlist will then be invited to attend an interview. Applicants who are not selected, from both stages, will then be notified in writing.

7.3. Interview

7.3.1. Interviews will be carried out by the relevant Panel Coordinator as well as either the Scheme Manager or OKPCC Head of Standards and Regulation. The interview will assess the suitability of the candidate for the role, as well explaining what will be expected of them.

7.4. Appointment

7.4.1. Appointment will be dependent upon successful interview and vetting. All ICVs will be vetted in accordance with Kent Police policy, detailed below.

7.4.2. On initial recruitment, ICVs will complete a vetting form for Non Police Personnel Vetting Level 2. Together with the relevant documentation this form will then be

submitted to Kent Police's Central Vetting Department who will make the necessary checks.

7.4.3 Thereafter annually, the vetting department will ask the OKPCC to request that they complete an annual appraisal form to notify of any change in circumstance (or confirm that there have been none) in writing. All ICVs have a duty to return this information (or declare there are no changes) in a timely fashion, as ICVs' vetting status must be up-to-date. This information will be signed off by the OKPCC and returned to the vetting department. On receipt of this Central Vetting will then conduct the same annual checks against the named ICVs.

7.4.4. The Scheme Manager will notify successful candidates in writing and arrange for each visitor to be issued with an OKPCC identity card, which must be worn at all times during visits. The Scheme Manager will also arrange for new members to attend an initial training session, run by the OKPCC, ICV Coordinators and Kent Police. Once completed, Panel Coordinators will then make the necessary arrangements for the new member's practical training to begin.

7.4.5. Once induction training has been completed, candidates will be formally appointed and asked to sign the Memorandum of Understanding (MOU) which summarises their agreed responsibilities and legitimate duties.

7.4.6. The OKPCC offers ICVs private one-to-ones to help with issues including but not limited to; complaints, grievances and general concerns. In-house counselling via Kent Police's Occupational Health Services may be offered to ICVs if an ICV is affected by anything they have seen or heard in the custody environment, after a one-to-one is conducted.

7.4.7. ICVs can refuse demands of the OKPCC that they deem unrealistic and beyond the scope of their role in line with the Home Office Code of Practice. There is an expectation however that any such issue be discussed with the OPCC in order to understand the issue and find an appropriate way forward.

7.4.8. ICVs may request references from the OKPCC for other roles, which will be provided by the scheme manager.

7.5. Re-accreditation

7.5.1. After three years' service, a formal re-assessment will be carried out by the Scheme Manager, in conjunction with the local Panel Coordinator. Formal re-accreditation will be dependent upon the continuing ability and willingness of the ICV to carry out the role effectively, as well as their general performance and attendance at meetings. ICVs will also be required to undergo refresher training, and be formally re-vetted (as distinct from the annual review). The Scheme Manager will write to ICVs to notify them that their appointment has been renewed for a further three years.

7.6. Complaints and Misconduct Allegations against ICVs

7.6.1. The OKPCC has the right to terminate the appointment of any ICV whose performance or conduct does not meet the required standard.

7.7. ICV Resignation

7.7.1. Resignations should be tendered in writing to the Panel Coordinator (who must inform the Scheme Manager), ideally giving one month's notice. ICVs must return their ID cards to the Scheme Manager via a Kent Police front counter. A receipt form will be provided to the police counter staff by the Scheme Manager. On return of an ID card, a receipt form must be signed by both the ICV and receptionist; a copy should be retained by the ICV and the original sent to the Scheme Manager, along with the ID card, by police staff.

7.7.2. Exit questionnaires will be provided to ICVs who resign from their roles. The information provided will solely be used by the Scheme Manager for monitoring the operation of the ICV Scheme and making the necessary changes to it.

7.8 Appointment, Role and Resignation of ICV Panel Co-ordinators

7.8.1 Each panel requires one of its members to act as the co-ordinator. This role is to ensure the effective administration and management of the panel at the local level, to support the other ICVs, and to arrange and chair the panel meetings.

7.8.2 Panel Coordinators will be appointed for a three-year period. If the Panel Coordinator wishes to continue beyond this period, their reappointment will be considered by the Scheme manager and the Head of Standards and Regulation.

7.8.3 Every three years, the scheme manager will contact all the ICVs on the panel, including the current co-ordinator (if there is one) to ask for self-nominations for the position. If there is only one applicant, that person will be appointed as co-ordinator.

7.8.4 If there is more than one applicant, there will be an election. The scheme manager will contact each panel member, and ask them to nominate in writing (e-mail or letter) one of the candidates. The candidate with the greatest support will be the co-ordinator. If there is an equal number of votes for each candidate, then the Chief Executive will work with the two candidates to find an equitable arrangement.

7.8.5 – The role of coordinator can be demanding and the role requirements are subject to change. However, coordinators can refuse demands of the OKPCC that they deem unrealistic, that they feel is not within their remit and that they do not feel they have to time or skills to undertake. There is an expectation however that any such issue be discussed with the OPCC in order to understand the issue and find an appropriate way forward.

7.8.5 Should a co-ordinator wish to resign from the scheme, or stand down as co-ordinator for whatever reason, during their three years, they must give one month's notice to the Scheme Manager, in writing, in order that a replacement can be found.

7.8.6 If panel members feel there are any issues of concern about the co-ordinator, (or indeed any panel members) they should be raised with the Scheme Manager, in confidence. The Scheme Manager will raise the issue with the Chief Executive, who will decide how to deal with the issue, in accordance with the complaints procedure set out under 12.5 to 12.7.7 in this policy.

7.9 Misconduct

7.9.1. In the event of misconduct the OKPCC will consider whether it is appropriate to terminate the appointment of the ICV. Misconduct will encompass matters such as misuse of the identity card, conviction of a criminal offence (including formal cautions, warnings or reprimands), abusing one's position as an ICV, or by consistently disregarding the requirements of this policy and Home Office ICV Code of Practice (Appendix E).

7.9.2. ICVs must notify the OKPCC if they are arrested, cautioned or charged with a criminal offence. In such circumstances, the OKPCC will suspend the appointment of that ICV until the outcome of any criminal proceedings is known. If the ICV is subsequently found not to be guilty, they may be reinstated. In the case of a caution the OKPCC will review the appointment of the ICV with regard to the nature of the offence.

7.10. Complaints

7.10.1. Any serious complaint regarding an ICV must be passed to the Scheme Manager. The Scheme Manager will after discussion with the coordinator, decide if the complaint should be dealt with locally by the coordinator. In these cases the coordinator will arrange to discuss the complaint or issue with the individual concerned and will inform the Scheme Manager of the outcome of these discussions. A note of the discussion and outcome will be placed on the ICV's personal file.

7.10.2. If an ICV is unhappy with the outcome, they must contact the Scheme Manager who will decide how best to deal with the situation.

7.10.3. The Scheme Manager will inform the coordinator, where appropriate, of any complaints or issues of concern regarding a custody visitor in their group.

7.10.4. Complaints of a more serious nature or repeated complaints must be made in writing to the OKPCC's Chief Executive. He / she will decide how best to deal with these complaints.

7.10.5. Where the Scheme Manager receives a written complaint of misconduct, the ICV's appointment will be suspended until such time as the complaint is resolved. Should it be considered appropriate to refer the individual's appointment to the OKPCC for consideration, the ICV will be notified in writing.

7.10.6. When appointments need to be referred to the OKPCC, the Chief Executive will consider them. The ICV will be invited to submit a written statement.

7.10.7. The Chief Executive's decision will be notified to the ICV in writing within seven days of the meeting. If appropriate the suspension of their appointment will be cancelled.

7.11. Appeal Process

7.11.1. Where an ICV's appointment is terminated, the individual will have the right to appeal. The intention to appeal must be notified to the Scheme Manager in writing within 21 days following the notification of termination of appointment.

7.11.2. The appeal will be considered by the Commissioner or his or her Deputy.

7.11.3. The (D)PCC will consider the termination of the appointment within 30 days following the notification of the appeal. The ICV will be notified in writing of the date of the meeting, not less than seven working days prior to the appeal and invited to submit a written statement.

7.11.4. The (D)PCC's decision will be notified in writing to the custody visitor within seven working days of the appeal hearing.

7.11.5. The decision of the (D)PCC will be final. The OKPCC will not enter into any further discussions or correspondence concerning the termination of appointment.

8. Training

8.1. Initial Training

8.1.1. All ICVs will receive the necessary level of training to properly equip them for their responsibilities. Induction training will cover the extent and limitations of their powers, the duties and functions of custody team members and the care, welfare and security demands within the Police and Criminal Evidence Act codes of practice and related policy. All ICVs will also receive a copy of the ICV Handbook. The training will be a stand-alone package to be delivered locally with the support of existing ICVs.

8.1.2. As part of this induction training, trainee ICVs will be required to accompany two experienced ICVs on one visit as an observer, and the further visits in their probationary period with an experienced ICV, in order to familiarize them with the work. The ICV panel coordinator should aim to train all new volunteers within six months. At this point the new ICV will be reviewed and, if suitable, receive a letter confirming their role.

8.1.3. In order for the scheme to operate effectively, ICVs must consent to their contact details being shared with other ICVs so that visits can be arranged.

8.2. Further Training

8.2.1. A programme of ongoing training, including the compulsory three-year refresher training, will be delivered to all ICVs. A record of each ICV's training will be maintained by the Scheme Manager. Refresher training is provided annually. Failure to attend one of the scheduled sessions within a three year period will result in the ICV being asked to leave the scheme as per 7.6 of this policy.

9. Frequency and coverage of visits

9.1. For the scheme to run smoothly ICVs and the panels must deliver an agreed standard of service delivery. Each custody suite should be visited at least once a month and ideally, but no more than, weekly. Each individual visitor should commit to carry out at least 10 visits a year. The coordinator should ensure that visits are carried out at different times of the day and night and on different days of the week, to ensure the truest picture of custody suite activity. Each panel should ensure that at least two visits a year should be carried out at the busiest period as agreed by the OKPCC.

9.2. ICVs who are SC vetted and TACT (Terrorism Act) trained to visit the Terrorism Detention Facility will be called directly when there is a DP in custody. Visits may be years apart.

9.3. ICVs also have the option of visiting the UKBA facility at Dover. As the operation of this Scheme is at the request of the Home Office, and the requirements of the visit are different to those carried out at Kent Police custody suites, the details of how these visits operate are contained within [Appendix B](#).

10. Visiting Procedures at Police Stations – Standard Operating Procedure / Protocol

10.1. Arrival

10.1.1. ICVs will only carry out visits in pairs and will wear an identity card and lanyard issued by the OKPCC. Without this card, ICVs will be refused entry to the custody suite.

10.1.2. The Custody Sergeant or Designated Detention Officer should, at an appropriate point during the visit, note on the custody record that a visit was made or attempted.

10.1.3. Custody officers will admit the ICVs into to the custody area within three minutes, unless in the rare event that this course of action would place the visitors in danger, or compromise the security of the detained persons.

10.1.4. It will be inappropriate for access to be delayed simply because the custody suite is busy. If this is the case, visitors should be admitted to the custody area but invited to wait until the custody officer, another member of staff or another officer is available to escort them on the visit.

10.1.5. Where either access or the visit itself is delayed, the reasons should be explained to ICVs.

10.1.6. ICVs must be escorted around by an officer as soon as possible. If there is no one available in the suite to escort ICVs on their visit, the matter must be escalated to the Duty Inspector who will make arrangements to find an escort so the visit can take place.

10.1.7. When ICVs have arrived in the custody area, they should make it known to the custody staff that they will introduce themselves to DPs. The default position is that ICVs will self-introduce themselves, unless it is inappropriate or unsafe for this to be done.

10.1.8. In the interests of security and safety, the custody officer or another member of the custody staff will accompany visitors at all times during their visits. This person is known as the escorting officer. However, the escorting officer should remain, where reasonably practicable, 'within sight of the ICVs but out of ear-shot of the DP' during discussions. The escorting officer must inform ICVs of any health or safety risks at the start of the visit and advise them as necessary.

10.1.9 If it is not appropriate or unsafe for ICVs to speak with a DP with the cell door open, ICVs may conduct the visit through the cell hatch.

10.1.10 If the custody suite is extremely busy, and ICVs assess that their visit may have a negative impact on operational demands, ICVs may conduct a truncated visit. In this case, ICVs should prioritise visiting vulnerable DPs, including juveniles, those with mental health issues and females.

10.1.11 If ICVs are advised that the suite is too busy to facilitate their visit completely, ICVs must request that the Duty Inspector is contacted. The Duty Inspector should make every effort to find a suitable escort for the ICVs. If this is not possible, the visit should be aborted, and the OKPCC should be informed.

10.2. Inspecting Custody Facilities

10.2.1. ICVs should have access to all parts of the custody area including but not limited to cells, detention rooms, washing facilities, kitchen or food preparation areas and medical room (but not the drugs cabinet). Visitors will wish to satisfy themselves that these areas are clean, tidy and in a reasonable state of repair and decoration, and that bedding in cells is clean and adequate. Relevant storage areas may also be seen and visitors should check that there are adequate stocks of bedding, food, religious items and other necessary items. They should also verify that arrangements are established for the cleaning of blankets etc, and for any necessary replacement of furnishings and equipment.

10.2.2. They should check that any CCTV systems are operating properly by asking staff and documenting their response. They may inspect empty cells and detention rooms to check heating / ventilation systems and that cell bells and toilet flushing mechanisms are working properly. They may visit interview rooms in the custody area if unoccupied, but it is not part of their role to attend police interviews with detainees. Visitors may not visit Criminal Investigation Department rooms or other operational parts of the station.

10.3. Access to Detained Persons

10.3.1. Visitors may normally have access to any person detained at a custody centre. Detainees usually fall into the following categories:

i) PACE prisoners

These will usually constitute the vast majority of detainees and are held under the provisions of the Police and Criminal Evidence Act 1984.

ii) Ministry of Justice prisoners

These are remanded or sentenced prisoners who would normally be held in prison.

iii) Immigration detainees

These are 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.

iv) People at risk

These may be persons held under the Mental Health Act 1983 for their own protection, however, following the changes to Section 136 of Act, this should not happen under any circumstance for juveniles (17 and under) and only in exceptional cases- generally, where the individual would be unmanageable in any other setting- for adults.

10.3.2. Detainees can only be visited with their consent. The ICVs (or escorting officer if the ICV is not using self-introduction, albeit this is expected of all ICVs), will establish

whether or not detainees wish to see the ICVs. The ICV will explain to the detainee the reason for the visit using a phrase similar to:

"We are Independent Custody Visitors; we are members of the public not connected with the police or courts. We are here to check that you are being treated properly and that you have been told about your rights. We will not ask your name or discuss why you are here. Are you happy to talk to us?"

If a detainee declines to talk to Custody Visitors: "Do you mind if we look at your custody record- these are the notes on your treatment whilst at the police station?"

This statement, as long as it contains the necessary explanation, is not prescribed, and will vary owing to the person speaking and local practice.

10.3.3. If consent is obtained from the detained person, the ICV will be entitled to examine the custody record in addition to ensuring the detainee has been informed of their rights. If consent is not obtained for a visit, the detained person will be asked if they consent to the ICV viewing their custody record.

10.3.4. If a detainee is not in a position to give consent to a visit, perhaps due to the effects of drink, drugs or mental health disorders, the escorting officer must allow limited access such as observation through the cell hatch, and must allow the ICV to view the custody record, as per 10.3.7 below.

10.3.5. If a detainee is in a position to give consent to a visit, but the escorting officer feels that ICVs may be at risk of harm by the DP, ICVs must be allowed limited access such as observation through the cell hatch. ICVs must still obtain consent from the DP to view their custody record.

10.3.6. Where detainees are asleep, ICVs should attempt a later visit, where practical, to see if they are awake. If the detainee is in a rest period, the ICVs must not disturb them. If the detainee is sleeping outside of a rest period, ICVs can request that the detainee be woken for a visit- however, this should only take place on the rare occasion where ICVs have significant concerns for the detainee's welfare that cannot be resolved by reviewing the custody record and speaking to custody staff. However the provisions in Code C of the Codes of Practice under the Police and Criminal Evidence Act should not be breached for this purpose.

10.3.7. If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the independent custody visitors will be able to examine it.

10.3.8. Juveniles ie. under 18s 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 to support a juvenile or vulnerable person, the detained person's wishes should be sought and respected as to whether the appropriate adult should attend any visit.

10.3.9. Persons detained in hospital may be visited, subject to the agreement of the hospital authorities, where ICVs have a legitimate concern about the DPs welfare.

10.3.10. To avoid any possible risk of prejudicing an important investigation, an officer of the rank of Inspector or above may deny ICVs access to a detained person, although

even in this situation consideration should be given to allowing the ICVs some limited access, such as viewing the detainee. However, reasons for the refusal should be given and recorded on the ICV form. There should be no presumption that access should be denied merely on the grounds that a decision has previously been made by the Superintendent that the person should be held incommunicado.

10.4. Conversation with Detained Persons

10.4.1. Once the detainee has consented to seeing the ICVs, the escorting officer, if required, will request that the detainee remains seated for the duration of the conversation. The ICVs will step into the doorway of the cell (but not into the cell itself), and the escorting officer will remain within sight of ICVs but out of ear-shot of DPs, usually just outside the cell door, to ensure the discussion remains private. However due regard should be given to the safety of the visitors.

10.4.2. Conversations must focus on ascertaining whether or not detainees have been offered their rights and entitlements under PACE Code C (including receipt of the necessary paperwork), the detainee's health and well being, and on confirming whether the conditions of detention are adequate. ICVs should encourage an open exchange with the detainee and may wish to refer to a checklist to ensure that they cover all the relevant issues.

10.4.3. ICVs must 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, ICVs should explain that it is not part of their role to be involved. If a detainee seeks to make admissions or otherwise discuss an alleged offence the visitor must tell them that the relevant contents of the visit will be disclosed to the police and may be later used in legal proceedings. If the detainee's concerns relate to their treatment in custody, or their rights and entitlements, the ICVs should raise these concerns, with the consent of the DPs, with the appropriate member of staff.

10.4.4. Should an ICV know the detainee, they must withdraw from the visit to that detainee, as impartiality may be affected, and make a record of this on the report form.

10.4.5. Visits should normally be conducted in English. Translation support should be provided where necessary. On occasions it may be more appropriate to conduct a visit in another language spoken by the detainee, if one of the ICVs is fluent in that language and if the other ICV agrees. However, in such circumstances care must be taken to ensure that any other visitor present is kept informed about what is being said. It should be recorded on the ICV visit form that the conversation was conducted in another language.

10.4.6. Immediate concerns about treatment of particular individuals must be passed on to those in a position to take corrective action. If a detainee indicates that they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.

10.5. Examination of the Custody Record

10.5.1. In particular, visitors will wish to verify:

- Whether entitlements under PACE have been given and signed for;
- That medication, injuries, medical examinations, meals / diet are recorded on the custody record;
- That procedures to assess special risks / vulnerabilities presented by the detainee have been properly recorded;
- The timing and frequency of cell inspections of inebriated or otherwise vulnerable detainees;
- The timing of reviews of the continuing need for detention.
- That the detainee has been updated of any inspector review that has taken place (if the detainee was asleep at the time).

10.5.2. Access to custody records of detained persons who are, for the time being, in hospital, may be viewed if ICVs have a concern about their treatment.

10.5.3. Access to the Prisoner Escort Record (PER) may be given if ICVs have a concern and if they obtain consent from the DP.

10.5.4 Assuming Access to the Custody Record

10.5.4.1 If a detainee is for any reason incapable of deciding whether to allow access to their custody record, for example, they are asleep or not in the cell, the presumption must be in favour of allowing the ICVs to examine it.

10.5.4.2 Should a detained person refuse to allow ICVs access to view their custody record, ICVs must not assume access to it under any circumstances. If, when a detained person has refused permission to read their record, but ICVs have concerns in which reading the custody record would be of benefit, ICVs must relay these concerns to the custody staff and note them down on the visit report form.

10.6. Medical Issues

10.6.1. ICVs should not, under any circumstances, have access to the detainee's medical records. Where these are attached to the custody record, custody staff should remove them before the record is passed to the ICV.

10.6.2. Visits should pay particular attention to detained persons who have any form of illness, injury, disability, mental disorder, or are otherwise vulnerable. They should satisfy themselves that, if appropriate, medical advice has been obtained and establish from the custody officer what instructions for medical treatment have been given. This information should be noted in the detainee's custody record.

10.7. Confidentiality and Disclosure

10.7.1. During the course of their duties, visitors will acquire considerable personal information about persons connected with police inquiries, and the majority of whom at that time will not have appeared at Court. That information must be protected against improper or unnecessary disclosure.

10.7.2. The custody visiting reporting forms include an undertaking not to reveal confidential information obtained in the course of a visit. A breach of this undertaking may make a visitor liable to civil proceedings by the detained person concerned. This

extends to discussion of individual cases and identities with other custody visitors and to the system of written reporting to the Commissioner of the results of visits. The unauthorised disclosure of facts concerning police operations or the security of police stations may also constitute an offence under Section 5 of the Official Secrets Act 1989.

10.7.3. It must be explained clearly to the detainee in each case that any information which may have relevance to the interest of the investigating officer will be communicated back accordingly. ICVs must understand the seriousness with which their actions in withholding evidence will be viewed.

10.7.4. If during the course of a visit, information is passed to an ICV by a detained person, which may be of evidential value, the ICV will draw this matter to the attention of the custody officer. The custody officer will consider the information and, if appropriate, record it on the custody record with a view to offering it to the detained person for signature. The custody officer should also consider the need for the ICV to complete a witness statement for inclusion in a prosecution case file.

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

10.8. Dealing with Complaints Arising from Visits

10.8.1. ICVs will draw to the custody officer's attention all complaints made by detained persons, but only with the detainee's express permission, and will document this on the ICVs' form. Any complaint should be endorsed on the custody record and drawn to the attention of the duty manager and/or other senior officer. This includes complaints relating to detainees' general treatment and conditions of detention, including the fact that they may not have received their entitlements under the Codes of Practice, and also complaints against individual officers which may or may not amount to misconduct. These will be handled in the usual manner by Kent Police.

10.9. CCTV

10.9.1. The introduction of CCTV into custody has raised the question of whether ICVs should have access to footage. The Home Office view and the view of Kent Police is that visitors should carry out their functions in person and not by viewing either live CCTV pictures or recorded footage. Visitors should be able to ask the custody officer whether the CCTV is working and document the response.

11. The ICV Visit Report Forms

11.1. Completing the ICV forms

11.1.1. ICVs should make notes during their visit around custody using the crib sheet provided in the ICV box at each custody suite. Alternatively, notepaper can be used.

11.1.2. At the end of each visit, and while they are still at the police station, ICVs should complete an official report (ICV visit form) of their findings. ICVs will find blank forms in

the ICV box at each custody suite. The forms should be completed in a clear and accessible manner to ensure that it is easy for others to read.

11.1.3. Custody staff should not be present while visitors discuss and complete reports and, wherever possible, they should be able to use a private area for this purpose. Details should include both specific matters (which may already have been brought to the attention of police staff) and more general issues relating to custody conditions or procedures. All reports must be completed in English, even if the visit has been conducted in another language.

11.1.4. The “details of the visit” section must be completed for every detainee visited, including to record if there are no issues.

11.1.5 One health questionnaire should be completed for a detainee selected at random, as per the guidelines provided for ICVs. ([Appendix C](#))

11.1.6. Any crib sheets or notes made must be destroyed before leaving the custody suite, placed in the confidential waste bins provided.

11.2. Use, Retention and Disposal of Forms

11.2.1. On conclusion of the visit a form will be completed in respect of all persons in custody at the time of the ICV visit. The Custody sergeant, or their representative, will review the visit report form, comment on any issues or observations raised by the ICVs, and sign the form. If the custody sergeant is busy, ICVs may request a DDO sign the form, but only where there are no significant issues. Alternatively, should there be significant issues, ICVs may request the duty Inspector sign the form. This decision must be agreed upon by both ICVs and should not be made by the custody staff.

11.2.2. The original form will be handed to the custody sergeant and another copy should be made. The ICVs must ensure that the original is sent to the OKPCC, and the second copy must be marked ‘ICV box’ and left for the next ICV visit for the ICVs to consider.

11.2.3. The Scheme Manager will collate findings from visit reports and subsequent comments from the force, as well as filing the paper forms. The collated data will be accessible electronically by the Custody SPOCs and staff in the OKPCC. Any urgent matters will be dealt with as needed.

11.2.4. The Scheme Manager will produce a quarterly report for the ICV Co-ordinators and the Commissioner.

11.2.5. The OKPCC will retain all records from the ICV visits for seven years, in line with ICVA’s guidance and the OKPCC Retention and Disposal policy. After this period all records will be disposed of securely.

12. ICV Scheme Administrative Arrangements

12.1. Expenses

12.1.1. ICVs will receive out of pocket expenses for:

- Public transport costs for travel to and from their place of service, or mileage at casual user rates (currently 45 pence per mile) if using private transport. It is the responsibility of the ICV, not OKPCC to declare to the HM Revenue and Customs claims made where the rate exceeds the Revenue's approved rate per mile.
- Parking costs where free parking is not available at or within a reasonable distance of a police station or other place of business.
- Taxis can be used when and where public transport is not available. Prior agreement should be sought with the Scheme Manager.
- Miscellaneous costs such as telephone calls, postage, stationery etc.
- Any costs arising from the provision of care for children or vulnerable adults whilst the ICV is conducting a visit. This will be paid at the level of the minimum wage, and only when the carer is a registered carer (and not, for example, a friend or relative).

12.1.2. Claims should be submitted using the expense form (Appendix D) available from the Scheme Manager, with any receipts attached. Receipts will be required for public transport, parking costs, fuel purchases, taxis, other miscellaneous purchases and child care. A copy of the relevant telephone bill will be required for the reimbursement of telephone calls.

12.1.3 A VAT receipt for fuel purchased needs to be from the same month(s) as the ICV's visit(s).

12.2. Insurance

12.2.1. ICVs are covered by the OKPCC's third party Liability Insurance. They are indemnified under the Third Party policy for any injury etc. they may personally sustain whilst performing duties on behalf of Kent Police, providing the Force is proven negligent and legally liable. Reasonable care must have been taken by the ICV to prevent against such accidents.

12.2.2. ICVs should ensure that their motor insurance company is aware if they are using their cars to journey to and from custody suites. This does not normally result in additional premiums but ensures that ICV are covered in the case of an accident.

12.3. Safety and Welfare

12.3.1. The safety and welfare of ICVs is paramount. This will be covered as part of the ICVs' induction training, and guidance updates and further training will be provided as and when appropriate.

12.3.2. ICVs are responsible for reporting to the Scheme Manager any sustained injury or illness which has arisen as a consequence of serving as an ICV.

12.3.3. If an ICV has / or develops a disability or medical condition which may impact on their ability to carry out their duties as an ICV, then they must disclose this to the scheme manager. The scheme manager will consider the issue in the strictest confidence, and any advice / consultation will be carried out on an anonymous basis. Wherever practicable the OKPCC will seek to accommodate additional needs through means of reasonable adjustment to the ICV's role and / or custody environment.

12.4. Panel Meetings

12.4.1. It will be necessary for the ICV panels to meet from time to time to discuss local issues, training developments etc. There are four panel meetings a year, which includes the AGM and any joint panel meetings. These meetings will be chaired by the Panel coordinator. The ICV Scheme Manager will arrange a room at a convenient location and the Custody Inspector with responsibility for Custody, will be expected to attend. A representative from the OKPCC will attend each of the panel meetings at least once a year.

12.5 Social Media

12.5.1 ICVs are permitted to discuss their involvement with the ICV Scheme in general on their personal social media accounts, but are not permitted to share details of such visits. For example, ICVs should not share details of the detainees spoken to, but may inform friends and family that they are a volunteer for the OKPCC.

13. Links with National Scheme

13.1. Representatives from the OKPCC and ICVs will attend national and regional ICV Association meetings wherever possible to keep up to date with new developments and best practice. ICV representatives will be invited to attend the national annual conference.